HOUSE OF REPRESENTATIVES—*Wednesday, October 5, 1994*

The House met at 9:30 a.m.

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

We are grateful, O God, that Your word to us is a word that challenges and corrects, that gives solace and comfort in every need. We are grateful too for the words of our colleagues and friends, words that educate and encourage, that brighten and give light to each day. Remind us always, to use our words in ways that reflect the truth, that edify and point the way, that contribute to the common good and to the unity that we should express. May Your good word, O God, be with us this day and every day. 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 form Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance?

Mr. FIELDS of Louisiana 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.

GATT

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

Mr. TRAFICANT. Mr. Speaker, the GATT bill is up. Hulk Hogan cannot lift it. Albert Einstein could not understand it. And the American workers fear it. Is it any wonder under NAFTA jobs go to Mexico? Under GATT jobs will go everywhere except America. I do not blame workers.

I will say one thing, I think the Democrat party today is pushing the working people of America away, real far away. But let us tell us like it is.

If GATT is so good for America, why does China love it? If GATT is so good for America, why does Japan love it? If GATT is so good for America, tell me, colleagues, why do the American workers vehemently hate this bill? This is a Woody Allen answer to a John Wayne problem.

I say today that the Democrat party is starting to set in motion a change for the common working man to move toward the Republican side of the aisle. John Lewis, roll over in your grave.

OBSTRUCTION OF LEGISLATION

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

Mr. EWING. Mr. Speaker, the majority leader in the other body has embarked on an ornery tirade against Republicans. He hopes to label all Republicans as obstructionist.

But on issue after issue important to the American people, the Democratic majority has obstructed passage of legislation. Here are a few of the bills the Democrats have obstructed:

The line-item veto; an A-to-Z spending cut session; welfare reform; balanced budget amendment; legal reforms; a middle-class tax cut; regulatory reform; immigration reform; Whitewater hearings; and term limits.

And of course, the Democrats have obstructed reform of Congress. They have obstructed efforts to cut committees and staff and they are trying to obstruct legislation to make Congress comply with the laws they impose on others.

Mr. Speaker, let us put an end to Democratic obstructionism by electing a Republican majority for the first time in 40 years.

REPUBLICANS CAN BALANCE THE BUDGET WITHOUT TOUCHING SOCIAL SECURITY

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

Mr. HEFLEY. Mr. Speaker, in the 2 years of a Democrat-controlled Congress and a Democrat-controlled White House, we Republicans have submitted two detailed budget proposals. Neither Republican budget touched Social Security.

In fact, the Democrats raised Social Security taxes on middle-income seniors in the 1993 tax bill. Moreover, even as the Democrats were ringing a false alarm about the Contract being a threat to cut Social Security benefits, the Democrat controls Ways and Means Subcommittee on Social Security was hearing presentations about four different Democrat plans to cut Social Security benefits.

The Social Security trust fund—which is currently running a $58-billion surplus—represents a pact between American taxpayers and the Federal Government. Republicans are committed to preserving this pact with the Nation's now and future senior citizens.

DEMOCRATS FEAR THE SUCCESS OF OUR CONTRACT

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

Mr. BALLENGER. Mr. Speaker, the Republican contract with America will change the way business has been done in the House for the past 40 years.

Here is the bottom line: Republicans favor congressional votes on the balanced budget amendment, line-item veto, welfare reform, family tax cuts that are paid for with spending cuts, and term limits. Democrats oppose these provisions.

Our contract guarantees that every penny in cost will be offset with spending cuts. Democrats want to keep spending freely even if it means racking up huge Federal deficits. They have surrendered to deficit spending and now admit they cannot envision a Federal Government that balances its budget.

The American people can now easily see how a Republican-controlled House would be different from the past 40 years of Democrat control. And that is what frightens the Democrats. As the Wall Street Journal put it: "It's hard to avoid the impression that the critics fear not that the contract would fail but that it would succeed."

THE TAKING BACK OUR STREETS ACT

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

Mr. GOSS. Mr. Speaker, crime is a huge problem in the American society today. When asked to name the most important problem facing our country, 22 percent, a plurality, point to crime, gangs, and the justice system. One out of five say that is what the trouble is. It is not surprising that 85 percent of the American people favor lifetime jail sentences with no chance of parole for anyone convicted of three or more violent crimes. Three or more violent crimes, and we are going to let them out?

The contract with America goes several steps further with the Taking Back Our Streets Act. Clinton's crime

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

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bill is riddled with new social programs which greatly contribute to the $30 billion price tag, but we know that coddling young criminals does not solve the crime problem.

We propose truth-in-sentencing and real prisons. This means when a criminal goes to prison he will not be allowed to leave after he has only served a third of his sentence. The place he will be incarcerated is not going to be the Club Med for convicts.

Rather than make it more difficult for our law-abiding citizens to purchase a handgun, let us talk about taking back our streets by putting a 10-year mandatory minimum sentence for the use of a gun during a State or Federal felony. That is the way to get tough on crime. That is what we need now. The Republicans know the answer.

URGING HOUSE LEADERSHIP TO RECONSIDER SCHEDULING ON GATT LEGISLATION

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

Mr. GILMAN. Mr. Speaker, the leadership should reconsider its plan to schedule a vote on legislation to implement the Uruguay round of the General Agreement on Trade and Tariffs, or GATT.

There is much confusion and concern over the provisions of this complex agreement that will have a massive effect on the economic health of our Nation.

Most Americans support the principle of free trade, but when you read the details of this agreement it is far from clear that Americans will be on a level playing field with foreign competition.

Numerous studies raise serious questions concerning jobs and incomes that will be lost, particularly in the agriculture, textiles and apparel industries.

These questions need to be answered. Instead of rushing this legislation through the closing days of this Congress, the administration should take a lesson from the fate of the health care reform effort.

We should go slow and get it right.

DEMOCRATS CONTINUE TO FRIGHTEN ELDERLY REGARDING GOP CONTRACT WITH AMERICA

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

Mr. HOKE. Mr. Speaker, the politics of fear, intimidation, and deception continue, with my colleagues on the other side of the aisle continuing to scare elderly people into believing that somehow the Republican contract with America would cut Social Security, or otherwise impair the elderly. It is absolutely not true. Not only is it not true, but in fact, we have already done that in this Congress. We did it with the 1993 budget deal.

If we look at it, we have cuts in Social Security and Medicare from the 1993 Clinton budget. In 1994 we had cuts in Social Security of $1.93 billion; in 1995, $4.597 billion; in 1996, $5 billion; 1997, $6 billion; in 1998, $6.7 billion; a total of $24.5 billion in Social Security cuts; Medicare, a total of $56 billion.

Let me repeat that. This is the Clinton budget of 1993. Not one single Republican member of this Congress voted for that budget. It was passed by Democrats.

DEMOCRATS FUMBLE, REPUBLICANS GO ON OFFENSE ON CONTRACT WITH AMERICA

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

Ms. DUNN. Mr. Speaker, last week, several on the other side tried to make football analogies regarding the contract with America. Not surprisingly these comparisons were a few yards short of a first down.

For the past 40 years, the Democrats have had the ball, they have controlled the clock, they have rammed their liberal agenda through the line despite the crowd of Americans roaring against them.

The Democrats are nervous now. After a series of Democrat fumbles and penalties, the Republicans are going on the offense.

But today, we are merely drawing up our game plan: The Republicans' contract with America. Our strategy includes applying the rules of the game to Congress, a very popular move among the crowd of Americans whose pleas have gone unanswered for too long.

When we finally get our hands on the ball, we will be ready. All those Republicans who have been forced by the Democrats to sit on the bench will finally get in the game.

PERSONAL RESPONSIBILITY AND OUR CONTRACT

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

Mr. KNOLLENBERG. Mr. Speaker, we are in the midst of a social crisis.

Illegitimacy rates are exploding. Crime rates are rising. Our cities are decaying, and millions of Americans are trapped in poverty.

Last week, more than 300 Republicans signed a historic agreement to reverse these trends. The Personal Responsibility Act is a key element of our contract with America.

Drawing upon the lessons of the last 30 years, we have pledged to reform a welfare system that deprives individuals from obtaining the American dream.

Real welfare reform means spending less and moving dependents off the dole. Our plan will instill responsibility by requiring work for benefits. We will strengthen the family by eliminating subsidies for out-of-wedlock births. And we will provide the American taxpayer with relief by cutting runaway welfare spending.

Mr. Speaker, the American people realize that we can no longer punish what is right in America to subsidize what is wrong with America.

The Republican contract with America provides real and effective welfare reform, and I am confident that on November 8, the American people will voice their support for the principles of this pact.

MORE EVIDENCE OF SLAVE LABOR IN CHINA

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

Mr. WOLF. Mr. Speaker, these artificial flowers are the latest evidence that goods made with slave labor in Chinese prison camps are making their way into the United States. The proof is in the label and the story is documented in the latest report by my friend Harry Wu. It was also the subject of a report aired on ABC news last night. I am submitting this and another report on export of slave-labor-grown green tea for the RECORD.

The labels were smuggled out of China by a courageous prisoner named Chen Pokong. I want to quote from a six-page appeal he sent to the international community:

> I am thrown into this hell because the Guangdong authorities want to crush me physically and spiritually. I strongly urge * * * the world * * * to pay close attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice.

These flowers were purchased at a popular craft retail store in the United States. Importing slave labor goods is illegal.

Last spring President Clinton certified that the People's Republic of China is complying with the memorandum of understanding for slave labor goods signed in 1992. This new evidence makes me wonder if the administration is doing all it can to enforce it.

Mr. Speaker, this man risked his life to bring us this information. The U.S. Government has an obligation to make sure Chen Pokong is not harmed.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, SENSE OF CONGRESS REGARDING ENTITLEMENT SPENDING

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 301) expressing the sense of the Congress regarding entitlements. General debate shall be confined to the concurrent resolution and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule and shall be considered as read, and the question on adopting the amendment numbered 1 in the report of the Committee on Rules accompanying this resolution shall be considered as pending without intervening motion or debate. No other amendment shall be in order except those printed in the report of the Committee on Rules. Each other amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. At the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion or demand for division of the question.

□ 0950

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). 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 Florida [Mr. GOSS], 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 563 is a rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Government Operations Committee.

The amendments are considered as read, are not subject to amendment, and are not subject to a demand for a division of the question.

All points of order are waived against the amendments in the report. The rule provides that the previous question shall be considered as ordered to final adoption without intervening motion or demand for a division of the question.

Mr. Speaker, House Concurrent Resolution 301 is a resolution expressing the sense of Congress that current trends in entitlement spending are not sustainable, and the Congress must act to resolve the long-term imbalance of the entitlement promises and available funds to ensure that today's debt does not fall unfairly on America's children.

Today, entitlement spending and interest on the national debt together consume more than 60 percent of Federal outlays. That is double the percentage of just 25 years ago.

The August 1994 interim report by the Bipartisan Commission on Entitlements and Tax Reform concludes that unless appropriate policy changes are made, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government by the year 2012.

The September 1994 study on reducing entitlement spending by the Congressional Budget Office found that in 1990, nearly half of all families in this country received benefits from one or more of the 11 major entitlement programs. The value of these benefits averaged about $10,300.

The conventional wisdom is that the Nation's budget deficit cannot be controlled without enacting reforms in entitlement spending.

House Concurrent Resolution 301 will begin the debate on this pressing issue and the options that must be considered.

Members will be asked to make hard choices on such questions as means-testing benefits, age qualifications, and cost-of-living adjustments.

For many, the choices are politically difficult. But, it is a debate that this body must undertake. I urge the adoption of House Resolution 563.

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

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

Mr. Speaker, the pieces of the A-to-Z buyout continue to fall into place—one by one. By my count, we are about to check off the fourth of five demands made by the so-called deficit hawks in the majority who were promised all sorts of special floor votes if only they would withhold their signatures from the A-to-Z spending cut discharge petition. Today's serving of political cover comes in the form of a sense-of-Congress-resolution—AKA a completely nonbinding statement of principle.

As a member of the President's Commission on Entitlement and Tax Reform, I wholeheartedly support the principle of laying the groundwork for the heavy lifting of reforming entitlements. In fact, I have spent many long hours this year in Commission hearings as we proceed toward a December due date for our recommendations. I do not think the work of that Commission should be underestimated or second-guessed before we have even had a chance to fulfill our mandate. Quite frankly, I believe today's effort is at best a waste of time and at worst a thinly-veiled attempt to allow Members a freebie feel-good, do-nothing vote less than 5 weeks from election day.

Mr. Speaker, I am strongly opposed to using valuable floor time so close to the end of the session for this type of political exercise. But if we are going to proceed in this direction, the least we can do is make the process as open as possible so all Members have an equal chance to make this statement of principle mean a little bit more. At the moment what we have here is something akin to a one-man band—a bill drafted by Mr. ORTON, fulfilling a leadership pledge to Mr. ORTON, that received no committee hearing or mark-up, with amendments limited to those offered by Mr. ORTON. As wise as Mr. ORTON is on these matters, I firmly believe the Nation and this House could benefit from some broader input than just that of one Member.

For instance, Mr. KASICH, the ranking member of the Budget Committee came before our Rules Committee to request an open rule that would allow him to offer language calling for a balanced budget amendment to the Constitution—something Americans strongly support and the minority has been seeking for years. But this request was denied. Mr. BARCA, a member of the majority party, came to Rules seeking an amendment pertaining specifically to Medicare and means-testing. But that too was denied. And Mr. SABO, the chairman of the Budget Committee, had originally offered a proposal of his own, that never saw the light of day.

Mr. Speaker, as I said, this resolution never was heard in committee, never went through the normal legislative process, and now its prime sponsors have apparently used some left-over leverage from the A-to-Z buyoff to secure a rule that turns normal procedures on their head. Instead of allowing all Members a chance to propose amendments to the base text and then vote on passage of the final product as amended—if amended, this rule ensures a vote on the base text of the resolution first—before any other amendments are considered.

This convoluted process also precludes the minority from the customary motion to recommit with instructions. Why? Mr. ORTON explained that this is because Members want a chance to vote for the generic policy statement, but might not be able to

summon the political courage to support specific reform options, like means-testing for certain entitlements, or COLA reform, or changing the age threshold for entitlement benefits. Just how far will this House go in manipulating the rules of this House in order to protect its membership from casting the so-called tough votes? This is walking a very fine line between looking tough, but not too tough, as election day draws near. But the problem with walking a tightrope is that you can easily fall off—and I am afraid that is what the majority is about to do here today. Once Members go on record for some of these reform proposals—even though their votes today will not lead to any meaningful change—they should expect to be held accountable when the binding reform proposals start coming down the pike. Anyone who has looked at the data about entitlements and the entire Federal budget knows that day is coming sooner than we think.

Members should be advised—this chicken is going to come home to roost.

Mr. Speaker, I strongly oppose this rule. This resolution and all its attendant rhetoric may boost some Members' short-term political fortunes, but it will do little to enhance the fortunes of our children and grandchildren. And so, once again, we will be less than candid with the American people about our true commitment to change.

Mr. Speaker, I include data on consideration of House Concurrent Resolution 301 in the Committee on Rules and the comparative charts of open versus restrictive rules for the RECORD, as follows:

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS OFFERED TO RULE ON H. CON. RES. 301, ENTITLEMENTS, TUESDAY, OCTOBER 4, 1994

1. Motion Offered by Mr. Quillen for an Open Rule—Rep. Quillen moves a one-hour open rule, with debate time allocated to the chairman and ranking minority member of the Government Operations Committee. Rejected: 4–5. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Gordon, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat.

2. Motion Offered by Mr. Solomon on Motion to Recommit—Mr. Solomon moves to insert language to provide for one motion to recommit, with or without instructions. Rejected: 4–4. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Gordon. Not Voting: Derrick, Bonior, Hall, Wheat, Slaughter.

3. Motion Offered by Mr. Goss on Kasich Amendment—Mr. Goss moves to make in order an amendment by Rep. Kasich of Ohio expressing the sense of Congress that a Balanced Budget Constitutional amendment should be passed to impose on Congress the discipline necessary to achieve the goals of reducing entitlement growth and debt. The amendment would not be subject to amendment but debatable for 30 minutes divided between the proponent and an opponent. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Not Voting: Hall, Wheat, Slaughter.

4. Motion Offered by Mr. Dreier on Barca Amendment—Mr. Dreier moves to make in order the amendment by Rep. Barca of Wisconsin expressing the sense of Congress that Medicare premiums should be imposed on beneficiaries earning more than $100,000. The amendment would not be subject to amendment but debatable for 30 minutes divided between the proponent and an opponent. Rejected: 3–6–1. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Present: Quillen. Not Voting: Hall, Wheat, Slaughter.

5. Motion Offered by Mr. Derrick to Report Rule—Mr. Derrick moves to report a one-hour, modified closed rule, making in order a vote on a substitute identical to the base text prior to consideration of three amendments by Rep. Orton, and denying a motion to recommit. Adopted: 6–4. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Gordon. Nays: Solomon, Quillen, Dreier, Goss. Not Voting: Hall, Wheat, Slaughter.

AMENDMENT OFFERED BY MR. QUILLEN TO RULE ON H. CON. RES. 301

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 301) expressing the sense of the Congress regarding entitlements, and the first reading of the concurrent resolution shall be dispensed with. After general debate which shall be confined to the resolution and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the resolution shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.".

* * * * *

Explanation: This amendment to the proposed rule provides for a one-hour of general debate on the entitlement resolution (H. Con. Res. 301), controlled by the Government Operations Committee, followed by an open amendment process under the five-minute rule. Since the resolution was only introduced last Friday and since Members were not given advance notice to submit amendments to the Rules Committee, this should be considered under an open amendment process.

AMENDMENT OFFERED BY MR. SOLOMON TO RULE ON MOTION TO RECOMMIT H. CON. RES. 301

In the last line, insert after the word "motion" the following: "except one motion to recommit, with or without instructions,".

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Explanation: This would permit a motion to recommit with instructions—the only opportunity under the rule as moved for the minority to offer an amendment to the resolution.

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AMENDMENT TO H. CON. RES. 301 OR TO THE ORTON SUBSTITUTE, OFFERED BY MR. KASICH OF OHIO

At the end of the concurrent resolution (or at the end of the amendment in the nature of a substitute made in order by this resolution, if the substitute is adopted) add the following:

"SEC. 2. It is the further sense of the Congress that, in order to resolve the imbalance in entitlement promises and resources and to reduce the debt as called for by this resolution, a Balanced Budget Constitutional Amendment should be passed by the Congress at the earliest possible date to impose on the Congress the discipline needed to achieve these goals.".

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2, R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19. R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28. 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10. R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON].

Mr. SOLOMON Mr. Speaker, I thank the gentleman from Florida for yielding me this time and join him in urging defeat of this rule.

Mr. Speaker, it is exercises like this that give the term, sense of Congress an oxymoronic taint.

Here we are in the final week of the Congress spending 4 hours or more on a so-called sense-of-Congress resolution

that says entitlement spending trends are a problem, laying debt on our kids is bad, and Congress should do something about it. Well, good morning. Tell me something new.

In the meantime, a major congressional reform bill continues to languish in the very same committee that brings us this rule. Only one of some 29 pending amendments have been disposed of in the markup on that reform bill, some 8 months after that bill was first introduced.

How long has this resolution been pending in a committee? Just 4 days. It was introduced last Friday. It was referred to the Government Operations Committee over the weekend, and then, without any opportunity for that committee to report, it was taken up in the Rules Committee on Monday and granted this rule yesterday. In short, this rule discharges the Government Operations Committee from any charge of paternity.

What are we doing? What are our priorities? Have we taken leave of our senses?

Mr. Speaker, let's not pull any punches as to what is going on here. This is all part of the so-called A–Z buyout deal in which several Democrats promised not to sign a discharge petition calling for real spending cuts, if they in turn were allowed to bring certain budgetary matters to this floor.

We've already considered most of the other items including expedited rescissions, entitlement targets, baseline budgeting, and emergency spending. But this was supposed to be the one item in the A–Z alternative plan that really cut spending, according to Mr. ORTON on June 17.

But I suspect the CBO, (had it been allowed to score this one,) would conclude that it doesn't save a dime. It does have a cost, though. It is costing the valuable time and energy of this House which could be better spent on real legislation having real benefits for this Congress and the country.

What happened to those real spending cuts in entitlements promised by the author of this resolution and by the majority leader?

Mr. Speaker, there are times when a rule should be defeated to spare the House from wasting its time on meaningless or bad legislation. This is one of those times.

Mr. Speaker, if there was ever any doubt that this is nothing more than a political exercise to give some Members cover for avoiding the real spending cuts of the A–Z plan, one need look no further than this rule. It is written to please just one person—the author of this resolution.

The rule makes in order the Orton resolution, followed by a vote on an identical Orton substitute, followed by votes on three Orton amendments. Denied by the Rules Committee were amendments by two Democrats—the chairman of the Budget Committee, Mr. SABO, relating to the Entitlement Commission's recommendations, and the second by the gentleman from Wisconsin, Mr. BARCA, relating to imposing Medicare premiums on wealthy beneficiaries.

Also denied by the Rules Committee was a sense-of-Congress amendment by Representative KASICH of Ohio. That amendment would recognize the need for a balanced budget amendment to impose on Congress the discipline needed to reduce entitlement growth and the national debt.

Moreover, the majority denied the minority our traditional right to recommit with instructions. We cannot even offer a single amendment at the end of the process in a motion to recommit with instructions. That's outrageous.

The majority leadership is content to pay its debt to one Member for a deal that was cut, and the rest of the House be damned.

Even the author of this resolution should vote against this rule since he promised back on June 17 at least 2 days of debate and the opportunity for other Members to offer amendments.

Mr. Speaker, I am sure the sponsor of this measure will understand if we pull the plug on this non-sense-of-the-House resolution now rather than 4 hours from now so that we can move on to the more important business at hand and adjourn this House sine die all the sooner.

I urge my colleagues not to dignify this little political exercise any more than it already has been. Defeat this rule.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], our Republican whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Florida for yielding time to me.

Mr. Speaker, I want to encourage all of my colleagues to vote no on this rule. I want to say that I believe this is a case study in three things.

Bringing this up is a case study in how the Democratic liberal leadership manipulates and manages the House. Bringing this up is a case study in why the American people are sick of Democratic control of the House after 40 years of monopoly. Bringing this up is a case study in bad policy and how you can bring a dumb idea to the floor without having any context and without having any hearings and without understanding what you are doing.

So for three reasons we should defeat it. Let me go back through them. Let us be clear that this rule and this resolution is a case study in how the liberal Democratic leadership manipulates the House. The gentleman from New Hampshire, Mr. BILL ZELIFF, working with some Democrats, developed an idea called the A-to-Z spending cuts. It involved real cuts, it involved a real law that involved really eliminating some pork barrel. Under the new open discharge petition rule which the gentleman from Oklahoma [Mr. INHOFE] developed, we were actually on the verge of getting enough votes that we could actually bring the A-to-Z spending cuts to the floor and spend a week actually cutting spending.

At that point, the liberal Democratic leadership went in overdrive, and they began to say to their Members do not sign the discharge petition for real spending cuts and we will give you a smoke screen to go home and claim you accomplished something. This bill on the floor today is in effect a reward for not having voted for and signed up on the discharge petition. It is a classic example of how the liberal Democratic leadership picks off one element of their party at a time to maintain control of the House against the will of the American people.

But now let us look at the substance of today. It is the sense of Congress that current trends in entitlement spending are not sustainable. Let me tell Members, the baby boomers are too old to be taken in by this anymore. This used to work in the early 1980's when Tony Coelho was here, and when just saying anything would work, and people actually still believed politicians. But given the Clinton administration record of not meaning what it says, and given the Democratic control of Congress for 40 years, if any Member goes back home and stands up in the next 5 weeks and says I voted for a sense of Congress, in the first place, people do not believe there is any sense in the Congress. In the second place, the idea that instead of real cuts, instead of real changes, instead of real effort what we are going to have is one more phony campaign press release disguised as a vote on the floor so that when it was a Kasich budget that was real cuts, do not vote for that. When it was the Penny-Kasich spending cuts, so that was real, do not vote for that.

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But now do you want a press release that has no binding law? Oh, that is terrific, vote yes, but, I mean, no person who is self-respectingly serious about cutting spending ought to vote for this thing just on the principle that it is embarrassing.

But then there is the last point. Now, maybe my friends want to vote to cut Social Security. I know the White House attacked us just 2 days ago, and so we have an acid-test opportunity today, because as I understand it, this would cut the COLA's, the cost-of-living increases, for people on Social Security. There will be an amendment offered to give every Member a chance, without having hearings, without an overall strategy to cut spending, without doing anything about welfare,

without cutting out pork-barrel spending, without doing anything about all the other entitlements, there will be an effort to come in here and cut cost-of-living increases for most Americans.

Well, my Democratic friends may want to go ahead in a moment of foolishness and vote to cut Social Security. I think it is a bad idea. I think it breaks our contract with the American people. It is the one thing we Republicans said we were going to take off budget and we would not touch as part of our balanced-budget amendment. It is the one thing we said we would protect.

I know that four senior Democrats last week jumped up and said you have got to cut Social Security, including the former chairman of the Committee on Ways and Means. I know that a lot of Democrats are itching to cut Social Security. I know the Clinton administration raised taxes on Social Security recipients, retired Americans. I know there is some passion in the Democratic Party right now to punish senior citizens.

I know the Clinton health plan was going to be paid for by $400 billion in cuts in Medicare, but I do not see why any Member should get up and vote for a Social Security cut that has had no hearings, been in no committee, been reported by no subcommittee, been reported by no full committee, and sprang full-blown from the brow of one Member.

This is almost as bad as the secret White House Clinton task force on health, one Member, on their own, invented their magic solution, they convinced their leadership to make it in order for the leadership's political purposes; they now want the House to walk the plank to make them look good.

I urge a no vote on the rule. I urge a no vote on the amendments. I urge a no vote on the resolution. Let us be honest with the American people. Let us pass a constitutional amendment that will require a balanced budget, and let us pass a Kasich budget that cuts spending. Let us pass real welfare reform. Let us pass real cuts in pork. Let us pass real downsizing of the bureaucracy. But let us do it in law, not in some kind of public relations campaign.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, as long as we are talking about honesty in this body, let us be honest about what this body is willing to do and what this body is not willing to do.

I challenge anyone in this body or anyone in this country to show me how you are going to balance the budget in the long term if you say we are not going to raise taxes, if you say we are not going to cut entitlements, if you say add onto that we are going to raise defense, but even without dealing with defense, if we are not going to raise taxes and we are not going to cut entitlements, ladies and gentlemen, it cannot be done in the long term.

You can make it look good over a 5-year period of time. The Kasich budget, in fact, does reduce, but would not balance even over the 5 years, but assuming their numbers were correct on the Kasich budget over a 5-year period of time, if it did balance at the end of 5 years, it does not balance at the end of 20, 25, 30, 35 years, because even with those changes it is clear, it is undisputed, the findings of the entitlement commission are clear if we do nothing with entitlements in 25 to 35 years, entitlement spending alone consumes 100 percent of the revenue generated by this country. If we do not deal with entitlement spending, we cannot balance the budget, period. That is the fact.

Now, if you want to dispute that, I would like to hear the argument. If we agree that we have to deal with entitlements, the question is when; if not now, when?

Ladies and gentlemen, arguments are made here that the committee has not acted, that in fact the Committee on Government Operations should have looked at this and acted; by the way, the same argument by the same folks who signed a discharge petition to say Government Ops has not acted on A-to-Z, we have got to discharge that thing and bring it out here to the floor so this body can work its will, and then we turn around and say, "Oh, but we cannot bring out entitlement reform because Government Ops has not acted." Talk about a duplicitous argument.

Also, to suggest that this is nothing but a ruse, nothing but politics, talk about politics: Those people who say they want to balance the budget, who want to do something about entitlement reform, how many of them came to the floor 2 months ago and voted for the Stenholm-Orton-Penny amendment on entitlement caps which would have placed a limit on the growth of entitlements, would have said that entitlement spending could grow by the amount of growth in the inflation index, growth in the population, plus 1 percent over that; 37 brave souls voted to cap entitlements in that one, a specific law, a statute, which is being asked for, to really reform entitlements, and 37 people said yes. So we backed up and said OK, if we cannot get the people to step to the plate and vote for a real statute which reforms entitlements, then we had better take a look at what does this body want to do. Let us take the temperature of this body and let us ask them, "Do you really want to talk about entitlements, or do you not? If you want to talk about entitlements, what areas do you want to deal with? Do you want to deal with means-testing, do you want to deal with age, do you want to deal with COLA's?"

Because, folks, if you are not willing to deal with any of those, take a look at the CBO budget book on options for cutting the budget. You will find that virtually by far the vast majority and virtually all of the money that can be saved in entitlements is in those three areas.

So if we are not willing to look at any of those, I ask my colleagues, if you do not want to vote, if you do not want to do anything with entitlements, vote against the rule, because you will kill the debate.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member.

Mr. SOLOMON. Mr. Speaker, I just wanted to call it to the attention of the previous Member in the well that he voted for a balanced budget. Our task force budget was balanced and did not raise taxes, did not cut Social Security. It did reinstate some defense cuts, but we cut $700 billion, including entitlements over 5 years. We left a surplus at the end of the 5 years, a surplus at the end of 6 years. For the gentleman to say that this budget was not balanced 25 years later, well, I ask, what in the world is? None of us will, probably, be alive 25 years from now, but we have got to start someplace.

This resolution before us now does not start someplace. It is just a whitewash of the terrible deficit situation we have in this country, and that is a shame.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I would like to urge my colleagues to reject this rule.

We have heard a lot of revisionist history on the other side. They are the Republicans, the only party under President Reagan to specifically pass legislation that hurt tens of millions of Social Security recipients, and now they want to become the great protectors, because they saw that was a disaster for them.

It is hidden in their contract that they are going after Social Security again. Do not listen to the revisionism.

There are other good reasons to vote against this rule. We do not know what we are doing here. This has not had hearings. What about this provision about 200 percent of the poverty line? First of all, Social Security at this point does not accumulate those records, so the Social Security would have to go out to all of its recipients and begin income reporting from those recipients.

□ 1020

That would be a bit of a problem since they cannot keep their computers

straight now. That would cost tens of millions of dollars in person power and new computer investments.

Who would be affected? A widow with an income of $15,000 a year would have her COLA capped under this proposal. Is that something the Democratic Party wants to support? I think not.

But people do not understand that because this is a feel-good resolution. Let us go after entitlements, sort of entitlements in general.

Think of the individuals who are impacted by this. What about veterans benefits? What is going to happen to veterans benefits under this? That is not something that the people paid into individually. Are they going to fall under the strictures of this? This is something that is ill-intentioned. It is not understood, and it is something that should not be voted on here today.

Let us wait for the Entitlements Commission report and then let us begin to deliberately address this problem in ways that are effective, but let us not unintentionally put ourselves on record as going after widows with incomes of $15,000 a year, or veterans or other people.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman from Florida for yielding.

Mr. Speaker, it has been suggested here by some of the speakers that this is our one chance to deal with entitlements. That is nonsense. The fact is there are a number of things we can be doing to deal with the entitlement problem that are better solutions than this.

In fact, there is one solution to the entitlement spending problem that has been scored by CBO as being successful. This particular resolution we have before us is simply an idea that has not even been scored by CBO and cannot be scored by CBO.

But the debt buydown concept that has been included in the Contract with America has been scored by CBO. CBO says if you give the American people an opportunity to check off up to 10 percent of their tax money to go to one purpose and one purpose alone and that is to buy down the debt, then you subtract $1 in spending for every dollar that the American people set aside for debt buydown, including out of entitlement programs except for Social Security—Social Security is exempted—if you do that, CBO says if it works optimally you balance the budget in 6 years.

We have got CBO scoring on one of our proposals; where is the CBO scoring here? This is a feel-good measure. It has no effect. It is something being done in the final week of the Congress to allow Democrats to go home and talk about how wonderful it is that they dealt with the entitlement problem. They did nothing of the kind.

If they wanted to deal with the entitlement problem, they would bring forward real proposals. There are real proposals that have been introduced. Debt buydown has over 100 cosponsors in the U.S. House of Representatives. It is one of the things we could be debating here.

Why do not Democrats want to bring forward something like the debt buydown concept? Because it works. They do not really want to cut spending, there are practically no Democrats who even rank in the top 50 of the people who are against spending in the House of Representatives, according to the National Taxpayers Union.

These are people who love to spend money. They build their careers on spending money. This lets them get off the hook.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I am not running for reelection, so I am free to tell the truth without political consequences. And I want to begin by applauding a man who is running for reelection and yet has the courage to tell the truth. His name is BILL ORTON.

Virtually everyone on both sides of the aisle in this House agrees with Mr. ORTON. We all know he is right. Many fear the consequences of voting with him because they fear that if they do, people will not vote for them. And that is the sad state of affairs in which we find ourselves as a Nation.

The truth of the matter is that we cannot do what we need to do as a Nation without restraining entitlement spending. It is that simple.

Yet there are only 37 of us who voted a few months ago to begin restraining that spending that is running away with our future as a Nation. The truth is I support Social Security, Medicare, Medicaid, and other entitlement programs. But those programs will not survive unless we begin to restrain the growth in spending and provide that only those who need it the most get the most.

The truth is I want to avoid massive tax increases on the American people as a means of balancing the budget. But the truth of the matter is that unless we do something about restraining entitlement spending, we are going to have massive tax increases on working people as a means of balancing the budget.

The truth of the matter is that we need significant investments in education, transportation, technology, defense, other domestic discretionary spending, as we call it, if we hope to have the right kind of future, a future in which we will not have to fear international trade agreements, in which we will not have to fear competition, a future in which we can compete and win.

But unless we restrain entitlement spending, the growth in entitlement spending, we will not have that kind of future. We will not have a space station, we will not have a super collider, which we have already had to kill because of our refusal to deal with entitlement spending growth.

The truth of the matter is that Republicans and Democrats alike, the vast majority of my colleagues, know that Mr. ORTON is right and yet only Mr. ORTON has had the courage to come to the floor of this House and offer this resolution. I hope his constituents in Utah will understand that BILL ORTON is a leader and BILL ORTON has the courage where others do not.

Mr. Speaker, I urge the passage of this rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOKE], a member of the Committee on the Budget.

Mr. HOKE. I thank the gentleman from Florida for yielding this time to me.

Mr. Speaker, I rise today first of all to associate myself almost completely, almost completely with the remarks of the distinguished gentleman from Oregon [Mr. DEFAZIO]. I will get to the "almost" in a moment.

Let us review the bidding for a moment.

What has happened in the Committee on Rules? Well, what happened in the Committee on Rules was that we had one member from one district who somehow was able to get a single resolution with 3 amendments to that resolution made in order by the Committee on Rules. A number of other amendments were, remarkably enough, not made in order. In fact, they were all defeated on party line votes. Let us review what that means in the Committee on Rules for a moment, for those who have forgotten.

The Democrats in the Committee on Rules have 9 members of the committee and the Republicans have 4, that is, 9 to 4. Remember what the balance is in the House. It is about 59 percent; it is about 60 percent to 40 percent in the House.

Yet on this particular committee it is 2 to 1 plus 1; 2 times the number of Republicans plus 2, completely stacking the deck.

So what do we have here? We have got the sense of Congress resolution that says, "It is the sense of the Congress that current trends in entitlement spending are not sustainable." Well, no kidding.

You know, this is what we are going to be asked to vote about? Let me tell you about one of the amendments that was not made in order.

Section 2, and this would be added at the end of the resolution, and this is the Kasich amendment. "It is the further sense of the Congress that in order to resolve the imbalance in entitlement promises and resources and to reduce the debt as called for by this resolution, a balanced budget constitutional amendment should be passed by

the Congress at the earliest possible date to impose on the Congress the discipline needed to achieve these goals."

It was voted down. Guess what the vote was; 9 to 4 against. Not in order.

I commend the gentleman from Utah [Mr. ORTON]; he did vote in favor of a balanced budget amendment. That is great. But when we wanted to have that amendment placed on this, "Not in order. Closed rule."

Let me ask, if I might engage my distinguished friend from Oregon in a colloquy about the thing that I did not agree with with respect to his remarks. He said that in the Republican Contract with America, that there is somewhere hidden in that contract a cut for social security. He said it is hidden in the contract.

I wonder if the gentleman could cite the line and page of the contract where it is hidden.

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

Mr. HOKE. I yield to the gentleman.

Mr. DEFAZIO. I thank the gentleman for yielding.

Mr. Speaker, it is hidden by implication. You cannot raise defense, lower taxes, and balance the budget.

Mr. HOKE. Reclaiming my time, that is completely untrue. It is not in the budget, it is not hidden, it does not exist because that is not the way we are going to do it.

□ 1030

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, we are in a time where I am not sure that we should not just go home because it has gotten to be such a silly season.

I brought this hot fudge sundae down here because it reminds me of the Republican Contract. I say to my colleagues, "It's not very hard to sell a hot fudge sundae diet. Everybody wants it, but when do you realize that it didn't work, that you're gaining weight on it?" It is one more time that we are wishing and dreaming that, oh, if we could just increase defense, and cut taxes, and balance the budget; gee, that sounds wonderful. We tried it in the 1980's, and we added trillions to the debt, and now we will either add trillions to the debt or we will have to cut Social Security by at least the $157 a month, according to CBO and other people. So, one or the other happens, and I think we should not try to hoodwink the American people that way.

Fine. I mean we know entitlements have got to be dealt with, but we know we are not really going to deal with them here today. We should wait until this commission comes out in December with some really hard choices, and I think at that time what we really need is to get the backbone and the will to come back and start dealing with these issues.

I think the American people want common sense. They want to know that we are going to be fiscally sound. I think they are tired of all this political razzmatazz, and they would like a rendezvous with reality.

So, maybe we ought to go home and rendezvous with reality to our constituents. They are very savvy. They know we cannot cut taxes, increase defense, and balance the budget, and they also know eventually we have to figure out how we are going to deal with entitlements.

In Social Security more have paid more money into that than they have paid into taxes. So, to compare that type of entitlement with other kinds of entitlements is very unfair, and that is hopefully what the commission that is looking at this would look at, and hopefully then we will have some more common sense.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, there were several other points I wanted to make in the first opportunity I had to speak here. Perhaps we can now get into some of those.

I think there are some points on which most of us in this body could agree. That is that in order to have long-term economic and fiscal strength we have to get at or near balance in our budget. The way to do that, the ways to do that, are limited. We either have to radically cut spending or radically increase taxes. Those are the only two ways.

Increasing taxes is not a viable option. The country does not want it, this body does not want it; OK? So that leaves the only other option; that is, cutting spending, and I ask, "Where are you going to cut spending to arrive at that?"

Now, I, as mentioned, voted for the Kasich budget because I believe we have to make drastic cuts in spending. It did not pass. There are a number of other bills that I voted for, the balanced budget amendment and so on, that have not passed. So what we are attempting to do here is engage this body, and, by so engaging this body in a public policy debate, we can engage the country in a public policy debate. We can look at the realities of where are we spending money, where is the budget increasing over the next 5, 10, 20, and 30 years.

That is what the entitlement commission has been doing, and for those people who scoff at the resolution, this resolution is nothing more than the principal finding of the entitlement commission. It is brought to this floor for the purpose of engaging a policy debate. I say to my colleagues, "You cannot start with statutory changes to this program or that program because everyone in the body is supporting this program or that program comes in and, like my colleague from Oregon, argues vehemently, 'Well, we can't cut this because we are hitting the little widow with a $15,000 income,' and that's the point, that we are not trying to do that."

One other point, and then I would be happy to yield to the gentleman.

What we are hoping to do here is test the temperature of this body. Is there a desire to talk about the public policy issues behind entitlements, all of the entitlements? Is there a desire to really look at the realities of life expectancy in this country? When we started Social Security, life expectancy was below 60 years old. It is now above 70 years old. Yet we still have a 65-year retirement age. Do we need to deal with that over the long term? Are COLA's applied appropriately? COLA's began in the 1970's because this body came in giving substantial increases every year based on nothing, and so in an effort to try to hold down costs and save dollars this body created the COLA which put everything on automatic pilot to constantly increase at some arbitrary rate the Consumer Price Index. Is that an appropriate method for calculating COLA's? Who should get COLA's? Should the very wealthy who are earning hundreds of millions of dollars be eligible for those entitlements?

I would ask my colleagues to look at the RECORD on Monday night. I did a 1-hour special order and outlined the information that has been provided to us by the entitlement commission. The areas of the budget that is increasing, increasing the most rapidly, are entitlements. They are the non-means-tested entitlements. If we vote today that we vote against the rule, voting against the rule tells this body and this Nation we do not even want to talk about the public policy of entitlements. I say to my colleagues, "You have got to talk about the policy before you can aim in a direction of where you're even going to start looking to make these changes."

To vote against this rule is to say, "No, it's a month before I'm standing for reelection. I don't want to make any voters mad. I don't want to have anything for my opponent to use in a 30-second campaign ad against me. I simply don't want to have to talk about the issue now. We'll talk about it later."

We have been putting that off for decades. We have got to get to the point where we are willing to have a public dialog on the basic policies of entitlements and how we can start controlling those, and, if we do not start with a sense of the Congress, I promise my colleagues this:

If we pass this rule, and we pass this resolution, and we give this body a direction of where to go, we will come back with specific legislation to accomplish the desires of this body.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Utah [Mr. ORTON] has expired.

Mr. DERRICK. Mr. Speaker, I yield an additional minute to the gentleman from Utah.

Mr. ORTON. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman, "I know that you're sincere and what you have said is so right. In other words, you either have to raise taxes or cut spending. The American people do not want to raise taxes. You, and I and this body doesn't want to. Therefore the only way to go is cutting spending. Our argument is the fact that, when we were pushing A to Z and forgetting the merits or demerits of A to Z, you and others were promised that we would have a debate on this floor of 2 days where we could really debate this issue and then have meaningful cuts. Our problem is we're not being allowed that, and you know that."

Mr. ORTON. Mr. Speaker, I am as disappointed as the gentleman is.

Mr. SOLOMON. As disappointed as I am.

Mr. ORTON. I am as disappointed as the gentleman from New York [Mr. SOLOMON] is that we do not have 2 days to deal with specific real cuts.

Mr. SOLOMON. Right.

□ 1040

Mr. ORTON. If we can start here, if we can start here with the policy debate for a few hours and get some direction about where this body wants to head, we can take this up again in January and February of next year, if we work together.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield. Would it not be great if we could have had this meaningful dialog 2 months ago followed by meaningful cuts? That is what should have happened.

Mr. ORTON. Mr. Speaker, it should have happened. I wish it could have happened. It has not happened. So the question is, do we now just cut and run and tell the public we do not even want to talk about this a month before the election, or do we really talk about the public policy issues behind these things? Bring it out in the open and let us find the ways, give this body direction of where we can start at the beginning of next year.

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

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], chairman of the Republican Conference and senior member on the Joint Commission on Economics.

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

This is a rather pathetic moment in the life of this body. Just last week the Republicans gathered together on the steps of this Capitol, offered a contract to American that was very explicit, written in very clear and precise language, each and every one of the 10 bills that we guaranteed will be brought to the floor under an open rule where everyone would be allowed to offer their amendments, Republican and Democrat alike. It was all spelled out.

The President's chief of staff, Mr. Panetta, who watched us lay our cards on the table, clearly and openly and honestly with the American people, called that a fraud. The Democrats began to attack it on the basis of all kinds of things that are not even in the contract.

Today what does the Democrat leadership do to respond to that? They bring a sense of the Congress resolution to the floor with a closed rule that forbids other amendments from being offered, even to do nothing but talk. The Democrats in this body cannot even abide free and open debate in an academic sense. As the gentleman from Utah [Mr. ORTON] so eloquently suggested, all he wants to do here is talk about it.

My colleagues, that is all in fact we will do here.

Panetta calls our effort a fraud. The gentleman from Utah [Mr. ORTON] has an opportunity, granted to him so graciously by the Democrat leadership, to come to the well with a bill and show his good intentions, to offer a sense of Congress resolution where we could acknowledge to America that we now know everything they have known for years, that entitlement spending is running this nation into the ground, and we ought to do something about it. Big deal.

This is the Democrats' idea of action, create the perception of reality.

One other request to open the debate was made before the Democrat-controlled Committee on Rules by the gentleman from Ohio [Mr. KASICH]. He said if we are going to talk about entitlement spending, the fact that something ought to be done about it, why do we not talk also about the balanced budget amendment that 70 percent of the American people want.

Democrats said we cannot talk about that. If we had a balanced budget amendment, it might mean we would have to do something about entitlements, which today we only want to talk about. Talk about a fraud. My colleagues, if this were any place other than the U.S. Congress, it would be so apparently goofy that people would be laughing at us. They would think this was Imus in the morning.

The Democrats say you cannot get to a balanced budget without slashing and burning entitlements.

Let me tell Members, the way we get to a balanced budget is we cut the increase in spending over the next 5 years from 5.2 percent to 3.2 percent. Not a real cut in the business, no real increase in taxes and we do not touch Social Security. And they ought to be ashamed of themselves for trying to scare the seniors of this country into voting for you in another election year. That story is getting awful old, colleagues.

Mr. DERRICK. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, anyone listening to this debate would be thoroughly confused, I believe, about what it is we are trying to do here. What we are doing on the Democratic side, to be perfectly blunt about it, is keeping a promise.

We made a promise to at least one Member and maybe more that if they would agree not to sign a petition to bring entitlements to the floor to be slashed, that we could agree to publicly consider the issue. The Republicans call that just talk.

Think about this for a minute. When the Congress appears to move quickly on a matter, the Republicans gin up their talk show machines and this place is flooded with calls saying to us Democrats: "You mean you are not even going to talk about it, you are not going to debate it on the floor, you are not going to do anything about it? You are just going to vote, you are just going to vote on a secondary education act without ever talking about it."

Before we do what the Republicans like, which I truly believe is to take an ax to entitlements to lower middle income people, we thought we ought to publicly discuss it first. That is what we are doing.

Are the Republicans satisfied with that? No. No, they would rather just take the ax to it, and they demonstrated that with that contract out front. The American people know they demonstrated it with that contract out front, because when we add up the promises in the contract and we draw a line and we subtract, do Members know what falls below the line, do they know what has to take the cuts? Social Security and Medicare. It is all that is left in their contract promises. It is all that is left in the Republican cut bull's-eye.

So they are not satisfied to just come before the floor and publicly talk about this, have a rational national discussion about entitlements. They simply want to go after them, and they have wanted to go after them for half a century.

Look at the records, my colleagues. Look and see how they voted on the critical amendments that designed Social Security as we know it today. Republicans voted more than 75 percent those decades ago against Social Security and against those critical amendments that went into the design of today's Social Security. And since then,

they have been on record almost every time against Social Security.

Look and see how they voted on Medicare, when it was first designed. They voted overwhelmingly against it. And since then, they have been on record almost every single time as being against Medicare.

Now, Democrats have said we recognize that entitlement growth is a problem in America so let us talk about that problem. Democrats recognize, as do the American people and as do our colleagues on the right, including our colleagues on the far right, we all recognize together that there is a problem with entitlements in this country, a growing problem. President Clinton and Senator KERRY and the gentlewoman from Pennsylvania, Ms. MARGOLIES-MEZVINSKY have established a commission to have a dialog with the American people so that somehow we can come to grips with our constituents regarding what we do about this coming financial crisis in America, a crisis placed on us in large part because of unintended consequences due to entitlements and the growth of that entitlement spending.

□ 1050

Mr. Speaker, we need that dialog. We need that discussion. What we do not need in America is the way our Republican colleagues would deal with this, which is to bring up a bill, slash entitlements, and tell the American people "tough." That is not the way to deal with it. Perhaps a discussion like this is the way to deal with it, even though they call it just talk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair would remind members of the gallery that they are guests of the House, and any manifestations for or against the proceedings of the floor are contrary to House rules.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. COX], a member of the committee.

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

My colleague just pointed out that rank-and-file Members of Congress complain when the Democratic majority rushes things to the floor, schedules votes, and permits no debate. We also complain, as we are complaining today, when we schedule only debate and no votes. What we actually want to see is action: a deliberative process, real debate, followed by real action.

As I was leaving the airport men's room the other day I saw on the hot air hand dryer, as I was walking out, the work of a populist graffiti artist who had written just above the button "Press here for a message from your Congressman."

Today the choice is between hot air and action. Why are we, in the last hours of the session, debating a nonbinding, sense-of-the-Congress resolution? It is not for lack of substantive vehicles to cut spending. My own budget process reform act, with nearly 200 sponsors in this Congress, deals directly with the problem of entitlement spending. We cannot get it to the floor for a vote.

Mr. Speaker, the commonsense budget reform act deals directly with real spending cuts. H.R. 3801, the overall legislative reform bill proposed by the bipartisan Joint Committee on the Organization of Congress, could be here on the floor, but the Democratic leadership prevents it; most importantly of all, Mr. Speaker, the A-to-Z bill, which would provide 56 hours under an open rule to debate and then vote upon legislative spending cuts.

However, Mr. Speaker, this procedure today, which I am strongly opposing, has been specifically designed to prevent legislative action on spending cuts and to prevent, specifically, A to Z.

I read from a statement by the gentleman from Utah, BILL ORTON, dated June 17, 1994:

> I am very pleased to announce that after weeks of work within the Democratic Caucus, we have developed an alternative to A-to-Z spending cuts. There is a very basic concern that it is almost impossible for individual Members to actually cut spending. The result of this frustration is a large number of Members cosponsoring the A-to-Z bill.

However, he says this approach will prevent A to Z.

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

Mr. Speaker, I would like to point out that I guess we would have titled this debate "Tell me something I don't know." This is a sense of Congress that says something we know.

I would ask my friends on the other side of the aisle, do they not have any confidence whatsoever in the Entitlement Commission, which was a bipartisan Entitlement Commission which has been put together by our President to study this and make resolutions within the next 3 months, which is an ongoing process? I think that shows a real loss of faith. I resent it, because I am on the Commission.

Mr. Speaker, I want to read from a letter from the gentleman from Pennsylvania [Mr. CLINGER]:

> While facially inoffensive, H. Con. Res. 301 does nothing to address the entitlement spending trends which it criticizes. In fact, the resolution does little more than quote from the real work of the ongoing Bipartisan Commission on Entitlement and Tax Reform. Because this measure is devoid of substance and offers little more than a parliamentary parlor game to provide cover for those unwilling to face true spending reforms, I urge the Rules Committee to deny it a rule and prevent this last minute charade from reaching the House floor.

That says it all, Mr. Speaker.

Mr. DERRICK. Mr. Speaker, I have one speaker, and I reserve the right to close.

Mr. GOSS. Mr. Speaker, I understand we have 1 minute remaining on our side, and the distinguished gentleman from South Carolina [Mr. DERRICK], has only his closing remarks, is that correct?

Mr. DERRICK. That is correct, Mr. Speaker.

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

Mr. Speaker, I would briefly say this debate cannot be too encouraging for those watching it out in the country. We hear all this talk about balancing the budget and about doing something about excessive spending on the Federal level. However, if we cannot even get a resolution to the floor to talk about it, how could anyone have any confidence that we are going to do anything about it?

Mr. Speaker, I include for the RECORD the letter I referred to earlier, which was addressed to the chairman of the Committee on Rules by the gentleman from Pennsylvania [Mr. CLINGER].

The letter referred to is as follows:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, October 3, 1994.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules,
Washington, DC

DEAR MR. CHAIRMAN: It is my understanding that the Rules Committee will meet this afternoon at four o'clock to consider a rule on H. Con. Res. 301, Expressing the Sense of the Congress Regarding Entitlements. I strongly urge that no rule be granted.

Introduced just last Friday, H. Con. Res. 301 was reportedly referred to the Government Operations Committee, although we have yet to receive it. Still, it appears that without formal receipt or notice of waiver, Government Operations has once again been dischared of its jurisdiction over the federal budget process.

While facially inoffensive, H. Con. Res. 301 does nothing to address the entitlement spending trends which it criticizes. In fact the resolution does little more than quote from the real work of the ongong Bipartisan Commission on Entitlement and Tax Reform. Because this measure is devoid of substance and offers little more than a parliamentary parlor game to provide cover for those unwilling to face true spending reforms, I urge the Rules Committee to deny it a rule and prevent this last minute charade from reaching the House floor.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Ranking Minority Member.

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

Mr. Speaker, I would briefly say this debate cannot be too encouraging for those watching it out in the country. We hear all this talk about balancing the budget and about doing something about excessive spending on the Federal level. However, if we cannot even get a resolution to the floor to talk about it, how could anyone have any confidence that we are going to do anything about it?

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. GOSS. 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 Chair advises Members that this is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 339, not voting 12, as follows:

[Roll No. 483]

YEAS—83

Bacchus (FL)	Hoagland	Murphy
Barca	Hoyer	Neal (NC)
Berman	Hutto	Oberstar
Bonior	Jacobs	Olver
Browder	Johnston	Orton
Bryant	Kanjorski	Parker
Clement	Kennedy	Payne (VA)
Collins (IL)	Kleczka	Pelosi
Conyers	Klink	Penny
Cooper	LaFalce	Pickle
Coppersmith	Lambert	Reynolds
Coyne	LaRocco	Rostenkowski
Darden	Lloyd	Sabo
Deal	Long	Sangmeister
Derrick	Mann	Sawyer
Deutsch	Margolies-Mezvinsky	Shepherd
Dixon	Martinez	Stark
Dooley	Matsui	Stenholm
Edwards (CA)	Mazzoli	Swift
Fazio	McDermott	Tanner
Foglietta	Meehan	Taylor (MS)
Frank (MA)	Miller (CA)	Torres
Frost	Mineta	Valentine
Gephardt	Minge	Vento
Gibbons	Moakley	Visclosky
Hamilton	Montgomery	Watt
Hansen	Moran	Waxman
Hastings		Williams

NAYS—339

Abercrombie	Bonilla	Crane
Ackerman	Borski	Crapo
Allard	Boucher	Cunningham
Andrews (ME)	Brewster	Danner
Andrews (NJ)	Brooks	de la Garza
Andrews (TX)	Brown (CA)	DeFazio
Applegate	Brown (FL)	DeLauro
Archer	Brown (OH)	DeLay
Armey	Bunning	Dellums
Bachus (AL)	Burton	Diaz-Balart
Baesler	Buyer	Dickey
Baker (CA)	Byrne	Dicks
Baker (LA)	Callahan	Dingell
Ballenger	Calvert	Doolittle
Barlow	Camp	Dornan
Barrett (NE)	Canady	Dreier
Barrett (WI)	Cantwell	Duncan
Bartlett	Cardin	Dunn
Barton	Carr	Durbin
Bateman	Castle	Edwards (TX)
Becerra	Chapman	Ehlers
Bellenson	Clay	Emerson
Bentley	Clinger	Engel
Bereuter	Clyburn	English
Bevill	Coble	Eshoo
Bilbray	Coleman	Evans
Bilirakis	Collins (GA)	Everett
Bishop	Collins (MI)	Ewing
Blackwell	Combest	Farr
Bliley	Condit	Fawell
Blute	Costello	Fields (LA)
Boehlert	Cox	Fields (TX)
Boehner	Cramer	Filner
Fingerhut	Lehman	Rohrabacher
Fish	Levin	Ros-Lehtinen
Flake	Levy	Rose
Ford (TN)	Lewis (CA)	Roth
Fowler	Lewis (FL)	Roukema
Franks (CT)	Lewis (GA)	Rowland
Franks (NJ)	Lewis (KY)	Roybal-Allard
Furse	Lightfoot	Royce
Gallegly	Linder	Rush
Gejdenson	Lipinski	Sanders
Gekas	Livingston	Santorum
Geren	Lowey	Sarpalius
Gilchrest	Lucas	Saxton
Gillmor	Machtley	Schaefer
Gilman	Maloney	Schenk
Gingrich	Manton	Schiff
Glickman	Manzullo	Schroeder
Gonzalez	Markey	Schumer
Goodlatte	McCandless	Scott
Goodling	McCloskey	Sensenbrenner
Gordon	McCollum	Serrano
Goss	McCrery	Shaw
Grams	McCurdy	Shays
Grandy	McDade	Shuster
Green	McHale	Sisisky
Greenwood	McHugh	Skaggs
Gunderson	McInnis	Skeen
Gutierrez	McKeon	Skelton
Hall (OH)	McKinney	Slaughter
Hall (TX)	McMillan	Smith (IA)
Hancock	Meek	Smith (MI)
Harman	Menendez	Smith (NJ)
Hastert	Meyers	Smith (OR)
Hayes	Mfume	Smith (TX)
Hefley	Mica	Snowe
Hefner	Michel	Solomon
Herger	Miller (FL)	Spence
Hilliard	Mink	Spratt
Hinchey	Molinari	Stearns
Hobson	Mollohan	Stokes
Hochbrueckner	Moorhead	Strickland
Hoekstra	Morella	Studds
Hoke	Murtha	Stump
Holden	Myers	Stupak
Horn	Nadler	Swett
Houghton	Neal (MA)	Synar
Huffington	Nussle	Talent
Hughes	Obey	Tauzin
Hunter	Ortiz	Taylor (NC)
Hutchinson	Owens	Tejeda
Hyde	Oxley	Thomas (CA)
Inglis	Packard	Thomas (WY)
Inhofe	Pallone	Thompson
Inslee	Pastor	Thornton
Istook	Paxon	Thurman
Jefferson	Payne (NJ)	Torkildsen
Johnson (CT)	Peterson (FL)	Torricelli
Johnson (GA)	Peterson (MN)	Towns
Johnson (SD)	Petri	Traficant
Johnson, E. B.	Pickett	Unsoeld
Johnson, Sam	Pombo	Upton
Kaptur	Pomeroy	Velazquez
Kasich	Porter	Volkmer
Kennelly	Portman	Vucanovich
Kildee	Poshard	Walker
Kim	Price (NC)	Walsh
King	Pryce (OH)	Waters
Kingston	Quillen	Weldon
Klein	Quinn	Wheat
Klug	Rahall	Wilson
Knollenberg	Ramstad	Wise
Kolbe	Rangel	Wolf
Kopetski	Ravenel	Woolsey
Kreidler	Reed	Wyden
Kyl	Regula	Wynn
Lancaster	Richardson	Yates
Lantos	Ridge	Young (AK)
Laughlin	Roberts	Young (FL)
Lazio	Roemer	Zeliff
Leach	Rogers	Zimmer

NOT VOTING—12

Barcia	Hamburg	Sundquist
Clayton	McNulty	Tucker
Ford (MI)	Sharp	Washington
Gallo	Slattery	Whitten

□ 1118

Messrs. CUNNINGHAM, DINGELL, FLAKE, OWENS, CLAY, HALL of Ohio, ROEMER, GONZALEZ, and THOMAS of Wyoming, Miss COLLINS of Michigan, Ms. WOOLSEY, Ms. FURSE, Mrs. KENNELLY, and Mr. FIELDS of Louisiana changed their vote from "yea" to "nay."

Messrs. BRYANT, DEUTSCH, STARK, and FOGLIETTA, and Ms. SHEPHERD changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on the vote for House Resolution 563, the rule for providing for consideration of House Concurrent Resolution 301 that expresses the sense of Congress regarding entitlement spending, I was misrecorded as having voted "aye" for the resolution.

PERSONAL EXPLANATION

Mr. BARCIA of Michigan. Mr. Speaker, I rise to indicate that had I been present this morning for the vote on House Resolution 563, I would have cast a "no" vote. However, I was unavoidably detained and could not make it to the floor in time for the vote.

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. 810. An act for the relief of Elizabeth Hill;

H.R. 2902. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes;

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes;

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day";

H.J. Res. 398. Joint resolution to establish the fourth Sunday of July as "Parents' Day";

H.J. Res. 401. Joint resolution designating the month of March 1995 and March 1996 as "Irish-American Heritage Month"; and

H.J. Res. 415. Joint resolution designating the week beginning October 16, 1994, as "National Penny Charity Week."

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

H.R. 4709. An act to make certain technical corrections, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4217) "An Act to reform the Federal crop insurance program, and for other purposes."

The message also announced that the Senate agrees to the amendment of the

House to the bill (S. 2406) entitled "An Act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes."

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

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes;

S. 927. An act for the relief of Wade Bomar, and for other purposes;

S. 1216. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States;

S. 2341. An act to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reauthorization proceedings before the United States Patent and Trademark Office, and for other purposes;

S. 2457. An act for the relief of Benchmark Rail Group, Inc;

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa;

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes; and

S. Con. Res. 77 Concurrent Resolution Expressing the sense of Congress regarding the United States position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization.

□ 1120

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE JOINT RESOLUTION 416, LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that:

At any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of House Joint Resolution 416;

The first reading of the joint resolution be dispensed with;

All points of order against the joint resolution and against its consideration be waived;

General debate be confined to the joint resolution and not exceed 4 hours, equally divided and controlled by the chairman and ranking minority member of the Committee of Foreign Affairs, or their designees;

After general debate the Committee of the Whole rise without motion; and

No further consideration of the joint resolution be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Connecticut?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just say to the gentleman who is propounding the unanimous-consent request that I believe what he is asking for is that we not have to go to the Committee on Rules to bring a rule to the floor which would allow for 4 hours of general debate on the Haiti issue.

However, there will be a Committee on Rules meeting this afternoon at 1 o'clock at which time we will take up a rule which will provide for other alternatives to the bill that will be debated here during this 4 hours this afternoon.

Is that the understanding of the gentleman from the Committee on Foreign Affairs?

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

Mr. SOLOMON. Further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, yes, that is my understanding.

Mr. SOLOMON. Further reserving the right to object, I just wanted to clarify it for the membership, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

TECHNICAL CORRECTION OF OMNIBUS BUDGET RECONCILIATION ACT OF 1993 REGARDING SHARING OF TIMBER SALE RECEIPTS

Mr. DICKS. Mr. Speaker, with the consent of the Republican and Democratic leadership and with the approval of the affected committees, I ask unanimous consent to call up the bill (H.R. 5161) to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management as a technical correction, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Ms. DUNN of Washington. Mr. Speaker, reserving the right to object, I wonder if I might ask the gentleman from Washington [Mr. DICKS] to explain the bill, please.

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

Ms. DUNN. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, this bill simply allows for necessary technical corrections on a provision in the Omnibus Reconciliation Act of 1993, in chapter 4 entitled "Timber Sales," and specifically sections 13982 and 13983 of the Act, which allow for payments to timber counties in the Northwest through Forest Service and BLM receipts.

There is no budget impact to the technical corrections measure, and the original provision in the Omnibus Reconciliation Act is budget neutral, since it is covered through recaptured revenues from foregoing the Foreign Sales Corporation subsidy to Northwest timber companies.

The Treasury Department has identified this technical correction as necessary in order to fully implement the provisions affecting timber counties, and to carry out the intent of Congress to have these counties receive these payments.

This is simply a maintenance provision necessary for clarity in implementation.

Ms. DUNN. Further reserving the right to object, Mr. Speaker, I thank the gentleman from Washington.

I would like to say that I support this legislation. It is long overdue. The counties affected will be helped greatly by this legislation, and I certainly urge support.

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

Ms. DUNN. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I appreciate very much the outstanding leadership of the gentlewoman from Washington on this issue, and the cooperation of the gentleman from California [Mr. HERGER], the gentleman from Oregon [Mr. SMITH], and all of the members of the Northwest delegation on both sides of the aisle.

Ms. DUNN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5161

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

SECTION 1. TECHNICAL CORRECTION REGARDING SHARING OF TIMBER SALE RECEIPTS.

(A) FOREST SERVICE.—Section 13982(b)(1) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 681; 16 U.S.C. 500 note) is amended by inserting "out of any money in the Treasury not otherwise appropriated," before "for the benefit of counties".

(b) BUREAU OF LAND MANAGEMENT.—Section 13983(b)(1) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 682; 43 U.S.C. 1181f note) is amended by inserting ", out of any money in the Treasury not otherwise appropriated," after "shall make payments".

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

AMERICAN HERITAGE AREAS ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours (excluding time consumed by recorded votes and proceedings incidental thereto). Each section shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill. Any amendment to the bill caused to be printed in the Record by Representative Vento of Minnesota may amend portions of the bill not yet read for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

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

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I will just announce that it is not our intention to ask for a vote on this rule, so that if Members would have other business to attend to, there probably will not be another vote for a good hour or so on the floor.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York for that information.

Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], and pending that 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 562 is an open rule providing for the consideration of H.R. 5044, a bill to establish the American Heritage Areas Partnership Program Act of 1994.

The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Natural Resources Committee. The rule provides that each section shall be considered as read. Only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill will be in order and debate on consideration of the bill for amendment is limited to 3 hours. The rule provides that any amendment printed in the RECORD by Representative VENTO may amend portions of the bill not yet read for amendment. Finally, the rule provides one motion to recommit.

Mr. Speaker, recently a motion was offered to suspend the rules and pass the bill (H.R. 5044). Although supported by a large majority, the motion failed the required two-thirds vote. I believe there was general agreement to the concept of the bill although there was some controversy. The resolution recommended by the Rules Committee will adequately protect the right of any Member to address their concerns by amendment.

Mr. Speaker, H.R. 5044 establishes the American Heritage Areas Partnership Program, provides for individual American Heritage Area designation pursuant to that program, directs the National Park Service to study specific areas for inclusion in the program, and makes modifications to several laws that designated certain heritage corridors or areas in the 1980's.

H.R. 5044 also sets forth the minimum criteria for recognition of a management group to administer a heritage area and for developing a management plan. The bill sets limits on the amount of Federal financial assistance any one area may receive and requires State and local governments to provide matching funds for that Federal assistance.

Mr. Speaker, there are currently four congressionally established heritage areas. They have shown that with a small amount of Federal financial and technical assistance, State and local governments along with participating private groups can develop partnerships to manage a variety of historical, cultural, and recreational resources in a way that can be of benefit to all the people living in those areas. The American Heritage Areas Partnership Program is a good, workable program which requires only a small amount of Federal involvement. The Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, which was established in 1990, is a prime example of how well this cooperative arrangement for cultural and historical preservation works.

Mr. Speaker, I urge adoption of the rule and the bill and I reserve the balance of my time.

□ 1130

Mr. SOLOMON. Mr. Speaker, I thank the chairman of the Committee on Rules for graciously yielding us half of his time.

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

I join the gentleman from Massachusetts in urging support for this rule, and thank him for his fairness in holding consideration of the bill over until today so that Members had the opportunity to put their amendments in order.

Mr. Speaker, we have before us a modified open rule providing for 1 hour of general debate with a time limit of 3 hours on consideration of amendments.

Those amendments which were printed in the CONGRESSIONAL RECORD prior to the consideration of the bill shall be in order.

While I have some serious concerns about this legislation, I urge support for the rule.

Mr. Speaker, currently the National Park System is facing a 37-year backlog in construction, renovation, and maintenance.

I am sure there are Members listening right now, who have situations similar to mine, where park projects have already been initiated in their districts and these projects need Federal dollars for their completion. In my district alone, sites like the Vanderbilt Mansion and the Saratoga Battlefield have been waiting years for much-needed Federal assistance for their completion.

And yet, here we are diverting tens of millions of dollars to new areas. Where is the sense in that?

Do we not owe it to the American taxpayer to finish projects before we start new ones?

The National Park System can ill-afford to take on any additional financial burdens at this time, let alone those provided for in this bill.

Mr. Speaker, this bill was debated on the floor the other day under suspension, so most Members should be familiar with its contents.

In this final week of the session, time is of the essence. Therefore, the process should go forward with the adoption of this rule.

Mr. Speaker, I submit the following matter relating to open and closed rules for the RECORD.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15, R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4, R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2, R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0, R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4, R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding this time to me.

Let me thank the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for both yielding time to me and for the rule. This rule is entirely appropriate in that it allows under open debate introduction of the amendments that most concerned us when this bill came up under suspension. The amendment that we will offer today dealing with landowner property rights issues, that is.

For those of the Members who are sitting at their desks watching the television monitors, I will try to give a brief explanation of what is ahead when we begin voting on this bill under this open rule that I hope we will approve shortly.

No. 1, we will be offering now an en bloc amendment by agreement with the authors that will include several changes in the bill.

The first and most important change will be a change that allows the landowners in the affected areas to consent to be covered by this act, to in fact have their property subjected to the regulations that this act would bring to their property pursuant to these heritage and cultural areas.

In short, the landowner consent features very similar to the landowner consent arguments that were made on the biological survey bill will make it clear that the landowners have freedom of choice, to either come under its provisions or not. This will protect, if you will, the right of landowners to be secure against regulations that might take away the use or value of their property without their consent.

I would urge Members to pay particular attention to that part of the en bloc amendment. Mr. REGULA, I am told, will be offering an amendment to delete that portion of the en bloc amendment.

Let me make it clear that is the most important part of the en bloc amendment, the landowner consent feature.

If that is deleted from the amendment, the en bloc amendment will no longer have the kind of protection for private property rights that the bill ought to have. So I would be urging Members to vote against the Regula amendment to the Tauzin en bloc amendment.

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

Mr. TAUZIN. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say—and I will have more to say about property rights of individual Americans—if that amendment were to be successful, if that is knocked out from the gentleman from Louisiana's en bloc, amendment. I am going to guarantee the membership right now there is a Senator over in the other body who will put a hold on this bill and it will never see the light of day.

I just wanted to say that.

Mr. TAUZIN. I thank the gentleman for his comment. Let me make it clear, I would like to see this bill passed, I would like it to see the light of day. I want the Members who have heritage areas, who want protection and Federal help, to get it.

□ 1140

But I want to make sure when this bill goes over to the Senate that it has the adequate protection of property rights that this House has agreed to put on other bills like the Desert Protection Act. If that amendment to guarantee landowners the right of consent to be covered is taken out by the Regula amendment, we will be offering a second amendment at that point.

Let me try to wrap this up. If, if the Tauzin amendment is defeated, or if the gentleman from Ohio [Mr. REGULA] succeeds in gutting out the landowner consent provisions of the Tauzin amendment, we will then offer a second amendment. That second amendment will provide administrative relief to landowners so that, if that property and its value or its use are substantially diminished by the effect of this act without their consent, that the act will then provide that those landowners are entitled to compensation for their property loss just as we have passed that provision on the Desert Protection Act.

Let me say it again. Our first option is landowner consent. This ought to be a consensual program. This ought to be one where the property owners affected by it are partners in this act, not just government telling them what is going to happen. They ought to be full partners in deciding whether to participate fully in these heritage corridors that could be as wide as six counties wide and as long as the Mississippi River. Landowners ought to have the right to say that they want to be or not, that they do not want to be, a part of this kind of land use regulation. But if this House should agree with the gentleman from Ohio [Mr. REGULA] to take out that landowner consent or to defeat the Tauzin amendment, we will be offering a second amendment to guarantee landowners who were brought under this program without their consent, that they will be guaranteed full compensation for the significant loss of property use or value that will flow from these regulations.

Let me sum it up. I am not opposed to heritage acts. I am not opposed to heritage corridors or cultural protection. I think those are all laudable goals, just as wetlands protection and endangered species protection, many other laudable goals in this country. But when these good, laudable goals that are good for all of us in society require some small landowner to reduce his property as a result, the fifth amendment of the Constitution provides a remedy. It says he must be compensated and the compensation must be just. We either must give these landowners the consensual right to join or not join, or if they are forced to join against their consent, we must accord them the right of compensation under the fifth amendment.

I am not talking about a property right. Property does not own rights. I am talking about a civil right to own property in America. That is what these votes will be all about, and I say to my colleagues, if you believe as I do, you'll vote for the Tauzin en bloc amendment and against the Regula amendment that will gut it. If for any reason that amendment fails or the Regula amendment passes, we will be offering the compensation amendment to guarantee property owner rights under the fifth amendment of the Constitution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume and will say that in just one moment I am going to yield to a very valuable Member of this body. But let me just for a minute tell my colleagues why I have become so exercised about legislation that would lead to the usurpation of the rights of property owners in America.

As my colleagues know, I represent an area of New York State that is one of the most beautiful areas in the world. As a matter of fact, today, it is the most beautiful area in the world

because this is the peak day in the Adirondacks when the colors change. Unlike most mountain ranges that are mostly fir trees and pine trees, we have over 100 different species up in the Adirondacks, and they are prevalent throughout the entire range. When the colors change, Mr. Speaker, they are the most beautiful colors, golds, and oranges, and reds, and yellows. I invite all of my colleagues to come up there. No Member can go right now because we are in session, but next year come on up to see the most beautiful area in the world.

But let me tell my colleagues something about that area. There are 6,000,000 acres up there, and the State of New York owns part of that land. But most of it is owned by just plain ordinary people such as myself and my colleagues. And guess what? We have something called the Adirondacks Park Agency, and there is something called regional zoning that was put on top of all of the other local zonings up in these small towns. We do not have any businesses, industries, up there. We have unemployment that runs 9, 10, 11, 12 percent, and in the wintertime up to 20 percent in some of these counties, so the people are really hard-pressed up there. But they have literally been zoned out of the reasonable use of their land. So not only are we talking about national park land where the people do not have rights, but about people who own their own land and really cannot use it as they see fit because they have not been compensated for the taking of their rights to develop it as they see fit.

Now the other thing that I am so concerned about, Mr. Speaker, is headlines like these. In New York State, we have something called the Conservation Department, and it is like the EPA, the Federal EPA. They have such stiff regulations on every issue that the Environment Protection Agency at the Federal level gives up its own authority and says, "You're tougher than we are, so you go ahead and lay down all these laws." Well, they have laid down law so much that New York is the highest-taxed State in the Nation, and more than that, Mr. Speaker, we are the most overregulated State in the Nation.

What does that bring about? Look at this headline. It says, "IBM Deepens Job Cuts. Kingston, Poughkeepsie to lose jobs." Over on the other side of the page it says that 4,000 workers are to lose their jobs in East Fishkill. Now that is down in the southern part of the Hudson Valley, the lower part of the district that I have the privilege of representing.

Then go on over here, and here is another headline. "GE to Cut 1,200 Jobs." This is on top of the 1,800 that they cut just last year. That is 3,000 more jobs that are gone out of our State.

"Four Hundred Jobs Going to Mexico. Mallinckrodt to Leave Argyle and go to Juarez, Mexico."

Here is another one. "Scott Paper Planning 300 Layoffs." Three hundred jobs down the drain.

Here is one just yesterday about leather manufacturers in Gloversville and Johnstown, NY, laying off hundreds of workers.

Mr. Speaker, as my colleagues know, this goes on and on. So when we see people like the gentleman from Louisiana [Mr. TAUZIN] and myself stand up here and be concerned about property rights, it is for these reasons. I do not want to have to require a business that wants to locate in one of these heritage areas to go through the Secretary of the Interior to get permits to put up a plant. I want him to go to the local government body and get permits to put up that plant, and that is what the gentleman from Louisiana is talking about. That is all that I am taking about, and that is why we have such concerns about this legislation. If it can be amended properly so that we can live up to its laudable goals without taking away the rights of property owners, then I will vote for this legislation.

Mr. TAUZIN. Mr. Speaker, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Louisiana, my friend.

Mr. TAUZIN. Mr. Speaker, there is one thing in this bill that I failed to mention that our amendment will correct that I think deserves mentioning, and that is that this bill picks up some language from the 404 wetlands regulatory program. It is called the no practicable alternative language. I say to the gentleman, "What it means, Mr. SOLOMON, is that just as in wetlands laws this Heritage Act could impose an obligation on Federal agencies not to do the normal things Federal agencies do like flood control projects, assistance and development projects, or housing projects, not to do those things if there is a practicable alternative to do them somewhere else. That's the language that's in this bill."

Our amendment, in addition to correcting the property rights amendment, will also delete that language so we do not have a situation where in the guise of heritage protection people will be told, as they are in the wetlands laws right now, that they cannot use their own property to create jobs, or to form or build their homes, because there is a practicable alternative in two counties down or in Juarez, Mexico. We want to make sure, in effect, that that same language in the wetlands laws is not carried over in this law, and I would urge my colleagues to make sure that that Tauzin amendment is adopted because we clarify that job-killing provision of this Heritage Act.

□ 1150

Mr. SOLOMON. Mr. Speaker, on behalf of business and industry and the farmers in the Hudson Valley, Members can be sure I will be supporting that amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], a very, very distinguished Member of this body and one who is really valuable to all of us in looking out for our interests.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding time to me and I welcome his vote, along with the accolades.

All I want to say to the Members is, listen carefully when we get to the debate so we do not get confused by some of the rhetoric that does not square with the facts.

First of all, I am as sensitive to private property rights as anybody. I live on a farm in a rural area that is unzoned and I am very much aware of how important property rights are.

In this bill, every effort has been made to protect those property rights. It does not allow for any taking by the Federal Government or the local government. It does not allow for a change in zoning by the Federal Government or the local government. It does not allow any encroachment on private property rights.

What this bill does is help people help themselves. That is why in my area, we have Boy Scouts and Kiwanis Clubs and garden clubs and all kinds of volunteer groups that want to put together this historic corridor. They are not going to take anybody's land. They are going to simply clean up the towpath, cut the brush. They are already cutting brush. They are going to try to make bicycle and hiking trails eventually, as a legacy for the generations to come, because in time as more and more urbanization takes place, these open spaces will be ever more valuable.

Here is an opportunity for the Federal Government to lend a helping hand in terms of money, albeit a very small amount of the National Park Service or the Department of the Interior budget, to lend the communities a helping hand which will generate thousands of hours of volunteers being involved in preserving something for today, tomorrow and 100 years or more from now. I think to deny these people the privilege of doing something to enhance the beauty and the historic values of their community would be very unfair.

I might say that the substitute that the gentleman from Louisiana was talking about, we support a number of things that he is proposing, because we do not want to encroach on anybody's property rights. Let me reemphasize, there is no taking, no zoning changes provided, we in no way disturb private property.

The gentleman from New York talked about industry, the loss of industry. Let me say that the Cleveland Growth Association, this is made up of industries and people in the Cuyahoga County area, which is the northern terminus of the Ohio and Erie corridor, has a pamphlet promoting the great things about Cleveland, the north coast, they call it. And one of the features in here is History in the Making.

And they talk about how valuable this corridor would be in attracting industry, in making the quality of life better in northern Ohio and, therefore, saying to industries that would contemplate relocating that this is a great place to put their business because it is a great place for people to live. We have the Cuyahoga Valley National Recreation Area that was authorized by this body and is supported annually with appropriations. Part of the Ohio and Erie corridor goes through the recreation area.

What a great chance we have today to give these 10 communities that are involved in these corridors a helping hand, to say, we will give you a little Federal money. You raise a lot of money locally.

I know our local garden clubs already contributed $100. The Kiwanis has contributed $100 toward getting a matching fund to do this.

But more importantly than the money will be the fact that people will be involved, that those Scout troops and 4H clubs will be out there cleaning the trail and getting a sense of the value of open spaces. Most of it is already public land.

As I mentioned, Cuyahoga Valley, the canal lands are owned by public entities. The rivers, of course, are public. The cities own the areas within the cities. So private property rights are well preserved.

Let us not take on in this bill a separate issue, this whole thing of private property rights is a separate issue that ought to be addressed by this body in another way in establishing perhaps what are the criteria for Federal action, but let us not use this bill as a vehicle for that, because this bill is designed to create these locally initiated and locally managed corridors.

They have been successful. We have three or four of them in the United States now. People like them. In, I think it is, Blackstone they want to expand it because people love it.

Let me say one other thing. Most people of the Eastern States, particularly, do not get a chance to go to the great national parks, the Yosemites and the Grand Canyons and the Yellowstones. But a corridor they can visit every day. They can take the family out for a walk.

We are talking about family values all the time. We are talking about partnerships between Federal and local communities. Here is an ideal vehicle to enhance family values. This family that goes out and cleans a trail and uses that trail on a perhaps daily or weekly basis, it is an opportunity to demonstrate that the Federal Government wants to be a partner with local communities, that we want the Federal Government to be a very valuable presence in helping people help themselves.

I say again, let us not get confused on this broad issue of private property rights. Again, I emphasize, I am as sensitive to that as the gentleman from Louisiana, because I have to live it.

Let us talk about what this does for people. I think that is the value of this bill.

I hope all of our Members will listen carefully to the debate when we get to that so that they make their judgments based on the facts.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule and I support the efforts of the gentleman from Ohio [Mr. REGULA], Stark County, my neighbor. I give him credit for much of the work he has done on this in helping the State of Ohio immensely. I am a very big supporter of the gentleman from Louisiana [Mr. TAUZIN], and I hope that we can work this out, because I think they are two of the better Members. I hope that we can. This is a good bill.

I will not take a whole lot of time. I am hoping that the Democrat Party is listening and they do not bring the GATT rule to the floor of this House. I hope that we pass this rule and we do not, in fact, take up the GATT rule today and give Members more time. And Democrats better run a head count before the Democrat Party loses some Members.

I am hoping that the gentleman from California [Mr. MATSUI] and the gentleman from Massachusetts [Mr. MOAKLEY] will talk with the Speaker.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I have a letter here from John J. Motley III, vice president of Federal governmental relations for the National Federation of Independent Business. The letter is addressed to my good friend, the gentleman from Louisiana [Mr. TAUZIN].

It says, "On behalf of the more than 600,000 members of the National Federation of Independent Business, I want to express our strong support for your landowner consent amendment to H.R. 5044, the American Heritage Areas Act of 1994. We commend your effort to protect this fundamental right of private property owners." And the letter goes on from there.

Let me say, as I said in my opening remarks, I am going to support the motion to bring this bill to the floor.

Mr. Speaker, I include for the RECORD the letter to which I referred.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, October 3, 1994.

Hon. BILL TAUZIN,
2330 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN TAUZIN: On behalf of the more that 600,000 members of the National Federation of Independent Business (NFIB), I want to express our strong support for your landowner consent amendment to H.R. 5044, the American Heritage Areas Act of 1994.

We commend your effort to protect this fundamental right of private property owners, by requiring that a property owner provide their written consent before their property is included in the Heritage Management Area or placed on the inventory list of those properties to be "preserved, restored, managed, developed, or maintained." We also agree strongly that the federal government should not be able to dictate to local entities how to manage these Heritage areas.

Small business owners and landowners have growing concerns about the ever-increasing government intrusion in the name of protecting the environment or other public interests. While small business owners certainly support the preservation of our nation's heritage, they also strongly feel the need to preserve our constitutional private property rights.

This amendment will serve as an important precedent for the protection of private property rights as small business owners and landowners alike need some degree of control and certainty over what takes place on their property. Your amendment will help retain a vital element in ensuring this certainty.

Sincerely,

JOHN J. MOTLEY III,
Vice President, Federal Governmental Relations.

□ 1200

Mr. Speaker, I have strong reservations about it. We will see what happens during the amendment process.

Mr. Speaker, I yield to my good friend, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I realize the other side is going to close. I want to make one preemptive strike here.

My friend, the gentleman from Ohio [Mr. REGULA], pointed out that he did not think this bill affected any local zoning ordinances. I want to read to you from a report issued by Mr. Dennis Galvin, associate director of Augusta Canal National Heritage Corridor.

This is his statement: "More specifically," this is what they were required to do under their plan, "More specifically, as called for in the plan, there needs to be adoption of the plan by the City of Augusta, two counties involved, by the State, commitment from all levels of government, and evidence of commitment to modify zoning regulations."

That is what we are talking about. We are talking about major big greenways, and the authority and the commitment to modify land use zoning regulations, so do not let them kid you, that this is not a property rights issue. It is a big one. This will be a big property rights vote when we get to it. I

urge Members to pay close attention to the debate when it does come.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. Mr. Speaker, I want to first of all thank the chairman and support the rule. It is a fair rule. It gives the opportunity for the opponents of the Heritage Partnership Act, and there are opponents of it, to offer amendments which will basically gut the bill.

The reason that I sought suspension votes and failed nine short on this is because there is no way to reconcile the type of proposals being made here in the name of property rights with the establishment or designation of these heritage area partnership proposals.

Mr. Speaker, I would remind my colleagues that there are about 20 different measures in this bill that affect a large number of Members. Not one Member sponsoring or advocating this is asking for these types of property rights amendments. This is either, in terms of the property rights, a big misunderstanding, or an effort to superimpose one on it and hijack this bill for a different purpose, to make a different point.

I object to that. We are trying to get something done. We are trying to make some positive progress in terms of a partnership act here, where the Federal Government can for once cooperate in partnership with the local governments. What are we getting pushed at us? What are we getting pushed at us? Where is the end of this nonsense?

This Congress doesn't want to set in place what it is that a local government can do in zoning and what they cannot do. But, that is what this is all about. We do not have enough to do around here, we are going to become the local zoning boards in terms of property rights and how people are treated from a zoning point of view.

I think in this bill, Mr. Speaker, I avoid establishing new political subdivisions, and try to give the responsibilities to the State and local governments. It has worked successfully in the heritage areas that we have designated in the past. We've got four of these. This is a model that works.

There is a lot of reform in this bill, there are a lot of initiatives. There is not new money. This money is authorized already under the National Historic Preservation Act. This is a new way of trying to do something to stretch the limited Federal dollars and respond to the needs of people in this body.

Mr. Speaker, if these property rights amendments that are being proposed were to be enacted, they would render this bill moot. It would not work. There is not a local government, there is not a State government, which would accept these types of definitions in terms of limiting.

This would be an individual making a decision here, and there would be anarchy in local government. You would have no control over, basically, the zoning responsibilities that are inherently and appropriately, I think, local, nor is there a place where we can demonstrate where there is a compensation panel that is set up nationwide.

Mr. Speaker, make no mistake about it, if these amendments, if the Regula amendment, which we are bending over backwards here for, we make numerous disclaimers in this bill to avoid interfering with local government. They can enter and use and exercise the powers that they have. The Federal Government can exercise and use the powers.

However, if we want to diminish, eliminate and cut them off at the knees and kill these bills, that is what the Tauzin amendment will do. We will have a good debate on that. The point is we ought to understand what the effects of those amendments are.

This bill is not going to go forward, in my judgment, on that basis. It will not do anything, it will be moot, it will be rendered useless. It may make a point for those that want to score one more point in terms of saying how much they are for property rights, but they will defeat the purpose of this bill and there would be no use in moving forward.

Mr. Speaker, I urge the adoption of the rule. I urge a proper consideration of the amendments. We will be offering some en bloc amendments. I appreciate the cooperation from the gentleman from Louisiana [Mr. TAUZIN] in offering the en bloc amendments, but I disagree with them, and would vigorously oppose amendments.

Mr. Speaker, I want to make clear what the procedure is. The procedure is the consideration of the bill, the en bloc amendments as the bill was prepared on suspension. Then we will have a Tauzin amendment which I will not object to being offered en bloc.

In fact, I appreciate the cooperation the gentleman has shown with regard to limiting the debate time. Then, in concert with the gentleman from Ohio [Mr. REGULA], another sponsor of the bill, we will offer an amendment which will modify the Tauzin amendment. I think it will go as far as we can go in addressing some of the concerns and still make the bill a meaningful bill.

Mr. Speaker, at the conclusion of that we will consider other amendments that have been made in order under the rule that have been printed in the RECORD, and hopefully we will go on to pass this bill. This is a very good bill, it is a good initiative.

As far as the demands that are being made in the Senate as to how we can conduct ourselves and what we can do, it seems to me the one-Senator veto program is working pretty well over there. But, I would like to put this bill on their door and see if we have an opportunity to pass really what has been a significant amount of work.

Mr. Speaker, we have been working on this bill for years. I have been personally working on it very hard for the last 5 months. I think the Members in this body that have elements in this bill very much would appreciate a positive vote, and other Members resisting the opportunity today to pull down this particular bill. It is a very important bill to those Members.

Resist this property rights amendment, resist it here. We do not affect property rights. We should not try to solve that particular problem on this bill.

Mr. Speaker, I urge the Members to support the bill, and I thank the chairman of the committee for yielding time to me.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5044.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5044), to establish the American Heritage Areas Partnership Program, and for other purposes, with Mr. MENENDEZ in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the bill. This bill establishes the American Heritage Areas Partnership Program. It provides for individual American heritage area designations pursuant to the program that directs the National Park Service to study specific areas for inclusion.

This bill, while providing a generic or an overall legislative mandate and program, also, of course, designates a number of areas. The basic provisions

of the bill in terms of setting forth the generic proposed law concerning the American Heritage Areas Partnership Program incorporate the provisions of H.R. 3707, which I introduced in November 1993.

That bill had hearings, went through the committee, was marked up in the committee, was the subject of a major compromise between members of the minority and majority in the committee, and has bipartisan support.

Mr. Chairman, furthermore, all the provisions in the bill that relate to the American heritage designations have been the subject of hearings in the committee, have been processed by the committee. They had not all been marked up, but are generally agreed to by most members.

Mr. Speaker, there are some very, very important provisions in this dealing with Vancouver, dealing with Wheeling, WV, for example. Some of them, in fact, Mr. Speaker, have received funding from the Committee on Appropriations, but without an overall authorization bill or without a policy to guide these measures.

Mr. Speaker, I want to especially commend my colleague, the gentleman from New York [Mr. HINCHEY] for his efforts with regard to the heritage area legislation. After introducing his own version he has graciously agreed to work with me to draft and craft the proposal that is now before us. As my colleagues know, we have advocated for some time the establishment of a more effective process to recognize these important resources.

In fact, Mr. Speaker, this is a true partnership act. I think the word "partnership" often gets overworked with regard to what it means, but here is a case where we really have local governments, State governments, forming a compact, making commitments in concert and in agreement with the Federal Government, with the Department of the Interior. So here we have a real partnership.

Today we have, as the Members know, landmarks that are identified and recognized by the Department of the Interior. We have historic districts that undergo State and Federal recognition, but there are not dollars flowing to them. Here we have an opportunity for Congress to actually designate the areas.

People are going to show us maps today that suggest there are all kinds of areas that could be heritage areas. That is true, but Congress has to designate any such area. No area can become a heritage area unless Congress designates it.

□ 1210

Then, too, the amount of support is limited. It is matched by local governments, it comes out of existing authorization, so it is not new spending or new authorization, and there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we all get the benefit of that conservation.

Mr. Chairman, H.R. 5044, the omnibus heritage areas legislation, establishes the American Heritage Areas Partnership Program, provides for individual American heritage areas designations pursuant to that program, directs the National Park Service to study certain specific areas for inclusion in the program, and makes modifications to several laws that designated certain heritage corridors or areas in the 1980's. This legislation represents a consensus among the administration, a bipartisan group of members of the Committee on Natural Resources and other interested parties, that innovative ways must be found to extend national preservation efforts in a new cost-effective manner.

H.R. 5044 was considered under suspension of the rules last week, and a significant majority of House Members supported its enactment, but the bill failed to get the two-thirds necessary for passage. Unfortunately, misinformation about the bill has created confusion about the effect of this legislation, and I welcome this further debate and the opportunity to set the record straight on this legislation.

AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

H.R. 5044 incorporates the provisions of H.R. 3707, which I introduced in November 1993, and which establishes the American Heritage Areas Partnership Program within the Department of the Interior. The bill was reported favorably to the House by the Committee on Natural Resources on May 25, 1994, and has the strong support of the administration and Members on both sides of the aisle who are committed to developing this partnership between the Federal Government and State and local officials to assure the preservation and conservation of some of our most valuable resources.

These provisions have continued to evolve through discussions with the minority, with the administration, and with other interested parties, and I believe the version we are bringing to the floor today is a better bill because of this input.

I would like to commend my colleague on the committee, Mr. HINCHEY, for his efforts with regard to heritage area legislation. After introducing his own version, he has graciously agreed to work with me on my draft and has provided substantial insight into the process from his own experience tin dealing with this type of legislation as a State legislator in New York. I appreciate his input.

As my colleagues know, I have advocated for some time the establishment of a more effective process by which to recognize the important resources contained in so-called heritage areas while limiting Federal involvement in their development and operation. Our Nation contains many geographically and thematically unified areas, which include significant resources worthy of preservation and conservation. In many cases, these areas are connected by greenways, trails, or natural corridors which could be the focus of innovative management ideas. Such areas are important nationally, and are best managed in a true Federal partnership with State and local government and private entities.

In fact, the strong State, local, and private support these areas receive, and their diverse resources, indicate that national involvement, while welcome and necessary, should be limited. The professional expertise of the National Park Service can be useful in identifying and providing assistance for defining, establishing, and managing these important areas. However, the diversity of their resources, the ownership patterns, and the variety of uses and activities taking place, suggest that a true Federal partnership, wherein the National Government provides recognition and limited financial and technical assistance, and other entities, through the State and local governments, manage and fund the largest share of the necessary preservation and interpretation, is the most appropriate method of preserving these areas.

Proposals for heritage areas or corridors have significantly increased in the past several years; there are currently four such areas affiliated with the National Park Service. Budgetary reality suggests that limited funds will be available to accommodate existing units of the National Park System, and less will be available for establishing new national park units or proposed heritage areas. The American Heritage Areas Program under consideration today would extend national preservation efforts in a new cost effective manner and would assure that new heritage areas or corridors will have been properly reviewed.

The text of the bill we are considering today incorporates the consensus I have reached with various parties on these issues. The bill defines an American Heritage Area and lists the criteria for designation. Designation will require an act of Congress after an entity requesting designation has submitted a feasibility study and compact approved by the Secretary. Proposed areas may qualify for limited technical and financial assistance before designation, and after established, heritage areas may receive technical and financial assistance for the purpose of developing and implementing a comprehensive management plan. The bill also provides for the withdrawal of designation if the Secretary determines that the area no longer meets the criteria.

The legislation states minimum criteria for recognition of a management entity to administer an individual heritage area, prohibits the use of Federal funds received through this act for the acquisition of property, and limits a management entity's eligibility to receive Federal funds for 10 years, with an additional 5 authorized if the Secretary approves. Other Federal agencies are required to coordinate their activities within a designated heritage area to the extent possible.

Authorization for specified activities within an area are limited as follows:

A maximum of $100,000 for feasibility studies, $150,000 for compacts, $150,000 for management plans, and $250,000 for early actions. All of the preceding must received a 25-percent match, and the total annual funding for all such assistance is limited to $10 million.

Management entities may receive up to $250,000 annually, but must provide a 50-percent match for Federal funding for this purpose.

Technical assistance provided by the National Park Service is limited to $150,000 annually for each American Heritage Area. Such assistance is defined as guidance, advice, help, or aid, other than financial aid. Services procured from the private sector by a management entity using funds provided under the American Heritage Areas Partnership Program are not considered technical assistance. Only that assistance provided by the employees of the Department of the Interior will be counted as technical assistance for the purposes of this program.

For grants to assist in implementing management plans, the bill provides $25 million annually, with no one area eligible to receive more than 10 percent of the annual appropriation for this purpose, and with the conditions that the area must provide a 50-percent match, and that no area may receive more than $10 million for this purpose in total.

H.R. 5044 authorizes the program for 25 years, and states that this act does not affect existing authorities for established heritage areas.

Questions were raised during our discussions on heritage areas about certain provisions, and I would like to take this opportunity to set the record straight on a few issues.

This is not a Federal land grab. These areas will be established as the result of local initiative; heritage area designation will require initial nomination by local groups and a demonstration of strong commitment by local and State entities. Furthermore, the bill expressly forbids the use of Federal funds to acquire property. Finally, section 110 underscores the fact that nothing in this act shall be construed to enlarge, diminish, or modify any current authority under Federal, State, and local law to regulate land use. Land use plans for a designated area may be adopted and implemented by local governments or those entities authorized by State law to exercise such authorities concerning private property use. While State and local governments may choose to adopt land use plans and regulations in support of American heritage areas, nothing in this bill requires such action, nor does this bill grant such authority to management entities. Zoning regulations are not affected by this act and remain under the jurisdiction of State and local governments. No new authorities, including the authority to impose or enforce new Federal regulations, are included or anticipated.

The bill does direct other Federal entities to consult with the Secretary and to coordinate their activities within an American heritage area to the extent practicable. Such agencies are to conduct activities within a designated American heritage area consistent with the management plan unless the Federal entity determines that there is no practicable alternative.

This requirement does not subordinate other Federal agencies to the Secretary of the Interior. The affected Federal entities may take such actions as they deem necessary regardless of the Secretary's approval. This provision merely requires appropriate coordination to eliminate wasteful duplication of efforts and to minimize the impacts of actions which may adversely affect the resources contained in the American heritage area. This language was suggested by OMB, which coordinated discussions with other Federal agencies, and is supported by the administration.

Finally, the funding levels prescribed by the bill were those suggested by the administration. This is a program designed to minimize the Federal Government's direct involvement in American heritage areas. Matches are required for each category of Federal funding, and there are conditions placed upon the future uses of projects completed with Federal funds. There is an overall cap on spending for each American heritage area, and Federal funding is limited to 10 years for each area, with a 5-year renewal subject to certain conditions.

As Members know, there have been many requests for funding through the appropriations process, and we are seeing more and more Members seeking park designation for such areas which are not really appropriate for inclusion in the National Park System. This program, and the level of funding associated with it, are designed to encourage this limited approach instead of continuing the earmarks and park designations now consuming so much of the National Park Service budget. I believe the funding contained in this bill provides an appropriate incentive for areas which seek Federal funding while limiting Federal involvement in these initiatives.

Mr. Speaker, Americans are increasingly interested in conserving and preserving natural areas and cultural symbols. There is also an increased understanding that resource preservation and economic viability are not mutually exclusive but compatible and mutually enhancing. Obviously, the National Government can neither own nor manage each property or area worthy of preservation. In these active communities containing a variety of resources, multiple management and funding sources would be the most appropriate method of preserving and interpreting the nationally important resources and themes.

I believe H.R. 5044 provides national encouragement for protecting these assets without instituting a massive new Federal bureaucracy or providing significant Federal funding. The Federal Government will neither own nor manage the resources assembled in these areas. These are dynamic, thriving communities, which with the assistance of the National Park Service will maintain an appropriate balance between preservation and growth.

INDIVIDUAL DESIGNATIONS

While H.R. 5044 establishes an American Heritage Areas Partnership Program, and specifically a process by which heritage areas could be nominated and designated American heritage areas, we are providing for the designation in this bill of certain areas as American heritage areas.

Many local groups have already begun working to complete studies and nominations pending the enactment of generic heritage area legislation. Some of these attempts have been underway for some time and there have been concerns expressed by supporters that delays may endanger the resources contained in the proposed areas and disrupt the coalitions formed to assist these projects. To avoid uncertainty and unnecessary delays, I have agreed to consider several of these proposals. These proposals have all been heard by the Subcommittee on National Parks, Forests and Public Lands and have been tailored to the provisions of the generic legislation to the extent possible.

AMERICAN COAL HERITAGE AREA

The section designating the American Coal Heritage Area includes provisions of two bills: H.R. 3988, The West Virginia National Coal Heritage Act of 1994 introduced by Representative RAHALL on March 9, 1994, and H.R. 4692, the Appalachian Coal Heritage Act of 1994 introduced by Representative BOUCHER on June 30, 1994. These bills concern contiguous coal mining communities in southern West Virginia and in southwestern Virginia, including Pocahontas, Virginia, and Bramwell WV, towns on either side of the State line that grew up around the Pocahontas Coal Mine. The Subcommittee on National Parks, Forests, and Public Lands held a hearing on the Rahall and Boucher measures on July 28, 1994.

The Pocahontas Coal Mine opened in 1882, changing forever the corner of Appalachia at the Virginia/West Virginia State line. Local architecture reflects the migration to this area of Hungarian, German, and Welsh workers, along with others, near the turn of the century.

The West Virginia mining conflicts of the first decades of this century pitted workers and their families against not only mine owners but also against the U.S. Army, providing a significant, if dark, chapter in the history of the labor movement and Appalachia. The best known of these incidents are the battle of Matewan and the battle of Blair Mountain.

Section 201 of H.R. 5044 authorizes the establishment of the American Coal Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of Title I.

AUGUSTA CANAL AMERICAN HERITAGE AREA

The section designating the Augusta Canal American Heritage Area incorporates many of the provisions of H.R. 2949, introduced by Representative JOHNSON of Georgia on August 6, 1993. The Subcommittee on National Parks, Forests, and Public Lands held a hearing on H.R. 2949 on June 28, 1994.

The Augusta Canal in Augusta, GA, was constructed in 1845 to transport cotton from its source to downtown Augusta, prompting the construction of several textile mills in the city, and the subsequent rise of the area as a center of cotton manufacturing in the South. In 1875, the canal was expanded, bringing new economic and social vitality to the city. The canal, a national historic landmark, remains intact along with much of its associated historic, cultural, and natural setting in the adjacent industrial area, an example of 19th century Southern industrial development.

The Augusta Canal Authority, established by the General Assembly of Georgia in 1989, has prepared the Augusta Canal master plan with funding from the State of Georgia, the city of Augusta, Columbia County, and the U.S. Departments of Transportation and Interior. The plan identifies actions to preserve and interpret the canal and related resources, while also proposing strategies to extend the influence of the canal and its setting to enhance the natural and urban environment of Augusta.

Section 202 of H.R. 5044 authorizes the establishment of the Augusta Canal American

Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Augusta Canal Authority is identified as an appropriate management entity, and the area will be managed pursuant to the provisions of title I.

CANE RIVER AMERICAN HERITAGE AREA

The section designating the Cane River American Heritage Area incorporates many of the provisions of S. 1980, introduced by Senator JOHNSTON on March 24, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on S. 1980 on July 28, 1994.

The Town of Natchitoches, LA, is the oldest permanent settlement within the Louisiana Purchase territory, and was the site of the western-most fort of the French Empire, Fort St. Jean Baptiste. In 1767, this part of the French Empire was ceded to Spain. The subsequent conversion of the frontier economy to an agricultural economy led to the development of a plantation economy based on slave labor. In 1803, this area was ceded back to France, and shortly thereafter the Louisiana Purchase gave jurisdiction over the area to the United States.

The early years of French and Spanish domination, and the relative isolation of the area, left a lasting legacy in Natchitoches Parish. One aspect of this multi-cultural history was the development and nurturing of a unique culture on Isle Brevelle, the Cane River creoles of color, a distinct community which exists today. Nearby Cloutierville retains its French small village flavor, and the life and folkways of the town were the basis for many of the fictional writings of Kate Chopin, who lived there between 1879 and 1884.

A congressionally directed National Park Service special resource study completed in 1993 found several resources within the Cane River study area nationally significant, and recommended an approach which would combine National Park Service management of certain specified properties with a heritage partnership framework for the larger area. Section 203 of H.R. 5044 authorizes the establishment of the Cane River American Heritage Area upon publication of a notice in the Federal Register that the Secretary has approved the compact. The Secretary is authorized to designate a coalition of listed representatives as the management entity for the area, which will be managed pursuant to title I.

ESSEX AMERICAN HERITAGE AREA

The section designating the Essex American Heritage Area incorporates many of the provisions of H.R. 1685, introduced by Representative TORKILDSEN on April 2, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 1685 on June 28, 1994.

Essex County in Massachusetts contains historic, cultural, and natural resources reflecting the themes associated with Salem Maritime National Historic Site, including the history of early settlement, maritime trade, and textile and leather industries. In 1987, the city of Salem, MA, contracted for the development of a "heritage park" plan to link the Salem Maritime National Historic Site more closely with the surrounding communities. The resulting Salem partnership, including representatives from the National Park Service, local government, and the private sector produced an action plan to promote rehabilitation and expansion of the Salem Maritime National Historic Site and improvements in the city's other historic resources and visitor services.

In 1990, the National Park Service produced a study of alternatives ranging from rehabilitation of Salem Maritime NHS to a county-wide system of historic sites with several adjunct visitor centers and county-wide interpretive themes. The Essex Heritage Ad Hoc Commission, consisting of mayors of the towns in Essex County, representatives of private interests, and residents, was formed, and along with the Salem Partnership is proceeding with implementation of the countywide preservation and promotion aspects pending legislation authorizing the Essex American Heritage Area.

Section 204 of H.R. 5044 authorizes the establishment of the Essex American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

Because the proposed Essex American Heritage Area contains two National Park System units, Saugus Iron Works National Historic Site and Salem Maritime National Historic Site, it is expected that park operations will be closely coordinated. In particular, Salem Maritime National Historic Site will plan an important role in visitor orientation and interpretation of the related themes in the surrounding heritage area.

HUDSON RIVER VALLEY AMERICAN HERITAGE AREA

The section designating the Hudson River Valley American Heritage Area incorporates many of the provisions of H.R. 4720, introduced by Representative HINCHEY on June 30, 1994. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 4720 on July 28, 1994.

The Hudson River Valley embraces natural, historic, cultural, and recreation resources between Troy, NY and the border of New York City representing themes of settlement and migration, transportation, and commerce. The Hudson River Valley Greenway, created by the State of New York, creates a framework for voluntary regional cooperation in the 10 counties of New York's Hudson River Valley, emphasizing both environmental protection and economic development. The State of New York has established a structure in which the communities in the Hudson River Valley may join together to preserve, conserve, and manage these resources, and to link them through trails. The National importance of the resources contained in the valley, as well as the scope of the greenway project indicate that Federal participation in development and preserving the resources could be appropriate.

Section 205 of H.R. 5044 authorizes the establishment of the Hudson River Valley American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Hudson River Valley Greenway Communities Council and the Greenway Conservancy are identified as appropriate management entities, and the area will be managed pursuant to the provisions of title I.

OHIO & ERIE CANAL AMERICAN HERITAGE AREA

The section designating the Ohio & Erie Canal American Heritage Area incorporates many of the provisions of H.R. 3593, introduced by Representative REGULA on November 20, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3593 on April 26, 1994.

In fiscal year 1991, Congress appropriated funds for a National Park Service study of the Ohio & Erie Canal corridor. That study, released in September 1993, found the area suitable for designation as an affiliated area of the National Park System. Its purpose would be to preserve the canal, the first inland waterway link between the Great Lakes and the Gulf of Mexico, and to Chronicle the evolution of transportation systems in America.

Section 206 of H.R. 5044 authorizes the establishment of the Ohio & Erie Canal American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The Secretary is authorized to recognize a coalition of specified representatives as the management entity, and the area will be managed pursuant to the provisions of title I.

SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA

This section authorizes the establishment of a Shenandoah Valley Battlefields American Heritage Area, which incorporates some of the provisions of H.R. 746, the Shenandoah Valley National Battlefields Partnership Act of 1993, introduced February 2, 1993 by Congressman WOLF, and its companion, S. 1033, which was passed by the Senate on June 8, 1994.

The Shenandoah Valley of Virginia was the site of 326 armed conflicts during the Civil War, 15 of which were battles of major significance. The valley's position enhanced its strategic significance in the war; it is defined at its northern end by the first range of the Allegheny Mountains, separated from the Virginia Piedmont by the Blue Ridge Mountains and divided in the middle by the large and complex ridge of Massanutten Mountain.

Two significant Civil War campaigns took place in the Shenandoah Valley. In 1862 Stonewall Jackson brought 17,000 confederate troops into the valley and, using his detailed knowledge of the valley's topography, rivers and road, bested three Union armies of twice the manpower, forcing the Union to divert troops from the confederate capital at Richmond, which had been at risk from the growing Union presence outside of town.

In 1864, Union General Sheridan attacked from the north, devastating the confederate troops commanded by Jubal Early, and burning the valley's farms and mills along the way, disrupted the food supply. The campaign concluded with a decisive Union victory at Cedar Creek that served to build public confidence in the White House in the month before Lincoln's reelection.

In 1990, Congress authorized a National Park Service study of the Civil War battlefields of the Shenandoah Valley. The report identifying the resources was issued in September 1992. In September 1993, the National Park Service issued a followup report recommending the creation of a heritage area to protect and interpret these resources.

Section 207 of H.R. 5044 authorizes the establishment of the Shenandoah Valley Battlefield American Heritage Area upon publication

in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

STEEL INDUSTRY AMERICAN HERITAGE AREA

This section authorizes the establishment of the Steel Industry American Heritage Area in southwestern Pennsylvania centered around the city of Pittsburgh. It contains elements of H.R. 3144, the Steel Industry Heritage Project, introduced by Representative COYNE on September 28, 1993.

Southwestern Pennsylvania was a center of activity during the Industrial Revolution and the steel industry of that region played a key role in the establishment in the 1920's of the preeminence of the United States in mass production industries. It also gave occasion for a new chapter in the history of the labor movement, spawning such labor organizations as the Congress of Industrial Workers and the United Steel Workers of America. It attracted immigrants whose culture became a part of the region's heritage, and shaped settlement patterns across six counties, including the city of Pittsburgh.

In 1988, as a part of the Southwestern Pennsylvania industrial Heritage Preservation Commission's enabling legislation (PL 100–698), Congress authorized the Commission to conduct a study of the Greater Allegheny and Washington Counties/Mon Valley area, in coordination with the Pittsburgh Area Steel Industry Heritage Task Force. The study, which was completed in March 1993, recommends the establishment of a steel heritage area, to be carried out under cooperative management.

Section 208 of H.R. 5044 authorities the establishment of the Steel Industry American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I.

VANCOUVER AMERICAN HERITAGE AREA

This section authorizes the establishment of the Vancouver American Heritage Area in Washington State, incorporating aspects of H.R. 4607, the Vancouver national Heritage Area Partnership Act of 1994, introduced on June 21, 1994, by Congresswoman UNSOELD.

Vancouver, Washington's location on the Columbia River has played a part in several chapters of U.S. history. Fort Vancouver, established in 1825, was the regional headquarters of the Hudson's Bay Co. Vancouver Barracks has served the U.S. Army from the mid-1800's. Officer's Row, an avenue of historic homes, housed top military leaders for over 100 years. Pearson airpark, now a general aviation airport, played a role in the development of aviation.

Congress passed a law in 1948 to establish the Fort Vancouver National Monument, and in 1961 redesignated it the Fort Vancouver National Historic Site. Because nearly all of the fort's structures were destroyed within 6 years of its abandonment by the Hudson's Bay Co. in 1860, the site comprises reconstructed structures based on archeological data.

Next to Fort Vancouver is Pearson Airpark, including an aircraft museum. In 1972 the National Park Service paid over $500,000 to acquire from the city of Vancouver a portion of the runway and other land serving Pearson Airpark. The general management plan for the fort provides for the acquired lands to eventually be open space with plantings compatible with the fort. Use of this land for airport operation has been an ongoing matter of concern and discussion and is one of the aspect the bill seeks to address.

In November 1990, Congress established the Vancouver Historical Study Commission to study the feasibility of establishing a historical reserve to preserve and protect the area's special resources (P.L. 101–523). The study was completed in April 1993, and found the establishment of a partnership to preserve Vancouver's resources both feasible and suitable.

Section 209 of H.R. 5044 authorizes the establishment of the Vancouver American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The areas will be managed pursuant to the provisions of title I. In addition, the bill provides for the phasing out of general aviation at Pearson Airpark by 2022.

WHEELING AMERICAN HERITAGE AREA

The section designating the Wheeling American Heritage Area incorporates many of the provisions of H.R. 2843, introduced by Representative MOLLOHAN on August 3, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2843 November 16, 1993.

Wheeling, WV became a center for transportation and industry in the first half of the 19th century. Serving as the western terminus of the National Road in the early 1800's as well as one of the few major inland ports, Wheeling was home to developing industries such as coal, iron and steel, tobacco, glass, china, title, and boat building. The resources remaining in Wheeling illustrate and interpret transportation and industrial themes in America's development.

Since enactment of Public Law 100–121, the fiscal year 1990 Interior and related Agencies Appropriations Act, which appropriated funds for a study, the National Park Service has been working with the city of Wheeling and the State of West Virginia to evaluate the city's resources and develop a plan for the preservation, promotion, interpretation, and development of these resources. In August 1992, all parties approved a plan which calls for the establishment of the Wheeling National Heritage Area.

Section 210 of H.R. 5044 authorizes the establishment of the Wheeling American Heritage Area upon publication in the Federal Register that the Secretary of the Interior has approved the compact. The area will be managed pursuant to the provisions of title I, and funding for the Wheeling American Heritage Area will be limited to $5 million for capital projects, $1 million for planning, and $500,000 for technical assistance. Both capital projects and planning require a 50-percent match for Federal funds.

OHIO RIVER STUDY

The section directing a study of the Ohio River corridor incorporates many of the provisions of H.R. 2095, introduced by Representative HAMILTON on May 12, 1993.

The Ohio River flows through six States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archaeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas. Section 301 of title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating this section of the Ohio River as an American Heritage Area.

FOX AND LOWER WISCONSIN RIVER STUDY

The section directing a study of the Fox and Lower Wisconsin River corridor incorporates many of the provisions of S. 344, introduced by Senator KOHL on February 4, 1993, and approved by the Senate on March 17, 1993.

The Fox-Wisconsin Waterway, the discovery route of Marquette and Joliet, connects the Great Lakes and the Mississippi River, was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and in providing a vital communication link for early explorers, missionaries, and fur traders. Section 302 or title III directs the Secretary of the Interior to complete within 2 years a study of the feasibility and suitability of designating the Fox and Lower Wisconsin River corridors as an American Heritage area.

SOUTH CAROLINA CORRIDOR STUDY

The section directing the National Park Service to cooperate in a study of the South Carolina corridor incorporates many of the provisions of H.R. 4330, introduced by Representative DERRICK on May 3, 1994.

More than 250 miles in length, a corridor stretching from Charleston, SC, to Oconee County in the upcountry possesses a diversity of significant natural, historic, and cultural resources related to past and current commerce, transportation, mining, cattle, pottery, and national defense industries in the region providing significant ecological, natural, tourism, recreational, timber, management, educational, and economic benefits. Section 303 of title III directs the Secretary to cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the feasibility and suitability of designating the South Carolina corridor as an American Heritage Area.

NORTHERN FRONTIER STUDY

The section directing a study of the struggle for American independence within the northern frontier incorporates many of the provisions of H.R. 79, introduced by Representative BOEHLERT on January 5, 1993.

The Northern Frontier, comprising the Mohawk Valley in the State of New York and the country of the Six Nations—Iroquis Confederacy—was extremely valuable to both sides of the American Revolutionary War, as well as for the establishment of the Northern Indian Department there. Section 304 of title III directs the Secretary to complete within 2 years a study of the suitability and feasibility of designating the Northern Frontier as an American Heritage Area.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

The title amending the Blackstone River Valley National Heritage Corridor establishment incorporates many of the provisions of H.R. 2633, introduced by Representative NEAL

of Massachusetts on July 14, 1993. The Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 2633 on April 26, 1994.

The Blackstone River Valley National Heritage Corridor was established by Public Law 99–647 in 1986 to preserve and interpret the nationally significant resources of the corridor associated with the American industrial revolution. The corridor consists of the 46-mile segment of the Blackstone River running from Worcester, MA to Providence, RI, and includes 20 communities in two States. The 19-member Blackstone River Valley National Heritage Corridor Commission was established by Public Law 99–647 to develop and implement a plan for preserving and interpreting the corridor's resources. The Blackstone River Valley cultural heritage and land management plan was approved by the Secretary of the Interior in June 1990, and the Commission is slated to terminate in 1996. The establishing act authorized $250,000 annually for the Commission with the Federal contribution not to exceed 50 percent of the costs of the Commission's operation.

Public Law 101–441, enacted in 1990, authorized the Secretary to provide limited financial assistance for qualified projects within the corridor. The Federal contribution for such projects was limited to 50 percent, and the Secretary was required to give consideration to projects providing a greater leverage of Federal funds. Public Law 101–441 also authorized $350,000 annually for the Commission's operations and $1 million annually for fiscal years 1991–93 for the financial assistance authorized by the act.

Title IV of H.R. 5044 revises the boundaries of the Blackstone River Valley National heritage corridor to include five additional communuities—Worcester and Leicester in Massachusetts, and Burrillville, Gocester, and Smithfield in Rhode Island, and specifies the revision of the cultural heritage and land management plan accordingly. The bill extends the Commission for an additional 7 years, and increases the authorization for funding for the Commission's operation to $500,000 annually. This title also authorizes an additional $5 million for development and interpretive materials and programs in the corridor.

BRAMWELL NATIONAL HISTORIC DISTRICT

The section directing the establishment of the Bramwell National Historic District accomplishes many of the purposes of H.R 793, the Bramwell National Historical Park Act of 1993, introduced by Representative RAHALL on February 3, 1993, in recognition of the importance of preserving, restoring, and interpreting the historical, cultural and architectural values of the town of Bramwell, WV.

SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

The provisions regarding the Southwestern Pennsylvania Heritage Area modify the original 1988 law dealing with this area to provide more accountability and control on the use of Federal funds in the area, as Federal participation in the project draws to a close over the next several years. These changes will allow work on the project to continue but limits the overall scope and involvement of the Federal Government to the minimum necessary to complete the work underway in the area.

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

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

Mr. Chairman, this is not the first time we have looked at this particular piece of legislation. As many Members know, it was defeated on suspension just a few days ago. Since that time, there have been some modifications to the bill which many people have found objectionable. I am sure we can overcome many of those today as we move forward with this.

It is an interesting piece of legislation because it is a way that we work into parks that we have not done in the past. We find ourselves now coming up with a new provision, a new designation for what a park would be. These are scattered from one coast to the other and many Members are very interested in them. I think the gentleman from Ohio said it well when he talked about many people cannot go out to the Yellowstone and the Zion and the Bryce and the Grand Canyon but they can walk into these heritage areas. They can feel it, they can see it, they can have an experience with their family that they have not had in the past.

The gentleman from Minnesota [Mr. VENTO], the chairman, has worked very diligently to work out something that would come about for many of us. We have lowered the amount of money so it would not be financially such a burden. We have changed some of the areas around so that it will fit.

Private property is always a hang-up for us in this particular area. No one feels stronger about it than I do. I come from the West where people come in on wetland issues and endangered species issues and many of our people lost their shirts. They have owned it for 4 and 5 generations and someone comes along. I worked with the gentleman from Louisiana [Mr. TAUZIN] during the California Desert protection bill on coming up with a reasonable piece of legislation, and I think everybody in this House realizes that we will have to face that uncomfortable position of facing what we are going to do on endangered species and what we are going to do on wetlands, and I urge that this body bring this up next time that we can discuss those things.

Today basically I think we have a good piece of legislation, one we should agree on. We should get it out and try this experience of working on a heritage area that the people of America can enjoy.

Mr. Chairman, I would be remiss if I did not say I do harbor in my heart the feeling of where are we going to get the money to take care of these things. Hopefully as the gentleman from Ohio pointed out, much of this will be done by people themselves who will cut the brush and work it out and make these things work, because the Federal Government is robbing the money on our national parks and we do not have that money at this time. Therefore, I commend my friend from Minnesota. I hope we can get this bill through at this particular time. I do not know anyone who has worked harder on it and we have had more hours of discussion, some of it very strong, some of it working out compromises. Let us hope today we can resolve this bill. I would urge my colleagues on both sides of the aisle to support this piece of legislation.

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

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. HINCHEY], who has been my coworker in terms of this matter. I commend him. I thank him for his help and appreciate his good work.

Mr. HINCHEY. Mr. Chairman, first of all, I want to express my appreciation to the gentleman from Minnesota [Mr. VENTO], the chairman, for the hard work he has done on this very important piece of legislation, a piece of legislation which is critical to the preservation of our national historical heritage. Let me try to explain here in a couple of minutes what we are trying to do with the American Heritage Partnership Act.

What we are trying to do is to conserve and protect places that are meaningful and valuable to our country and to our country's people. I hope that all who are present today, even those who are speaking against this bill, recognize that there are such places, and that they deserve our attention. Congress has been acting to protect them since Yellowstone National Park was established in 1872.

But we are not trying to establish a new chain of national parks in this bill. Far from it. We are trying to establish a new model for conservation and protection. The Federal Government would not own land. It would not manage land. It would not control land. Instead it would work in cooperation with property owners and with local communities who want to protect the special places where they live. If they do not want any of that help, it will not be forced upon them. But if they do want it, and I believe almost all of them will, it will be available. What we are proposing in short is a cooperative relationship.

It is sad to see the cooperation characterized as an attack on property owners, since almost all private property owners depend on cooperative relationships every day to protect their property. We depend on the cooperation of our neighbors, and we depend on the cooperation of our local governments. Many property owners depend on the cooperation of the Federal Government, too. I was quite surprised to hear that some people who say they want to protect property rights objected to the bill on grounds that it

might put an obstacle in the path of other Federal agencies that want to run a road through someone's private property or put a military installation or waste depot near it. We are trying to help prevent unwanted Federal intrusions.

This bill will protect the rights of property owners against unwanted Federal activities. I am a property owner myself and my property is located in one of the heritage areas this bill would designate. If I thought for a second this bill would take away my rights as a property owner or any of my neighbors' rights, I would not be supporting it. But I know that it does not take away those rights. It enhances those rights. It enhances those rights because it would help protect some of the places that make my community a special place. It will invite my neighbors to join in that effort, so that we can decide what deserves and needs to be protected.

If you are skeptical about how such efforts can protect property rights, read the real estate ads. When they say "located in historic district" or "backs up to parkland," they mean it as a plus.

That is not to say that this bill is about real estate values, because it is not. But it is about what we jointly value in the land, its beauty and its history. Although I believe it will promote the private economy, and I have the support of many private owners in the Hudson Valley who back me up on that, its chief purpose is to protect our common inheritance, our common national heritage.

I understand that the gentleman from Alaska [Mr. YOUNG], our colleague, may raise the issue today of the rights of some people who are not necessarily private property owners, people who often use the land of private property owners for recreation. I am speaking specifically of hunters, fishers and trappers. I welcome the opportunity to say that I want to protect their rights, too. This bill as written would have no effect on their rights, but I would be glad to join the gentleman from Alaska [Mr. YOUNG] in clarifying that point. I hope that today's defenders of private property rights will not argue that they, the hunters and the fishermen, should lose their access to private property. We do not want that to happen. We want to protect it. We do not intend that.

Mr. Chairman, this is a bill that is designed to promote and enhance the national heritage by promoting it and enhancing it in discrete places around the country. It is a very important piece of legislation, and I hope that all of us will join together in defeating the amendments and passing the bill.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. SMITH], a very important Member of our committee.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it is interesting how people can read legislation and come up with almost opposite points of view. I think that is the case here.

We have heard a lot from the chairman about trying to deflect this question of private property rights in this bill, saying, "Well, if we protect private property rights, we ruin the bill." Yet on the other hand we have heard people say, "This does not apply to private property rights." I guess the obvious question would come, then: If it does not affect private property rights, why not accept the Tauzin amendment? Yet if you accept the Tauzin amendment, the chairman says it will kill the bill. This is very confusing to me.

I would suggest for safety's sake, if you are interested in private property rights, accept the Tauzin amendment and, therefore, you have done so. Whether or not one individual's private property right is affected or is not, I have heard that one person has private property in a heritage area; it is not affecting his. Yet the rest of us in the United States are quite concerned about this issue, and if we are concerned, let us put a little safety factor in here. Let us say private property rights are protected and then go ahead.

Nobody is suggesting here that we eliminate the rights of counties and of cities and jurisdictions to set aside heritage areas. Nobody is suggesting that.

□ 1220

We do know, however, that we have overexposed ourselves in the National Park Service. In the last 2 years the Natural Resources Committee, on which I serve, has offered up over $2 billion of new parks. We are $9 billion behind in financing parks. And by the way, every dollar we take for heritage areas we take out of the National Park Service budget.

The chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], has arrears of over $13 million on parks. He is going to drag money for heritage areas, a new program for America, and subject his parks to continuing underprovision, underfinancing, as is everybody in America who has a national park. Remember, this is an end run on the National Park Service program.

I have heard that this is going to be no mandate to counties. My goodness, the Federal Government is only helping us here, helping us out. How often have we heard the Federal Government is helping without controlling? The Secretary of the Interior controls this bill. Read it. Read it.

By the way, if it is such a great deal for counties, why does the National Association of Counties oppose this bill? Because they do not like unfunded mandates. This is another unfunded mandate upon counties of America. They oppose it.

Listen to who else opposes it: the home builders, realtors, small business, farmers, cattlemen. They all support the Tauzin amendment; all oppose this bill as written.

I suggest, folks, that we oppose this bill unless the Tauzin amendment and my amendment passes a little later on.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL] who is one of the advocates of the Blackstone River Corridor which is being expanded in this measure.

Mr. NEAL of Massachusetts. Mr. Chairman I rise in strong support of H.R. 5044, the American Heritage Areas Act of 1994. Through its partnership program, this legislation provides a unique opportunity to preserve and protect important historical and cultural sites of national significance.

This legislation does not in any way threaten private property rights. Inclusion in a heritage area is voluntary. Moreover, the Secretary has no authority to modify or add to existing State and local land use regulations.

Local communities and businesses, along with historic and environmental groups, work together with the National Park Service through a commission to manage, develop, and preserve the unique characteristics of a heritage area. The legislation requires A 1:1 match of Federal dollars with non-Federal dollars.

A fine example of how successfully the Heritage Program works is the Blackstone River Valley National Heritage Corridor, part of which is located in my district in Massachusetts.

The Blackstone River runs 46 miles from Worcester to Providence and is considered the birthplace of the American Industrial Revolution. To appreciate the importance of this event, you have to understand that in the 1790's, even after we had won the Revolutionary War, America was still dependent on England for clothing. In 1793, Samuel Slater built the first mill that successfully used waterpower from the Blackstone River to spin cotton. This revolutionary method of using water power spread quickly throughout the valley and the rest of New England, changing our economy and society forever. If you go there today, you can feel our Nation changing from the pre-Revolutionary War farming-based economy to the industrial society that is still the basis of our Nation.

The Blackstone Corridor is a model for heritage areas. Its success is due to the solid support and enthusiasm it receives from local groups. For every Federal dollar spent on the Blackstone Corridor, 3 non-Federal dollars are attracted.

Despite its remarkable accomplishments there remains much to be done

in the Blackstone Corridor to secure its future as an integral part of our American history.

Time and economics have moved the economic engine of America elsewhere. But the Blackstone Valley today provides a unique and irreplaceable way for generations of Americans to see how it all began. To let this resource slip away would be a great tragedy.

The American Heritage Areas Act provides a cost-effective and proven way to promote historical preservation and environmental conservation of nationally significant sites. Without this legislation, these sites could be irreparably destroyed and their importance to our American history and culture lost forever.

I strongly urge you to support this legislation, H.R. 5044.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], a gentleman who has worked so very diligently on this bill.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman for yielding me the time and commend both the chairman of the committee and the ranking member for their work in getting this bill to the floor.

Mr. Chairman, I rise in strong support of H.R. 5044, the American Heritage Areas Partnership Act of 1994.

This bill establishes a framework by which heritage areas throughout the country can be created and designated. One area being considered for designation today, the Essex County Heritage District in Massachusetts, is truly unique in its wealth of historical sites and structures. As one of the earliest landing sites of European colonists, Essex County contributed to and witnessed much of our Nation's history. Throughout America's early development, towns throughout the county played important roles in early settlement, the establishment of the United States as a maritime power, and the emergence of the Industrial Revolution, especially in the textile and leather industries.

Essex County also has the highest concentration of first period homes in our country. The sheer number of historical buildings in this region, along with the historical significance of these structures, offers a unique opportunity to educate future generations about how this Nation was settled and developed.

Designation of the Essex Heritage District will help in the coordination of two national park historic sites, 23 national historic landmarks, and numerous other resources listed on the National Register of Historic Places, all located in this area. Enthusiastic local support for this designation has helped drive this legislation to the floor. The people of Essex County want this bill and want to be involved.

As a strong and consistent supporter of the rights of people to own private property, I would not support this bill if its passage would result in a land grab by the Federal Government. I support the strong language included in the bill to protect the rights of private land owners. I also support many of the reasonable amendments being offered today designed to clarify any perceived problems arising from this legislation.

This bill does not constitute a property rights crisis. It is locally driven, locally managed, and filled with private property protections. I strongly urge my colleagues to support H.R. 5044 because of its importance for the protection of valuable and irreplaceable historical resources throughout the country. America has an important story to tell. Allow us to tell it.

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

Mr. TORKILDSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman makes a very important point, and that is that this bill forbids the Federal Government from spending any dollars on the land or having any ownership. Any grants will be controlled by the local level and the local zoning authorities that exist. It is a very, very important point. The management entities are set up as a result of local governments coming together to exercise their lawful powers.

Mr. TORKILDSEN. I thank the chairman for mentioning that, and thank him for clarifying that language so that we would keep this as a local control issue without the Federal Government taking property.

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time. Again I want to reiterate my support for the general purposes of this bill, but my support conditioned upon the passage of very vitally necessary property rights amendments to the bill that I will offer along with the gentleman from Minnesota [Mr. GRAMS], in just a little while. The amendments we will offer are supported by the National Association of Realtors, the National Association of Home Builders, the National Federation of Independent Businesses, the National Cattlemens Association, the Farm Bureau, and the National Wetlands Coalition.

□ 1230

Why have these six major groups come forward to say, "We support the Tauzin-Grams voluntary landowner consent amendment and oppose the Regula amendment that will take that amendment out of our en bloc amendment?" Why have they come forward?

Well, I think the statement of one of my good friends made earlier today on the floor makes the point for me. Our good friend from New York talked about hunters and fishermen, hunters and fishermen. You will not find a bigger hunter in this Chamber than the gentleman in the well. I love to hunt. Most of my people do. But I cannot conceive of allowing someone to come hunt on my property without my consent. Landowner consent is critical.

Can you imagine people showing up on your property with guns and rifles without your consent?

Someone said this bill is voluntary. It is not voluntary until you pass the Tauzin amendment without the Regula amendment.

Do you want to make it voluntary? Do you want it to be voluntary? You support the Tauzin en bloc amendments. Because we will make it voluntary on landowners.

You see, we are playing with words a little bit here. It is voluntary on government, yes, to impose these regulations. It is voluntary on government, yes, to subject your land to these new regulations. It is voluntary on government to say there will be a greenway, a path, a trail, a bike trail on your property without your consent. But it is not voluntary on your part.

I am going to give you one of the best reasons to vote for the Tauzin amendment, even if you are not yet persuaded, as I hope you are, just thinking about hunters on your property without your consent. If you are not yet persuaded, and you want to protect your local governments from lawsuits, you had better support the Tauzin amendment. The bill we are talking about is a bill about greenways and pathways and bike trails. That is right.

Go check the Supreme Court decision just this year on Dolan versus the City of Tigard and find out that city was sued successfully because the government in that city imposed an obligation on a landowner to create a bike path and a greenway without that landowner's consent and without compensation. Do you know what happened in that case? The Supreme Court said the fifth amendment protection against taking property for public purposes without just compensation applied as surely and as strongly as free speech did in America, and it ordered that city to pay that family damages for what they did in those regulations. If you do not want hunters on your property without your consent, you had better pass the Tauzin amendment to guarantee landowner consent. If you want to protect property rights in America, you need to make sure landowners consent to these new regulations.

If you do not want to guarantee landowner consent, I will offer you a second choice, and that will be a compensation amendment, the same kind we passed in the Desert Protection Act.

I want to draw one final distinction for you. I want you to notice we did not offer a compensation amendment on the Headwaters Forest Act. Do you

know why? Because the authors there agreed to landowner consent in the takings; in that bill, landowners' consent, no compensation required. In this bill, if you pass landowner consent, we protect property rights. If you do not, we will have to provide for compensation, or the cities and counties will be sued. Mark my word and the word of the Supreme Court.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to express my strong concern with this legislation, primarily about property rights.

But there is another concept that has been talked about here recently. The two gentlemen from Massachusetts talked about what is being done in their State and talked about the farm he visited.

It is possible to have set these aside by using local government, by using State government, by using private. Everything in the world does not have to be run by the Federal Government.

I am especially concerned about the potential in this bill to infringe on the rights of private property owners across the country. This measure places a Federal boundary around millions of acres of private property and allows the Secretary to dictate how these areas will be managed. Currently the Federal Government owns about 30 percent of the land in these United States.

This legislation would expand that and provide the potential for an additional Federal control. It is time for Congress to stop attacking the rights of property owners, to step up and say no to the Federal Government bureaucrats who want more and more land across this country, no to the Federal Government intrusion on the lives of the American people.

I urge every Member of this House to support the Tauzin amendment and work to protect property rights across the country.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a strong proponent of the legislation.

Mr. SAWYER. Mr. Chairman, I rise today to thank Chairman VENTO for his fine work, and to urge the House to give its strong support to the American Heritage Areas Partnership Program.

This legislation provides the framework and management tools to bring together the full range of public and private-sector resources that projects of this kind require. Preserving areas of national significance can and should be partnership initiatives—bringing Federal, State, and local resources together with the resources and perspectives of the private sector.

This measure is particularly significant for Ohio and for my hometown of Akron. It establishes the Ohio and Erie Canal Heritage Area. This legislation will help preserve and enhance the legacy of the canal that, in large part, shaped Ohio's society and economy. This historic corridor will unite an 87-mile stretch of land and waterway—stretching from Zoar in Tuscarawas County to Cleveland at the mouth of the Cuyahoga River. As many Ohioans know, the State of Ohio owes a large part of its population pattern, its economic diversity, and its social cohesion to the economic energies unleashed by the Ohio and Erie Canal.

Just as the canal corridor provides common ground that unites Ohioans with their history, this project has united civic groups throughout Ohio. Groups that sometimes find themselves in conflict on other issues—advocates of economic development, environmental protection, and historic preservation—have come together to advocate the preservation of the Ohio and Erie Canal Heritage Area. Such preservation-minded groups as Progress Through Preservation and the Ohio Historical Society, along with environmental organizations like the Sierra Club, are united in this effort with such economic-development advocates as the Akron Regional Development Board and the Greater Cleveland Growth Association.

But support does not end there. This effort enjoys the strong backing of the business community, including such businesses as B.F. Goodrich, Roadway Services, and General Tire. This support will enhance and augment the already substantial State and local investments already made in the corridor and tie them together with the Cuyahoga National Recreation Area through which it flows.

I know it is rare that a single initiative can capture the active support from preservation and civic groups and individuals and corporations throughout an entire region. However, I also know that in Ohio the canal project has done just that.

Mr. Speaker, the Ohio and Erie Canal Heritage Area enjoys the overwhelming support of Ohio delegation. I am especially grateful to my colleague from Stark County, Representative RALPH REGULA, with whom I have worked closely to advance this project. The cooperation shown by northeast Ohio's civic groups and civic leaders in advancing this project is a testament to the versatility and energies that helped shape Ohio's history.

Mr. Speaker, I again commend Chairman VENTO for his hard work on this legislation and for recognizing the importance of these kinds of partnership initiatives that can, as Ohio has shown, bring together the finest resources that our diverse and committed communities have to offer.

I urge my colleagues to join me in supporting this important measure.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise, once again, in strong support of the American Heritage Areas Partnership Program Act, which includes, among other things, the reauthorization of the Blackstone River Valley National Heritage corridor.

As one of the very few Members of this House that represents one of these heritage areas, I want to just reiterate to my colleagues that these areas are a good idea, and a very wise use of Federal dollars.

I also want my colleagues to know that we have gone to great lengths in crafting this legislation to insure that Members' concerns over issues such as private property rights were addressed here. And they have been, in my opinion.

This bill has broad bipartisan support, as was demonstrated last week when this same bill garnered 272 votes. Unfortunately, that was just short of the two-thirds required.

Today, we have the opportunity to explore, more deeply, some of the issues that Members are concerned about, and the chance to make this an even better bill in some ways.

I simply ask my colleagues to do right by the taxpayers of this country, and take advantage of one of the very few good deals that has come along. I have said it before, the heritage area concept is a great bang for the buck, and I hope that we will have the good sense to move forward with this bill today.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Pittsburgh, PA [Mr. COYNE].

□ 1240

Mr. COYNE. Mr. Chairman, I rise today in strong support of H.R. 5044, the American Heritage Areas Partnership Act and the en bloc amendment offered by Chairman VENTO.

H.R. 5044 is a bipartisan effort to help preserve our Nation's heritage. This legislation also provides a strict criteria for judging the historical significance of projects worthy of support by the U.S. National Park Service.

H.R. 5044 includes authorization for the Steel Industry American Heritage Area which is a locally controlled effort to document and conserve the industrial and cultural heritage of southwestern Pennsylvania. The focus of this work is the Pittsburgh industrial district which emerged in the 19th century as a distinct industrial center for the production of iron and steel.

For generations of Americans, the word "Pittsburgh" has evoked images of steel mills belching smoke and producing the basic ingredient of America's industrial might. Names like Carnegie and Frick became household names because of their role in shaping

American corporate capitalism. Events like the Homestead strike also mark crucial moments in our Nation's history. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might.

H.R. 5044 as amended by the gentleman from Minnesota [Mr. VENTO] would support the ongoing effort to tell the story of America's growth as an industrial superpower to future generations. The amendment offered by Mr. VENTO does this in a fiscally responsible manner and serves to protect all private property concerns in the area.

Mr. Chairman, I urge my colleagues to support the amendment offered by Mr. VENTO.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to H.R. 5044.

By allowing the Secretary of the Interior to impose land-use restrictions on private property within these designated heritage areas without providing any compensation to the affected property owners, this bill will lead to more abuses in the historic preservation process.

I cannot understand why we are giving more control to a department where one of its own historic preservation officials said:

* * * the greatest threats to historic properties, natural resources, scenic values, and national parks come not from Federal agencies but from private parties, doing private things on private lands.

In my own congressional district, this way of thinking is being used over the overwhelming opposition of surrounding counties to declare an entire mountain a historic district. Based on claims that it is of religious significance to American Indian tribes, the keeper of the National Register of Historic Places has decided to designate 235 square miles and over 1,000 private parcels of land as a historic district.

The area in question, better known as Mount Shasta, contains no physical evidence of the activities that are being designated as historic. The reason for the designation, I believe, is primarily to halt economic development in the community.

Mr. Chairman, this bill is just another Trojan horse to restrict more of our private property rights. Vote "no" on this bill and on any amendments that further weaken private property rights. Finally, I urge your "aye" vote on the Tauzin-Grams amendment which provides private property assurances.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. JOHNSON].

Mr. JOHNSON of Georgia. Mr. Chairman, I too want to offer my congratulations and my gratitude to the chairman for his work in brining this to the floor.

You know, this has been a subject that has been discussed primarily from the standpoint of Federal control versus local control versus individual property rights. I think that is an important issue here.

I look at it from a little different standpoint, however. This is a management plan for my district that has been requested where a group of people locally are coming to Washington seeking help for the Augusta Canal. They want help in restoring a very important national resource. We are not going down there. Washington is not going down to Augusta, GA, and saying, "We want to help you." They are coming here asking for help, and they have got the plan originated and they will be managing it.

What some people in this body want to do is to tell them they cannot do that, that the way they have been operating their zoning and land use for years has to be changed. That is what the amendment is going to say.

This project, the Augusta Canal, has been generated for years by my constituents who studied the canal's historic value, developed a management plan, and then came to me to request that canal be designated a national heritage corridor.

In 15 minutes last week Washington told them "no," that they know better than what these people want.

It has been pointed out in the Augusta plan there is reference to the possibility that zoning regulations would be modified. Well, let me point out that the Augusta Canal Authority, which is a local entity, has no authority to change the zoning regulations. The Federal Government has no authority to change the zoning regulations, local land use regulations. It is all done entirely under the procedure that has been there for years and years.

What we are trying to do in some of these amendments is to change that, to exempt out certain pieces of property that will not be covered in the way it has been done before.

What I want to say is that if we follow one of the amendments, if the Tauzin amendment is adopted, what you are going to do is to change the history of land use and allow people to opt out of land use regulation locally. That is not the intent of this bill.

This is not a Federal land grab. This is an effort to help preserve national historic resources that are locally initiated and locally managed. Do not impose another Federal unfunded mandate on local Governments by adopting this amendment that is going to be offered.

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

Mr. JOHNSON of Georgia. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has put it very well. The Tauzin amendment is like throwing an anchor to a drowning man. They are having trouble getting their act together in Augusta. And if you try this out, there will be anarchy on the part of every individual landowner, who I might say will use that as a basis to justify some compensation or payment to themselves.

This would completely pull out the rug from the purposes and intent of this bill.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, it is exciting to think about the possible good that will be accomplished by passage of the American heritage areas partnership program. We can protect our heritage and at the same time protect private property rights.

Let me just give you an example of what happened in the district that I am privileged to represent.

Back in 1991, because of the budgetary problems, the State of New York was forced to close some important monuments and parks that have great significance and historical value in the central New York area. But the people responded. They would not accept it; neither would I.

We worked together by forming committees, such as the Northern Frontier Project, the Oriskany Battlefield Committee, and the Friends of Baron von Steuben.

On their own time these dedicated volunteers, with their own money, maintained these sites. But obviously that cannot keep going on into perpetuity.

They did not stop there. They researched and sought more information about the sites and its relationship to the people. We have right now sort of an all-volunteer effort in the central New York area that is doing some magnificent thinking, reaching out to us, saying, "Please, offer some help."

□ 1250

Mr. Chairman, this bill is just the ticket. In central New York this is a people's project. They do it in their own time and with their own flavor. This authorization for heritage areas will help them bring their work and projects to completion, ascertain suitability for participation as a heritage area and provide technical assistance and management options for protecting their resources, sharing their legacy and promoting the local economy.

I am really glad that the gentleman from Minnesota [Mr. VENTO], the chairman, and the vice chairman, the gentleman from Utah [Mr. HANSEN] sought a rule on this bill so we can have this full and open discussion. I think it is a

good bill, a modest bill, a bill that helps local people and communities help themselves, and what more worthy objective of our efforts here in Washington?

And I look at the bill, and I say to myself, "Look what it does. It authorizes matching assistance for locally initiated and managed American heritage areas." Let me stress that, locally initiated and managed American heritage areas, and it limits Federal funding for each proposal, does not write a blank check. It gives a modest contribution and then puts a ceiling on it, and it says, "Let's go from there," and it protects private property rights by authorizing no Federal land purchases and no federally mandated zoning rules, and I think that is important and bears repeating. It authorizes no Federal land purchases and no federally mandated zoning rules, and it draws its preservation fund.

Mr. Chairman, I think about the important work that so many people in central New York are engaged in promoting the heritage of that great area which played such a significant role in the development of this Nation, and I think that day in and day out they are working hard with their own time, their own resources, and they say, as my colleagues know, there has to be a limit, we just cannot keep going on like this without some assistance from Washington, and I look at this program, and I say, "We have matched their needs perfectly in a very modest way, and it deserves our enthusiastic support."

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for yielding this time to me.

First let me say that there is no law keeping the local or State governments from doing any of the things called for in this bill. As strapped for funds as our State and local governments are, almost all of them are in much better shape than is our Federal Government which is over $4.5 trillion in debt and still losing hundreds and millions of dollars more each day.

Mr. Chairman, the House made a good decision last week in rejecting the American Heritage Areas Partnership Program Act under suspension of the rules. It was a good decision because this 100-plus-page bill has not been subjected to the normal legislative process. It is here under a process which requires us to suspend our own rules. Only in the last few days of the session would an effort be made to avoid the normal markup in committee and bring such a highly controversial bill to the floor. Since there is no Senate companion to this bill, Mr. Chairman, there appears to be little chance of its enactment, and we should not pass it either since we need to amend it to make it the best that it can be.

I would like to recount for my colleagues a little of the history of this bill. The American Heritage Areas Partnership Program Act was initially introduced on November 22, 1993. That measure was a generic bill which established the American heritage program, but designated no new heritage areas.

On May 25, 1994, over 4 months ago, the earlier bill, H.R. 3707, which was cosponsored by only three Members, was ordered reported from the Committee on Natural Resources. By then the controversy over private property impacts from this bill was already mounting.

Recognizing that the bill was in serious jeopardy, H.R. 3707 was tabled, and a new bill, this bill, combining the original text of H.R. 3707, was combined with about 15 site-specific studies or designations around the country. H.R. 5044, this bill, was then offered under suspension of the rules with 29 cosponsors.

Each of these cosponsors and each of the persons who spoke in favor of this measure during previous flood consideration is associated with one of those heritage areas which, if designated, would authorize a $10 million Federal expenditure. I am not saying that these projects are unjustified, although some do appear to have more merit than others, but simply wish to point out to Members that there is no ground swell of support for this program, only for the individual projects.

I am also curious why, if there is such strong local support for these designations, why do we need a new Federal entitlement program that will cost tens of millions of dollars annually. Local governments could do these things. The amendments, which will be offered today, will focus on the generic aspects of this bill, not the site-specific programs.

With regard to the major issue of impacts on private property, it is hard to believe the claim that this bill will not impact private property values or land use. Are Members aware that a Federal boundary will be drawn around each heritage area? Are Members aware that the Secretary of the Interior will have to approve a land use plan for each heritage area? Are Members aware that the Secretary of the Interior will have a virtual veto authority over every other Federal action within each heritage area? Have Members seen the tens of millions of acres which have already been targeted for inclusion in this heritage area program?

In other words, Mr. Chairman, this bill provides for the Secretary to approve a land use plan which could specify that agricultural lands would be forced to forever remain devoted to agricultural use even if that was not the wisest and the best use and even if it drives up the price of land so average citizens will have a more difficult time buying or building homes. Certain historic buildings will be preserved in perpetuity even if only a small minority of the people want it that way. Such decisions by the Secretary of the Interior could have significant impacts on property values in the heritage area.

Some people get rich off this bill, Mr. Chairman, but at the expense of others. I hope the Members will support the Tauzin-Grams private property amendment. This amendment is supported by groups such as the National Association of Realtors, the National Federation of Independent Businesses, the Home Builders, the National Cattleman's Association, and many others.

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

Mr. DUNCAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to commend the gentleman on an excellent statement and, second to correct the record, our amendment will not change local zoning laws. It will not affect them at all. It simply says that in these heritage areas there will be landowner consent required.

Mr. DUNCAN. Mr. Chairman, let me just end up by saying this. There is greater resentment toward the Federal Government today than at any time in history. According to a Washington Post focus group a couple of years ago, Mr. Chairman, 94 percent of the people agree with the statement that the Federal Government is too big and costs too much. They do not want us passing bills that will increase the cost, and size, and power of the Federal Government. They do not want us to pass bills like this. I urge its defeat.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of H.R. 5044, legislation to provide for the long-term preservation and interpretation of significant historical resources across the Nation. I would like to commend the chairman of the subcommittee for his continuous efforts to bring this bill to the floor today.

I am particularly pleased that section 209 of the bill incorporates much of my legislation to establish a heritage area in Vancouver, WA, and I would say to some of the people across the aisle that it is supported by the Chamber of Commerce, supported by the downtown business groups, supported by the citizen groups. It has broad support in the area.

Vancouver, which is located just across the Columbia River from Portland, OR, was at the center of the settlement and development of the northwest during the 19th and early 20th centuries. In a single 360-acre area are five historic assets that chronicle the history of the northwest from the region's exploration by Lewis and Clark between 1805 and 1806 to the rise of American aviation in its golden age—

between the First and Second World Wars.

For the past 3 years I have been working with the mayor of Vancouver, the Park Service, and many others to establish a Federal-State-local partnership to preserve, restore, and coordinate the management of the historic area in Vancouver. Working together this partnership crafted a proposal, which is reflected in my bill and section 209 of H.R. 5044, to manage the assets, protect the historic resources, and encourage visitors to come to Vancouver to learn about the compelling history of the Pacific Northwest.

In 1990 Congress adopted my legislation to establish a Commission to analyze various management options for these historic properties. The Commission was composed of representatives of the major entities interested in the area, including the National Park Service, the Army Corps of Engineers, the city of Vancouver, and the State of Washington. The Commission completed its work in April 1993, by recommending that a partnership be established to ensure effective, coordinated, management of the area. The members of the Commission agreed that management of the area needed to be coordinated by a federally established management framework based on partnership between the interested government entities.

To implement the recommendations of the Commission I introduced H.R. 4607 to protect all of the key areas and the equally significant historic periods and events they represent. Most importantly, by unifying and coordinating the management of all these historical assets, the bill proposes a partnership to develop the full educational, recreational, and historical potential of the area.

Mr. Chairman, it is no secret that resolution of the Pearson Airpark controversy—what the appropriate role of the airport should be after 2002—is crucial to an overall cooperative management agreement for the area. While there is now an appreciation that Person's aviation history is of national significance and should be preserved, there has been disagreement over whether it should remain an operating general aviation airport.

My own view is that it would be unconscionable to eliminate the aviation history represented by Pearson Airpark and its young but flourishing aviation museum. I am also convinced that some general aviation activity at Pearson is necessary to help underwrite the costs of maintaining the airfield, which is essential to the historic aviation mission. Both my legislation and the bill before us today follow the recommendation of the Commission that general aviation continue through the years 2022. Beyond that time it would take an act of Congress to allow general aviation to continue—a decision left to another generation

Mr. Chairman, H.R. 5044 is about partnership. It's about local groups coming together to protect American heritage. It's about the Federal Government working cost-effectively with State and local groups. But, most importantly it's about protecting our Nation's history so that it can be enjoyed and appreciated by future generations. For those of us in southwest Washington, this legislation is a rare opportunity to preserve our past and make Vancouver the premier showcase of northwest history.

I say to my colleagues, If the partners don't agree, you don't have anything. It's fully protected in that regard within this legislation. Most important for those of us in southwest Washington, this legislation is a rare opportunity to preserve our past and make Vancouver the premier showcase of Northwest history.

□ 1300

I urge my colleagues' support of this legislation.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I want to thank the gentleman for yielding time to me. I rise in strong opposition to H.R. 5044. I want to let my colleagues know that I too have a heritage corridor study in my district. Contrary to what this bills proponents are saying, counties do not support this.

Let me read a letter from Houston County, MN:

> While Houston County recognizes the constitutional structure of American government and the necessary federal role therein, any federal role in expanding its jurisdiction within the boundaries of Houston County would be unconstitutional, unnecessary, and counter-productive. Government closest to the people is the most accountable to those people it serves. Thomas Jefferson, father of The Constitution, understood this concept and the Houston County Board of Commissioners agree with him.

Mr. Chairman, this bill, as currently drafted, does not protect private property rights and erodes the sovereignty of local governments. I urge my colleagues to vote against any gutting amendments to the Tauzin-Grams landowner's consent amendment.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I commend the chairman of the committee and the ranking member for their work on this.

What I have heard today reminds me of the less-than-distinguished citizen of the little town that died. At the funeral they were waxing eloquent, the eulogizers, and finally the wife said, "Sonny, go up there and see if that is really your Pa in the casket."

That is what we have here. I have been listening to all these statements about this bill, and I do not think it is the same bill that we are talking about today. I do not recognize it. Because it does not provide for a taking of private property. It does not allow encroachment on local zoning. It does not give the Federal Government any power in involving itself in private property rights.

I have here just some of the letters we have received. Many of these are private property owners who live in the vicinity who say how worthwhile it is to save the historic and the recreational and the ecological values that this corridor would do. These are the people that would be affected. These are the private property owners, and they write supporting it. I do not have one negative letter. These are the people who care about this.

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

Mr. REGULA. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I want to point out I do not want his bill to end up in a casket either, whatever it looks like. If we do not want it to end up there, why not support an amendment that says to all those property owners who do consent, "You will be joined by every other property owner, because consent will be required." What is wrong with that?

Mr. REGULA. The substitute we will be offering would provide if there is any taking or any need, that the people would have to consent. But what you are proposing in your amendment is everybody in the neighborhood has to consent. There could be hundreds of thousands of individual property owners. If we would follow the Tauzin amendment, there would be no Interstate Highway System, there would be no Yellowstone, there would be no Yosemite, because you could not get all the people around to agree. How far do you go?

Mr. TAUZIN. If the gentleman will yield further, there would be highways, there would be Yosemite, there would be parks and public lands, because the Constitution requires payment of the landowner in those cases. The landowner that does not consent gets paid.

We are suggesting if you are not going to pay them, should you not at least get their consent to be part of this?

Mr. REGULA. If they are involved, yes. We will address that when your amendment comes up.

I have here every board of county commissioners involved strongly supporting it, mayors, little towns, big cities, strongly supporting it, every major newspaper in the area strongly supporting it. The major business groups, the Cleveland Growth Association, up and down the line, strongly supporting it and opposing the Tauzin amendment.

This is a case of people wanting to do this. They are simply saying give us the tools, give us a helping hand, so we can preserve these great values.

I received a letter from a fourth grader in South Euclid, near Cleveland, not in my district:

Dear Mr. Regula, my name is Caren J. Maiden. I am asking you very nicely to vote yes for the Ohio & Erie Canal National Heritage Corridor Act. I hope you will think long and hard on this decision. Just think, the other fourth grades that come in the future might not ever learn about the Ohio Canal National Heritage Corridor Act. I wanted at least 30 classes to learn about the Ohio & Erie Canal. P.S., I know what I am talking about.

And she certainly did. All kinds of other groups have written in strong support.

The problem with the Tauzin amendment is it is a killer amendment, because mechanically it cannot be done. It cannot be achieved. These volunteer groups, the Kiwanis, the Boy Scouts, the Rotary, the 4–H Clubs, they cannot be involved in chasing all up and down the corridor, where there are literally thousands of possible property owners. If it is a case of this property actually being utilized for the corridor, that is a different matter, and that will be addressed by our substitute.

Let me say to the 273 Members, we keep hearing that this bill is defeated. That was because of procedure. Two hundred and seventy-three Members, an overwhelming majority of this body, voted for the bill when it was up on suspension. I urge every one of those of you who did vote for this bill to vote again, because we are going to clarify even more precisely the private property rights by our substitute to the Tauzin amendment.

So listen carefully on the debate on these amendments, so that we make sure that we are all talking about the same bill and not having a red herring put out there in an attempt to defeat it.

Mr. VENTO. Mr. Chairman, I yield myself two additional minutes.

Mr. Chairman, I want to commend the gentleman from Ohio [Mr. REGULA], for his excellent statement and want to point out to the Members page 30 of the bill, because we are going to be hearing a lot about the effect on land use regulation. The point here is that the Congress should not get involved in dictating what the local land use restrictions would be in this particular instance, because we are not buying the land. We should not superimpose a decision on how a county or a State government or local government should deal with land use regulations or zoning. That is in effect what some of our colleagues are asking us to do in terms of the amendments today. It is ironic, because I think very often the limits that local government places on the various zoning in fact enhances the land. It provides for a rational use, where it is residential, where it is light industrial, where it is something that might need to be cared for. It is the very hand of the local government on the land which is the essence of the role that they play, but some would usurp that and say that is the job of Congress.

This bill in fact points out on page 30 the lack of effect on authority of governments:

Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided by current law or regulation.

That is a pretty affirmative, positive statement. It addresses the concerns.

Furthermore, it says:

Lack of Zoning or Land Use Powers of Entity.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area.

This is something that is uniquely local. We ought to let the local governments do their job. They are asking us to do something positive, and at the same time you say we are going to give you a little bit of Federal help but make it impossible for you to do this. Imagine thousands of residential and other landowners in the Ohio Canal. Who would keep track of this, whether they approved it or disapproved it? It is a nightmare. No local government would accept this. They would reject the bill. It would be moot.

□ 1310

Mr. HANSEN. Mr. Chairman, may I inquire how much time is left on both sides?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 1½ minutes remaining, and the gentleman from Minnesota [Mr. VENTO] has 3 minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. SMITH].

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] is recognized for 1½ minutes.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding time to me.

The fact is, if Members begin to read this bill, they find out that what has been said is not exactly direct to the bill.

I refer my colleagues also to page 30 which says, in effect, that these management entities must consult with the Secretary; i.e., Secretary of Interior; must cooperate with the Secretary; i.e., the Secretary of Interior, must conduct and support such activities that the Secretary agrees with and determine that there is no practical alternative. They must go along.

Now, if that is not Federal control, I do not know how else we could state it.

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

Mr. SMITH of Oregon. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me.

Let me add, contrary to what we have just heard, the bill also contains language that says that the top priority of the implementing entity is directed at adopting land use policies consistent with the management plans adopted and supervised by, guess who, the Secretary of the Interior.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for that contribution.

I wanted to make directly the point that this is a Federal mandate, a Federal land use plan, supported and directed by the Secretary of Interior. As we talk about these corridors, what better protection could we have to allow a person who gets caught in the corridor of a heritage area, as the gentleman has already discussed, what is to stop folks from walking through my property? Do I not have a right to protect my own private property?

Members will, by supporting the Tauzin amendment.

Mr. VENTO. Mr. Chairman, I yield myself 1 minute.

I want to point out to my colleague from Oregon that the Regula amendment will address this. It is a further en bloc amendment that we have agreed to with the minority, and other Members and sponsors of the bill, in order to deal with some of the concerns that he has just expressed.

The point is that nothing in this bill affects the fifth amendment of the Constitution. That is inviolate. Those protections remain. Nothing in this bill affects local governments and State governments regarding hunting and fishing. We will make that clear. We have no intention of interfering, or mandating, for that matter, that these areas be open or closed to hunting or fishing. That is uniquely a local function.

So I think the point is that we are finding a lot of issues being raised here. Most of them are not germane. The real point is the effort here, of course, and by all these groups that we have heard about, is to undo. They are opposed to the bill. They are finding another excuse to argue property rights. This is simply an attempt to hijack this bill for a different purpose. I would urge the Members to defeat and to deal with the reasonable amendment that will be offered by my colleague from Ohio.

Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. HINCHEY].

The CHAIRMAN. The gentleman from New York [Mr. HINCHEY] is recognized for 2 minutes.

Mr. HINCHEY. Mr. Chairman, I just wanted to respond to the gory red herring that was dragged up on the floor here a few moments ago by my good friend and colleague from the State of Louisiana. He raised the spector of hunters and fishermen traveling over

everybody's property in a reckless fashion. Of course, there is nothing in this bill that would cause that to happen in any way whatsoever, under existing law, and certainly does not exist anywhere in this bill. Everything that happens as a result of this particular legislation on any property whatsoever would require the consent of the property owner. There is no additional regulations that are taken by the Federal Government.

It recognizes the responsibility of land use planning at the most local level of government, the village, the town, the city. Those areas remain solely in control of local zoning practices.

The Supreme Court decision that was mentioned, I think is very important for us to focus upon. Because that recognizes the inherent ability of the courts to understand private property rights and to protect them. Those rights exist currently. The courts have said so. They are protecting them. And this bill is precisely consistent with the protection of those individual property rights in accordance with that Supreme Court decision.

This is a modest bill. It is a mild bill. It simply allows people to work together in a cooperative way to enhance the quality of the areas in which they live and at the same time promote our common national heritage.

I hope that we will be successful in defeating these amendments which are designed really to gut the bill and to get on with the final passage of this bill which is in the best interest of the people in the areas here and of all the people across the country.

Mr. RIDGE. Mr. Chairman, I am pleased to rise in support of H.R. 5044, the American Heritage Areas Partnership Program Act of 1994. While I voted against this bill when it was considered under the suspension of the rules, I did so to ensure that the bill was considered openly and to make certain that necessary amendments were able to be offered today and voted on by the full House.

This legislation sets forth criteria in which partnerships consisting of local governments, State governments, and private, nonprofit organizations can access Federal funding to designate certain areas of land as American Heritage corridors.

I support this concept because it takes a different approach than the normal top-down, big-government "land grabs" most private property owners have come to know and hate. The American Heritage Areas Partnerships Act provides funding to only those projects which have been grown in the community from the ground up. The matching funds provided by the Federal Government can be accessed only after the community and local and State officials have come together and made the commitment to designate an area as one of historical value to the community's heritage.

One such project is moving forward in western Pennsylvania. It is called the Steel Heritage Center and it spans the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. While this particular project is not inside my congressional district, I am nevertheless pleased that the community has come together to have it designated as an American Heritage Area. The fact is that Munhall, PA, the town in which I was born and lived the early years of my life, is located in the Steel Heritage Center area.

The region being designated is well known for its heritage in making steel and helping make this country great. The people of the region, whether laborers in the steel mills or those in the community who supported the local mills, were of the highest caliber. They reflected credit upon themselves and their community. This region continues to display the same tradition of hard work and skill which workers exhibited in years past.

Lastly, I am also pleased that the legislation clearly states that no provisions in the bill shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulations. I have always worked on behalf of the rights of private property owners and I am pleased that the bill's crafters considered their rights as they moved forward with this legislation.

Mr. Chairman, I would like to again say that I am pleased to rise in support of this legislation.

Mr. BREWSTER. Mr. Chairman, I rise today to speak in favor of the Young-Brewster amendment to the American Heritage Areas Partnership Act. Today, I speak as the Democratic cochairman of the Congressional Sportsmen's Caucus. The Sportsmen's Caucus is comprised of over 190 Members of the House with common beliefs such as: Preserving and promoting the traditional rights of American citizens to hunt, fish, and pursue other outdoor activities; Insuring that America's Sportsmen have reasonable access to federally managed public lands to enjoy these outdoor pursuits; and supporting efforts to enhance multiple use wildlife and habitat management.

The Young-Brewster amendment reflects these beliefs. Clarifying the rights of State fish and wildlife agencies to manage fish and wildlife on lands designated as heritage areas including regulating hunting and fishing. Simply put, our amendment preserves the right to continue hunting in areas designated as American Heritage Areas. An example of why this amendment is needed is a proposed heritage area running the entire length of the Mississippi River—an extremely important waterfowl hunting and management area.

Allowing hunting to continue to occur in heritage areas, such as the proposed Mississippi River Heritage Area, will have unending positive effects on the preservation of several species native to that area. As you may know Mr. Speaker, of the five designated flyways, the Mississippi Flyway is the home to an overwhelming majority of the Nation's waterfowl.

As many Members in this chamber know, our Nation's waterfowl population is at the highest level in recent years. The resurrection of this resource can be directly attributed to the dollars spent by American waterfowl hunters. Millions of dollars have been collected from hunters through the Federal and State Duck Stamp Programs, the Pittman-Robertson Trust Fund, and voluntary contributions through programs such as Ducks Unlimited.

Federal duck stamp sales for the Mississippi Flyway represents 43 percent of the total Federal duck stamp sales. The Mississippi Flyway also accounts for 45 percent of the total waterfowl harvest in the United States. If we allow large areas of our country such as this to become off limits to hunting, we will lose large percentages of the money collected from hunters. Allowing this to happen will only serve to hurt our successful conservation efforts.

As my colleague from Alaska previously stated, past practices of the National Park Service regarding the designation of new lands as being under its jurisdiction, dictates that Congress must clarify that the National Park Service recognize hunting as a discretionary activity.

I urge my colleagues to support the Young-Brewster amendment.

Mr. REED. Mr. Speaker, I rise once again in support of H.R. 5044, legislation which establishes an American Heritage Area Partnership Program within the Department of the Interior.

The bill establishes a new method of designating and managing nationally important heritage areas. Specifically, H.R. 5044 creates a partnership with State and local governments, as well as private entities, to preserve these historical regions by allowing communities to develop and implement operation and management plans. This new partnership will go a long way in preserving valuable historical areas while limiting the Federal Government's role and future financial obligations.

I am especially pleased that this legislation includes reauthorization for the Blackstone River Valley National Heritage Corridor. The bill also adds three new towns, Glocester, Smithfield, and Burriville into the corridor. Most importantly, the bill extends the Blackstone Valley commission for 7 additional years. This will allow the commission to continue enhancing the distinctive character and nationally significant resources of the corridor.

The Blackstone River Valley National Heritage Corridor is the largest national park in New England, and is widely recognized as the birthplace of the American Industrial Revolution. It was here, at Slater Mill, where the first successful water-powered cotton spinning mill was used in 1790. This rich area best exemplifies the entire history of the American Industrial Revolution and the complex economic and social relationships of the people who lived and worked there.

The Blackstone Valley Heritage Corridor has become an example of how surrounding communities can work together toward a common theme of protecting and promoting their area. This rich and historic national resource needs to be protected so that the history of the Industrial Revolution can be preserved for all generations.

Mr. Chairman, I strongly urge Members to vote for passage of this bill.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered under the 5-minute rule by section, and pursuant to the rule each section shall be considered as read.

The bill shall be considered for amendment under the 5-minute rule for

a period of not to exceed 3 hours, excluding time consumed by recorded votes and proceedings incidental thereto.

No amendment to the bill shall be in order unless printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule 23 before consideration of the bill.

Any amendment printed in the RECORD by the gentleman from Minnesota [Mr. VENTO] may amend portions of the bill not yet read for amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5044

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Heritage Areas Act of 1994".

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

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM
Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Statement of purpose.
Sec. 104. Definitions.
Sec. 105. American Heritage Areas Partnership Program.
Sec. 106. Feasibility studies, compacts, management plans, and early actions.
Sec. 107. Management entities.
Sec. 108. Withdrawal of designation.
Sec. 109. Duties and authorities of Federal agencies.
Sec. 110. Lack of effect on land use regulation.
Sec. 111. Authorization of appropriations.
Sec. 112. Expiration of authorities.
Sec. 113. Report.
Sec. 114. Savings provision.
TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS
Sec. 201. American Coal Heritage Area.
Sec. 202. Augusta Canal American Heritage Area.
Sec. 203. Cane River American Heritage Area.
Sec. 204. Essex American Heritage Area.
Sec. 205. Hudson River Valley American Heritage Area.
Sec. 206. Ohio & Erie Canal American Heritage Area.
Sec. 207. Shenandoah Valley Battlefields American Heritage Area.
Sec. 208. Steel Industry American Heritage Area.
Sec. 209. Vancouver American Heritage Area.
Sec. 210. Wheeling American Heritage Area.
TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS
Sec. 301. Ohio River Corridor.
Sec. 302. Fox and Lower Wisconsin River Corridors.
Sec. 303. South Carolina Corridor.
Sec. 304. Northern Frontier.
TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS
Sec. 401. Boundaries, commission, and revision of plan.
Sec. 402. Implementation of plan.
Sec. 403. Authorization of appropriations.
TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT
Sec. 501. Bramwell National Historic District.
TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS
Sec. 601. Short title.
Sec. 602. Designation of Southwestern Pennsylvania American Heritage Area.
Sec. 603. Powers of the commission.
Sec. 604. Federal participation.
Sec. 605. Congressional oversight.
Sec. 606. Authorization of appropriations.
Sec. 607. Path of progress.

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

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

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "compact" means a compact described in section 106(a)(2).

(2) The term "Secretary" means the Secretary of the Interior.

TITLE I—AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "American Heritage Areas Partnership Program Act of 1994".

SEC. 102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) certain areas of the United States represent the diversity of the national character through the interaction of natural processes, distinctive landscapes, cultural traditions, and economic and social forces that have combined to create a particular pattern of human settlement and activity;

(2) in these areas, natural, historic, or cultural resources, or some combination thereof, combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography;

(3) these areas represent the national experience through the physical features that remain and the traditions that have evolved in the areas;

(4) continued use and adaptive reuses of the natural and cultural fabric within these areas by people whose traditions helped to shape the landscapes enhance the significance of the areas;

(5) despite existing Federal programs and existing efforts by States and localities, the natural, historic, and cultural resources and recreational opportunities in these areas are often at risk; and

(6) the complexity and character of these areas distinguish them and call for a distinctive system of recognition, protection, and partnership management.

SEC. 103. STATEMENT OF PURPOSE.

The purposes of this title are—

(1) to recognize that the natural, historic, and cultural resources and recreational opportunities of the United States represent and are important to the great and diverse character of the Nation, and that these resources and opportunities must be guarded, preserved, and wisely managed so they may be passed on to future generations;

(2) to recognize that combinations of such resources and opportunities, as they are geographically assembled and thematically related, form areas that provide unique frameworks for understanding the historical, cultural, and natural development of the community and its surroundings;

(3) to preserve such assemblages that are worthy of national recognition, designation, and assistance, and to encourage linking such resources within such areas through greenways, corridors, and trails;

(4) to encourage appropriate partnerships among Federal agencies, State and local governments, nonprofit organizations, and the private sector, or combinations thereof, to preserve, conserve, and manage those resources and opportunities, accommodate economic viability, and enhance the quality of life for the present and future generations of the Nation;

(5) to authorize Federal financial and technical assistance to State and local governments and private nonprofit organizations, or combinations thereof, to study and promote the potential for conserving and interpreting these areas; and

(6) to prescribe the process by which, and the standards according to which, prospective American Heritage Areas may be assessed for eligibility and included in the American Heritage Areas Partnership Program established by this title.

SEC. 104. DEFINITIONS.

For purposes of this title:

(1) AMERICAN HERITAGE AREA.—The term "American Heritage Area" means an area so designated under this title.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, help, or aid, other than financial aid.

(4) UNIT OF GOVERNMENT.—The term "unit of government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 105. AMERICAN HERITAGE AREAS PARTNERSHIP PROGRAM.

(a) ESTABLISHMENT.—In order to preserve nationally distinctive natural, historic, and cultural resources, and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources, there is hereby established within the Department of the Interior an American Heritage Areas Partnership Program, which shall consist of American Heritage Areas designated under subsection (d).

(b) GENERAL AUTHORITY OF SECRETARY.—In accordance with the purposes of this title, the Secretary is authorized—

(1) to evaluate, in accordance with the criteria established in subsection (c), areas nominated under this title for designation as American Heritage Areas;

(2) to advise State and local governments, nonprofit organizations, and other appropriate entities regarding suitable methods of recognizing and preserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities; and

(3) to consider any American Heritage Area, designated under this or any other Act,

for nomination to the World Heritage List if the Secretary determines that such area meets the qualifications for such nomination.

(c) CRITERIA.—To be eligible for designation as an American Heritage Area, an area shall meet each of the following criteria:

(1) ASSEMBLAGE OF RESOURCES.—The area shall be an assemblage of natural, historic, or cultural resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, preservation, interpretation, and continuing use; and

(B) are best managed as such an assemblage, through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities.

(2) TRADITIONS, CUSTOMS, BELIEFS, OR FOLKLIFE.—The area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

(3) CONSERVATION OF NATURAL, CULTURAL, OR HISTORIC FEATURES.—The area shall provide outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) RECREATIONAL AND EDUCATIONAL OPPORTUNITIES.—The area shall provide outstanding recreational and educational opportunities.

(5) THEMES AND INTEGRITY OF RESOURCES.—The area shall have an identifiable theme or themes, and resources important to the identified theme or themes shall retain integrity capable of supporting interpretation.

(6) SUPPORT.—Residents, nonprofit organizations, other private entities, and governments within the proposed area shall demonstrate support for designation of the area and for management of the area as appropriate for such designation.

(7) AGREEMENTS.—The principal organization and units of government supporting the designation shall be willing to commit to agreements to work in partnership to implement the management plan of the area.

(8) CONSISTENCY WITH ECONOMIC VIABILITY.—The proposal shall be consistent with continued economic viability in the affected communities.

(d) CONDITIONS FOR DESIGNATION.—An area may be designated as an American Heritage Area only by an Act of Congress or by the means provided in title II. Except as otherwise provided in title II, the Congress may designate an area as an American Heritage Area only after each of the following conditions is met:

(1) SUBMISSION OF STUDY AND COMPACT TO SECRETARY.—An entity requesting American Heritage Area designation for the area submits to the Secretary a feasibility study and compact meeting the requirements of section 106(a). The comments of the Governor of each State in which the proposed American Heritage Area lies, or a statement by the entity that such Governor has failed to comment within a reasonable time after receiving the study and compact, accompanies such submittal to the Secretary.

(2) APPROVAL AND SUBMISSION BY SECRETARY.—The Secretary approves, pursuant to section 106(b), the feasibility study and compact referred to in paragraph (1) and submits the study and compact to the Congress together with any comments that the Secretary deems appropriate regarding a preferred action.

(e) RELATION TO NATIONAL REGISTER OF HISTORIC PLACES.—The act of designation of an American Heritage Area shall not be deemed to signify that such American Heritage Area is included on, or eligible for inclusion on, the National Register of Historic Places, as established in accordance with section 101 of the National Historic Preservation Act (16 U.S.C. 470a). Designation of an American Heritage Area shall not preclude the American Heritage Area or any district, site, building, structure, or object located within the American Heritage Area from subsequently being nominated to, or determined eligible for inclusion on, the National Register.

SEC. 106. FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.

(a) CONTENTS AND REQUIREMENTS.—

(1) FEASIBILITY STUDIES.—Each feasibility study submitted under this title shall include sufficient information to determine whether an area has the potential to meet the criteria referred to in section 105(c). Such information shall include, but need not be limited to, each of the following:

(A) A description of the natural, historic, and cultural resources and recreational opportunities presented by the area, including an assessment of the quality and degree of integrity of, the availability of public access to, and the themes represented by such resources and opportunities.

(B) An assessment of the interest of potential partners, including units of government, nonprofit organizations, and other private entities.

(C) A description of tentative boundaries for an American Heritage Area proposed to be established in the area.

(D) Identification of a possible management entity for an American Heritage Area proposed to be established in the area.

(2) COMPACTS.—(A) A compact submitted under this title shall include information relating to the objectives and management of an area proposed for designation as an American Heritage Area. Such information shall include, but need not be limited to, each of the following:

(i) A delineation of the boundaries of the proposed American Heritage Area.

(ii) A discussion of the goals and objectives of the proposed American Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners referred to in clause (iv).

(iii) An identification and description of the management entity that will administer the proposed American Heritage Area.

(iv) A list of the initial partners to be involved in developing and implementing the management plan referred to in paragraph (3) for the proposed American Heritage Area, and a statement of the financial commitment of the partners.

(v) A description of the role of the State or States in which the proposed American Heritage Area is located.

(B)(i) The compact shall be prepared with public participation.

(ii) Actions called for in the compact shall be likely to be initiated within a reasonable time after designation of the proposed American Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(3) MANAGEMENT PLANS.—A management plan submitted under this title for an American Heritage Area shall present comprehensive recommendations for the conservation, funding, management, and development of the area. The plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations in the area. It shall include a description of the actions recommended to be taken, to protect the resources of the area, by units of government and private organizations. It shall specify existing and potential sources of funding for the protection, management, and development of the area. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the American Heritage Area, including a list of property in the area that should be preserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the area.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to protect the historical, cultural, and natural resources and the recreational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity specified in the compact referred to in paragraph (2) and specific commitments, for the first 5 years of operation of the plan, by the partners identified in the compact.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the American Heritage Area.

(4) EARLY ACTIONS.—After designation of an American Heritage Area but prior to approval of the management plan for that area, the Secretary may provide technical and financial assistance for early actions that are important to the theme of the area and that protect resources that would be in imminent danger of irreversible damage without such early actions.

(b) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governors of each State in which the relevant American Heritage Area, or proposed area, is located, shall approve or disapprove every compact or management plan submitted under this title not later than 90 days after receiving such compact or management plan. Prior to approving the compact or plan, the Secretary shall consult with the Advisory Council on Historic Preservation in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

(2) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves a compact or management plan submitted under this title, the Secretary shall advise the submitter, in writing, of the reasons for the disapproval and shall make recommendations for revisions of the compact or plan. The Secretary shall approve or disapprove a proposed revision to such a compact or plan within 90 days after the date on which the revision is submitted to the Secretary.

(3) AMENDMENTS TO MANAGEMENT PLANS.—The Secretary shall review substantial amendments to management plans for American Heritage Areas. Funds appropriated pursuant to this title may not be expended to implement such amendments until the Secretary approves the amendments.

SEC. 107. MANAGEMENT ENTITIES.

(a) IN GENERAL.—

(1) RECEIPT OF FEDERAL FUNDS.—Management entities that are designated in compacts approved under section 106(b) for American Heritage Areas are authorized to receive Federal funds in support of cooperative partnerships to prepare and implement the management plans regarding the American Heritage Areas and to otherwise perform the functions contemplated in this title.

(2) ELIGIBILITY.—To be eligible for designation as the management entity of an American Heritage Area, a unit of government or private nonprofit organization must possess the legal ability to—

(A) receive Federal funds for use in preparing and implementing the management plan for the area;

(B) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan;

(C) account for all Federal funds so received or disbursed; and

(D) sign agreements with the Federal Government.

(b) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of an American Heritage Area may, for purposes of preparing and implementing the management plan for the area, use Federal funds made available under this title—

(1) to make grants and loans to States, political subdivisions thereof, private organizations, and other persons;

(2) to enter into cooperative agreements with Federal agencies; and

(3) to hire and compensate staff.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity for an American Heritage Area shall do each of the following:

(1) MANAGEMENT PLAN.—The management entity shall develop, and submit to the Secretary for approval, a management plan described in section 106(a)(3) within 3 years after the date of the designation of the area as an American Heritage Area.

(2) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the compact and management plan referred to in section 106(a), including—

(A) assisting units of government, regional planning organizations, and nonprofit organizations—

(i) in preserving the American Heritage Area;

(ii) in establishing and maintaining interpretive exhibits in the area;

(iii) in developing recreational opportunities in the area;

(iv) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(v) in the restoration of historic buildings that are located within the boundaries of the area and relate to the themes of the area; and

(vi) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the area;

(B) consistent with the goals of the management plan referred to in section 106(a)(3), encouraging economic viability in the affected communities by appropriate means; and

(C) encouraging local governments to adopt land-use policies consistent with the management of the area and the goals of the management plan referred to in section 106(a)(3).

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in developing and implementing the management plan referred to in section 106(a)(3), consider the interests of diverse governmental, business, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the management plan referred to in section 106(a)(3).

(5) SUBMISSION OF CHANGES IN PLAN.—The management entity shall submit any substantial changes to the management plan referred to in section 106(a)(3) (including any increase of more than 20 percent in the cost estimates for implementation of the management plan) to the Secretary for the approval of the Secretary.

(6) ANNUAL REPORT.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(7) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section 107(b)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(8) LIABILITY FOR LOANS.—The management entity shall be liable to the Federal Government for any loans that the management entity makes under section 107(b)(1).

(d) DISQUALIFICATION FOR FEDERAL FUNDING.—If a management plan regarding an American Heritage Area is not submitted to the Secretary as required under subsection (c)(1) within the time specified in such subsection, the American Heritage Area shall cease to be eligible for Federal funding under this title until such a plan regarding the American Heritage Area is submitted to the Secretary.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—A management entity for an American Heritage Area may not use Federal funds received under this title to acquire real property or interest in real property. No provision of this title shall prohibit any management entity from using Federal funds from other sources for their permitted purposes.

(f) DURATION OF ELIGIBILITY FOR FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—A management entity for an American Heritage Area shall be eligible to receive funds appropriated pursuant to this title for a 10-year period beginning on the day on which the American Heritage Area is designated, except as provided in paragraph (2).

(2) EXTENSION OF ELIGIBILITY.—The eligibility of a management entity for funding under this title may be extended, by the Secretary, for a period of not more than a 5 years after the 10-year period referred to in paragraph (1), if—

(A) the management entity determines that the extension is necessary in order to carry out the purposes of this title and notifies the Secretary of such determination not later than 180 days prior to the end of the 10-year period referred to in paragraph (1);

(B) the management entity, not later than 180 days prior to the end of the 10-year period referred to in paragraph (1), presents to the Secretary a plan of its activities for the period of the extension, including provisions for becoming independent of the funds made available pursuant to this title; and

(C) the Secretary, after consulting with the Governor of each State in which the American Heritage Area is located, approves such extension of eligibility.

(3) LACK OF EFFECT OF EXTENSION ON FUNDING LIMITATIONS.—An extension provided under this subsection shall not be construed as waiving any limitation on funds provided pursuant to this title.

SEC. 108. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The American Heritage Area designation of an area shall continue unless—

(1) the Secretary determines that—

(A) the American Heritage Area no longer meets the criteria referred to in section 105(c);

(B) the parties to the compact approved in relation to the area under section 106(b) are not in compliance with the terms of the compact;

(C) the management entity of the area has not made reasonable and appropriate progress in developing or implementing the management plan approved for the area under section 106(b); or

(D) the use, condition, or development of the area is incompatible with the criteria referred to in section 105(c) or with the compact approved in relation to the area under section 106(b); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the American Heritage Area designation of the area should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding an American Heritage Area, the Secretary or a designee shall hold a public hearing within the area.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—

(1) IN GENERAL.—The withdrawal of the American Heritage Area designation of an area shall become final 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the area.

(2) LEGISLATIVE DAY.—For purposes of this subsection, the term "legislative day" means any calendar day on which both Houses of the Congress are in session.

SEC. 109. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF SECRETARY.—

(1) GRANTS.—The Secretary may make matching grants to provide assistance regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. The Secretary may make grants under this section to units of government, and, in consultation with affected units of government, to private nonprofit organizations. In awarding grants, the Secretary shall be guided by the criteria for

eligibility for designation referred in section 105(c).

(2) TECHNICAL ASSISTANCE.—(A) The Secretary may provide technical assistance to units of government and private nonprofit organizations regarding feasibility studies and compacts described in section 106(a) and, upon request of the management entity for the relevant American Heritage Area, regarding management plans and early actions described in section 106(a) and capital projects and improvements undertaken pursuant to such management plans. In providing the technical assistance, the Secretary shall be guided by the criteria for eligibility for designation referred to in section 105(c).

(B) The Secretary may elect to provide all or part of the technical assistance authorized by this subsection through cooperative agreements with units of government and private nonprofit organizations whose missions and resources can contribute substantially to the purposes of this title.

(3) OTHER ASSISTANCE.—Nothing in this title shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

(4) PRIORITIES FOR ASSISTANCE.—In assisting an American Heritage Area, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, and cultural resources which support the themes of the American Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the American Heritage Area.

(5) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide which American Heritage Areas shall be awarded technical and financial assistance and the amount of the assistance. Such decisions shall be based on the relative degree to which each American Heritage Area effectively fulfills the objectives contained in the management plan for the area, achieves the purposes of this title, and fulfills the criteria referred to in section 105(c) and shall give consideration to projects which provide a greater leverage of Federal funds.

(6) NON-FEDERALLY OWNED PROPERTY.—The Secretary is authorized to spend Federal funds directly on nonfederally owned property to further the purposes of this title, giving priority to assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(7) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress regarding the American Heritage Areas Partnership Program. Each report shall include—

(A) the number, amount, and recipients of any grants provided by the Secretary under this title and the nature of any technical assistance or early action provided under this title;

(B) a description of the status and condition of, and Federal funding provided under this Act to, each American Heritage Area;

(C) a description of the areas nominated for the American Heritage Partnership Program;

(D) the recommendations of the Secretary regarding areas to be designated by the Congress as American Heritage Areas; and

(E) the status of the implementation of all contractual agreements entered into by the Secretary under this title.

(8) OVERSIGHT OF HERITAGE AREAS WITH EXPIRED ELIGIBILITY.—The Secretary shall investigate, study, and continually monitor the welfare of all American Heritage Areas whose eligibility for Federal funding under this title has expired and shall report to the Congress periodically regarding the condition of such American Heritage Areas.

(9) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of components of the American Heritage Areas Partnership Program.

(10) PROMULGATION OF REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this title.

(b) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities directly affecting an American Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to the maximum extent practicable—

(1) consult with the Secretary and the management entity for the American Heritage Area with respect to such activities;

(2) cooperate with the Secretary and the management entity in the carrying out of the duties of the Secretary and the management entity under this title, and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the management plan for the American Heritage Area unless the Federal entity or unit of government, after consultation with the Secretary and the management entity, determines that there is no practicable alternative.

SEC. 110. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area.

(c) MANAGEMENT PLAN AVAILABILITY TO LOCAL GOVERNMENTS.—Any management plan referred to in section 106(a) and submitted to the Secretary by the management entity for an American Heritage Area shall be made available to the local governments having jurisdiction over land use regulations affecting the American Heritage Area for the use of the local governments in updating their growth management plans and in the event that such governments desire to amend current land use legislation as they may deem appropriate and in accordance with their legal authority.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES, COMPACTS, MANAGEMENT PLANS, AND EARLY ACTIONS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance pursuant to section 109(a) and the administration of such grants and assistance, annually not more than $10,000,000, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for a feasibility study, compact, management plan, or early action may exceed 75 percent of the cost, to the grantee, for such study, compact, plan, or early action.

(2) STUDIES.—The total amount of Federal funding under this title for feasibility studies for a proposed American Heritage Area may not exceed $100,000.

(3) COMPACTS.—The total amount of Federal funding under this title for compacts for a proposed American Heritage Area may not exceed $150,000.

(4) EARLY ACTION GRANTS.—The total amount of Federal funding under this title for early action grants for an American Heritage Area may not exceed $250,000.

(5) MANAGEMENT PLANS.—The total amount of Federal funding under this title for management plans for an American Heritage Area may not exceed $150,000.

(b) MANAGEMENT ENTITY OPERATIONS.—

(1) OPERATING COSTS.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for each management entity of an American Heritage Area, not more than $250,000 annually for the operating costs of such management entity pursuant to section 107.

(2) COST SHARE.—The Federal contribution under this title to the operations of any management entity of an American Heritage Area shall not exceed 50 percent of the annual operating costs of the entity.

(c) PLAN IMPLEMENTATION.—From the amounts made available to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.), there is authorized to be appropriated to the Secretary, for grants and technical assistance for the implementation of management plans for designated American Heritage Areas and the administration of such grants and assistance, not more than $25,000,000 annually, to remain available until expended, with the following conditions:

(1) PERCENT OF COST.—No grant under this title for implementation of a management plan may exceed 50 percent of the cost to the grantee of the implementation.

(2) PERCENT OF FUNDING FOR EACH AREA.—Not more than 10 percent of the annual appropriation for this subsection shall be made available, in any 1 year, to each American Heritage Area.

(3) TOTAL FUNDING FOR EACH AREA.—Not more than a total of $10,000,000 may be made available under this subsection to each American Heritage Area.

(4) AGREEMENTS.—Any payment made under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to the greater of—

(A) reimbursement of all funds made available for such project; and

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

(d) LIMITATION ON AMOUNTS FOR TECHNICAL ASSISTANCE.—The amount of Federal funding made available under this section for technical assistance for an American Heritage Area for a fiscal year may not exceed $150,000.

SEC. 112. EXPIRATION OF AUTHORITIES.

The authorities contained in this title shall expire on September 30 of the 25th fiscal year beginning after the date of the enactment of this title.

SEC. 113. REPORT.

The Secretary shall submit to the Congress, every 5 years while the authorities contained in this title remain in force, a report on the status and accomplishments of

the American Heritage Areas Partnership Program as a whole.

SEC. 114. SAVINGS PROVISION.

Nothing in this title shall be construed to expand or diminish any authorities contained in any law designating an individual National Heritage Area or Corridor before the date of the enactment of this title.

TITLE II—DESIGNATION OF AMERICAN HERITAGE AREAS

SEC. 201. AMERICAN COAL HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the rise of American industry in the late 19th and 20th centuries led to tremendous growth in the Appalachian coal fields, creating an area of national historic significance in terms of its contributions to the industrial revolution, architecture, culture, and diversity;

(2) within the Appalachian coal belt, the coal mined in southern West Virginia and in southwestern Virginia produced some of the purest and most sought-after coal in the Nation, and the region associated with this coal contains a rich cultural heritage;

(3) the influx of labor needed to mine coal in this region created a diverse community of African Americans from the south, recent immigrants from southern and southeastern Europe, Americans from northern mining areas, and native Appalachians;

(4) it is in the national interest to preserve and protect physical remnants of the late 19th and early 20th century rise of American industry for the education and benefit of present and future generations; and

(5) there is a need to provide assistance to the preservation and promotion of the vestiges of the coal heritage of Appalachia that have outstanding cultural, historic, and architectural value.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to preserve and interpret, for the educational and inspirational benefit of present and future generations, certain lands and structures with unique and significant historical and cultural values associated with the coal mining heritage of southern West Virginia and southwestern Virginia.

(c) DESIGNATION.—

(1) IN GENERAL.—Upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the American Coal Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(2) COMPACT.—The Secretary may not require, as a condition of approving a compact submitted pursuant to this section regarding the Heritage Area, that both the State of West Virginia and the Commonwealth of Virginia sign the compact.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Coal Industry National Heritage Area", numbered CMNHA-80,008, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 202. AUGUSTA CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Augusta Canal National Historic Landmark in the State of Georgia, listed on the National Register of Historic Places, is one of the last unspoiled and undeveloped areas in the State of Georgia, has remained largely intact, and has excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage in open space;

(2) the beautiful rural landscapes, scenic vistas and excellent water quality of the Augusta Canal contain significant undeveloped recreational opportunities for people throughout the United States;

(3) the existing mill sites and other structures throughout the Augusta Canal were instrumental in the development of the cotton textile industry in the south;

(4) several significant sites associated with Native Americans, the American Revolution, and African-Americans are located within the area; and

(5) the Augusta Canal Authority would be an appropriate management entity for an American Heritage Area established in the area of the Augusta Canal.

(b) STATEMENT OF PURPOSE.—The purposes of this section are to—

(1) designate the Augusta Canal as an American Heritage Area; and

(2) provide a management framework to assist the State of Georgia, its units of local and regional government, and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret significant features of the lands, waters, historic structures, and heritage of the Augusta Canal.

(c) DESIGNATION.—Upon publication in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Augusta Canal American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map entitled "The Augusta Canal", numbered AUCA-80,000, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 203. CANE RIVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the settlement in the Natchitoches area along Cane River, established in 1714, is the oldest settlement in the Louisiana Purchase Territory;

(2) the Cane River area is the locale of the development of Creole culture, from the French-Spanish interactions of the early 18th century to the living communities of today;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement in the area, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, most, unlike the Cane River area, are isolated examples and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features, with original elements, in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, 4 other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs of the area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the Cane River Creole culture as a significant element of the cultural heritage of the United States; and

(2) to establish a Cane River American Heritage Area to be undertaken in partnership with the State of Louisiana, the city of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

(c) DESIGNATION.—In furtherance of the need to recognize the value and importance of the Cane River region, upon publication by the Secretary in the Federal Register of notice that a compact meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Cane River American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall be composed of the lands encompassing—

(A) an acre approximately 1 mile on both sides of the Cane River, as depicted on the map numbered "CARI-80,000", and dated January 1994;

(B) the Natchitoches National Historical Landmark District;

(C) the Los Adaes State Commemorative Area;

(D) the Fort Jesup State Commemorative Area;

(E) the Fort St. Jean Baptiste State Commemorative Area; and

(F) the Kate Chopin House.

(2) MAP.—The Secretary shall prepare a map of the Cane River American Heritage

Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Cane River American Heritage Area:

(1) 1 member submitted by the mayor of Natchitoches.

(2) 1 member submitted by the Association for the Preservation of Historic Natchitoches.

(3) 1 member submitted by the Natchitoches Historic Foundation, Inc.

(4) 2 members, with experience in and knowledge of tourism in the area of the Cane River American Heritage Area, submitted by local business and tourism organizations.

(5) 1 member submitted by the Governor of the State of Louisiana.

(6) 1 member submitted by the Police Jury of Natchitoches Parish in Louisiana.

(7) 1 member submitted by the Concerned Citizens of Cloutierville.

(8) 1 member submitted by the St. Augustine Historical Society.

(9) 1 member submitted by the Black Heritage Committee.

(10) 1 member submitted by the Los Adaes/Robeline Community.

(11) 1 member submitted by the Natchitoches Historic District Commission.

(12) 1 member submitted by the Cane River Waterway Commission.

(13) 2 members who are landowners in and residents of the Cane River American Heritage Area.

(14) 1 member, with experience and knowledge of historic preservation, submitted by Museum Contents, Inc.

(15) 1 member, with experience and knowledge of historic preservation, submitted by the President of Northwestern State University of Louisiana.

(16) 1 member, with experience in and knowledge of environmental, recreational, and conservation matters affecting the Cane River American Heritage Area, submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations.

(17) The superintendent of the Jean Lafitte National Historic Park and Preserve, or a designee.

SEC. 204. ESSEX AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and Merrimack River valley contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force, and the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(6) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness and preservation and economic development through tourism; and

(7) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the area and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSES.—The purposes of this section are—

(1) to designate the Essex American Heritage Area in order to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the 3 primary themes of the Salem Maritime National Historic site and Saugus Iron Works National Historic site (the histories of early settlement and industry, maritime trade, and textile and leather manufacturing); and

(2) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the district.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Essex American Heritage Area (hereinafter in this section referred to as the "Heritage Area"), within the county of Essex in the Commonwealth of Massachusetts.

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map numbered NAR–51–80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 205. HUDSON RIVER VALLEY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Hudson River Valley between Yonkers, New York, and Troy, New York, possesses important historical, cultural, and natural resources, representing themes of settlement and migration, transportation, and commerce;

(2) the Hudson River Valley played an important role in the military history of the American Revolution;

(3) the Hudson River Valley gave birth to important movements in American art and architecture through the works of Andrew Jackson Downing, Alexander Jackson Davis, Thomas Cole, and their associates, and played a central role in the recognition of the esthetic values of landscape and the development of an American esthetic ideal;

(4) the Hudson River Valley played an important role in the development of the iron, textile, and collar and cuff industries in the 19th century, exemplified in surviving structures such as the Harmony Mills complex at Cohoes, and in the development of early men's and women's labor and cooperative organizations, and is home of the first women's labor union in the United States and the first women's secondary school in the United States;

(5) the Hudson River Valley, in its cities and towns and its rural landscapes—

(A) displays exceptional surviving physical resources illustrating these themes and the social, industrial, and cultural history of the 19th and early 20th centuries; and

(B) includes numerous national historic sites and landmarks;

(6) the Hudson River Valley is the home of the traditions associated with Dutch and Huguenot settlements dating to the 17th and 18th centuries, was the locus of characteristic American stories such as "Rip Van Winkle" and the "Legend of Sleepy Hollow", and retains physical, social, and cultural evidence of these traditions and the traditions of other more recent ethnic and social groups;

(7) the State of New York has established a structure, in the Hudson River Greenway Communities Council and the Greenway Conservancy, for the Hudson River Valley communities to join together to preserve, conserve, and manage these resources and to link them through trails and other means; and

(8) the Heritage Area Committee jointly established by the Hudson River Valley Greenway Communities Council and the Greenway Conservancy (agencies established by the State of New York in its Hudson River Greenway Act of 1991) is expected to be the management entity for an American Heritage Area established in the Hudson River Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the importance of the history and resources of the Hudson River Valley to the Nation;

(2) to assist the State of New York and the communities of the Hudson River Valley in

preserving and interpreting these resources for the benefit of the Nation;

(3) to maintain agricultural viability and productivity in the region; and

(4) to authorize Federal financial and technical assistance to serve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Hudson River Valley American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be comprised of the lands generally depicted on the map entitled "Hudson River Valley National Heritage Area", numbered P50–8002, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 206. OHIO & ERIE CANAL AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and was a part of a canal network in Ohio that was one of the most extensive and successful systems in America during a period in history when canals were essential to the growth of the Nation;

(2) the Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to a position as the third most economically prosperous State in the Union in just 20 years;

(3) a 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures have been placed on the National Register of Historic Places;

(4) in 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant, under National Park Service new area criteria, in the designation of the Cuyahoga Valley National Recreation Area;

(5) the National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal"; and

(6) a 1993 Special Resource Study of the Ohio & Erie Canal Corridor, conducted by the National Park Service and entitled "A Route to Prosperity", has concluded that the corridor is eligible to become a National Heritage Corridor, an affiliated unit of the National Park System.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to the national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar; and

(2) to provide a management framework to assist the State of Ohio and its political subdivisions in developing and implementing a management plan for the area and developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the corridor.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Ohio & Erie Canal American Heritage Area (hereinafter in this Act referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, "A Route to Prosperity". The specific boundaries shall be those specified in the management plan submitted under subsection (e). The Secretary shall prepare a map of the area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) MANAGEMENT ENTITY.—Upon petition, the Secretary is authorized to recognize a coalition consisting of the following persons as the management entity, for purposes of title I, for the Ohio & Erie Canal American Heritage Area:

(1) The Superintendent of the Cuyahoga Valley National Recreational Area.

(2) 2 individuals submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Historical Society.

(3) 8 individuals submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas, including—

(A) from each county, 1 representative of the planning offices of the county; and

(B) from each county, 1 representative of a municipality in the county.

(4) 3 individuals submitted by the county or metropolitan park boards of the Ohio counties of Cuyahoga, Summit, and Stark.

(5) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Director of the National Park Service.

(6) 1 individual with knowledge and experience in the field of historic preservation, submitted by the Ohio Historic Preservation Officer.

(7) 1 individual who is a director of a convention and tourism bureau within the area, submitted by the Director of the Ohio Department of Travel and Tourism.

(8) 4 individuals, who shall include 1 representative of business and industry from each of the counties of Cuyahoga, Summit, Stark, and Tuscarawas, submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce.

(g) ASSISTANCE.—The Secretary may provide to public and private entities within the Heritage Area (including the management entity for the Heritage Area) technical, financial, development, and operational assistance. Assistance provided under this subsection shall be provided on a reimbursable basis through the Cuyahoga Valley National Recreation Area.

SEC. 207. SHENANDOAH VALLEY BATTLEFIELDS AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990 the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make an important contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments and their regional entities, and the private sector, offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) to recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments and their regional entities, and the private sector, to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Shenandoah Valley Battlefield American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the areas of the Commonwealth of Virginia generally depicted on the

map entitled "Shenandoah Valley National Heritage Area", numbered SVNHA–80,006, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 208. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the industrial and cultural heritage of southwestern Pennsylvania, including the city of Pittsburgh and the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland, related directly to steel and steel-related industries, is nationally significant;

(2) these industries include steel-making, iron-making, aluminum, specialty metals, glass, coal mining, coke production, machining and foundries, transportation, and electrical industries;

(3) the industrial and cultural heritage of the steel and related industries in this region includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including both the formation of many key unions, such as the Congress of Industrial Organizations (CIO) and the United Steel Workers of America (USWA), and crucial struggles to improve wages and working conditions, such as the Rail Strike of 1877, the Homestead Strike of 1892, and the Great Steel Strike of 1919;

(5) there are significant examples of cultural and historic resources within this 6-county region that merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Steel Industry Heritage Task Force, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education and revitalization; and

(6) the Steel Industry Heritage Task Force would be an appropriate management entity for a Heritage Area established in the region.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to foster a close working relationship between all levels of government, the private sector, and the local communities in the steel industry region of southwestern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 6-county steel industry region of southwestern Pennsylvania.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Steel Industry American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "The Steel Industry American Heritage Area", numbered SINHA–80,007, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

SEC. 209. VANCOUVER AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the lower Columbia River basin and Vancouver, Washington, have been the focal point of a number of important periods, themes, and events in American history and prehistory, including native settlements, westward expansion of the British colonies and the United States from 1763 to 1898, political and military affairs from 1865 to 1939, and military affairs from 1914 to 1941;

(2) the Columbia River is the central feature around which the history of the proposed Vancouver National Heritage Area and the entire Pacific Northwest revolves;

(3) the proposed Vancouver National Heritage Area is located on the shores of the Columbia River, 78 miles from the Pacific Ocean, and the Columbia River has been an artery for communication and trade since prehistoric times;

(4) Fort Vancouver National Historic Site, a unit of the National Park System, was founded in 1825 by the Hudson Bay Company and its development from 1825 to 1860 was seminal to Euro-American settlement of the Northwest;

(5) the Vancouver barracks served as the principal administrative outpost of the United States Army in the Pacific Northwest from 1849 until World War I, served as a command post during the Native American Wars of the mid- to late-19th century, and provided major facilities for support of United States military ventures throughout the Pacific during the Spanish American War and the 2 World Wars;

(6) Pearson Airfield was the site of significant events in the history of aviation in the Pacific Northwest, was particularly prominent during the interwar period between 1923 and 1941, and today continues to be an important home to historic aircraft and historic aviation;

(7) the proposed Vancouver American Heritage Area contains a number of discovered and unrecovered archaeological sites significant to the history of North America and the growth of the United States;

(8) the proposed Vancouver American Heritage Area is located close to major metropolitan areas, including Portland, Tacoma, and Seattle, and is immediately adjacent to Interstate 5, the major north-south interstate of the Pacific Northwest; and

(9) many Federal, State, and local government entities, as well as numerous private organizations and individuals—

(A) have expressed a desire to join forces and work together in a cooperative spirit in order to preserve, interpret, and enhance the cultural, recreational, and educational potential of the proposed American Heritage Area;

(B) have already demonstrated their ability to effectively cooperate in the course of preparing the "Vancouver National Historical Reserve Feasibility Study and Environmental Assessment", as required by Public Law 101–523 (104 Stat. 2297); and

(C) are capable of forming the continued cooperative alliances needed to enter into a compact, identify a management entity, and establish an appropriate management plan for the proposed Vancouver American Heritage Area.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to preserve, enhance, and interpret the significant aspects of the lands, water, structures, and history of the proposed Vancouver American Heritage Area; and

(2) to provide a partnership that will develop and implement an integrated cultural, historical, recreational, and educational land resource management program in order to achieve these purposes.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Vancouver American Heritage Area (hereinafter in this section referred to as the "Heritage Area").

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Vancouver American Heritage Area", numbered VAAM-80,001, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section, except that the responsibilities of the management entity for the Heritage Area shall not extend to those lands under the control of the Department of the Interior or the Department of the Army. The management entity may enter into cooperative agreements and partnerships with these and other entities as appropriate to further the purposes of this Act.

(f) PEARSON AIRPARK.—

(1) TRANSITION.—(A) General aviation shall cease at Pearson Airpark not later than April 3, 2022, unless a continuation of general aviation is expressly authorized by an Act of Congress.

(B) Not later than January 30, 2010, the management entity for the Heritage Area shall submit to the Secretary a plan regarding general aviation at Pearson Airpark that is consistent with this section.

(C) Not later than June 30, 2010, the Secretary shall—

(i) approve such a plan and transmit the plan to the Congress; or

(ii) notify the Congress that no acceptable plan has been submitted under subparagraph (B).

(D) If the management entity fails to submit a plan acceptable to the Secretary under subparagraph (B) before June 30, 2010—

(i) the Secretary may not provide further assistance to the Heritage Area under this Act; and

(ii) the Secretary shall prepare such a plan for submittal to the Congress not later than June 30, 2011.

(2) HISTORIC AIRCRAFT DEFINED.—For purposes of this section, the term "historic aircraft" means any aircraft representing aviation in World War II or earlier.

(3) VIABILITY AND MITIGATION PLAN.—Any management plan submitted to the Secretary pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Viability and Mitigation Plan that accomplishes the following:

(A) Identifies incentives and proposes regulations to facilitate a transition from the use of Pearson Airpark from predominantly general aviation to use for historic aircraft.

(B) Establishes a program to mitigate any conflicts related to the operation of Pearson Airpark and to other activities within the Heritage Area. The program shall, in coordination with the Federal Aviation Administration and other agencies as appropriate, address, but not be limited to, considerations of noise, safety, visual intrusion, and the location of new facilities. Mitigation measures shall include limitations on the number of air-worthy aircraft that may be based at the Airpark.

(4) PEARSON AIRPARK MUSEUM PLAN.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall include a Pearson Airpark Museum Plan, which shall include budgetary strategies by which proceeds from general aviation and other sources will fund the Pearson Airpark Museum and other aviation curation activities.

(5) MITIGATION MEASURES AND CONDITIONS REGARDING GENERAL AVIATION.—The management plan submitted pursuant to section 107(c)(1) and subsection (e) of this section regarding the Heritage Area shall permit general aviation at Pearson Airpark to continue until April 3, 2022, subject to the following conditions:

(A) Pearson Airpark and Pearson Airpark Museum shall be operated by the city of Vancouver or its designated entity. Beginning on June 30, 2002, the Secretary shall require payment at fair market value for any National Park Service lands leased within the boundaries of the Heritage Area, except as otherwise provided in this subparagraph. The Secretary may enter into agreements that provide that specific additional work performed or expenses paid by the city of Vancouver, which the city is not otherwise obligated to perform or pay under this or any other provision of law, may be used, fairly valued, to reduce or offset the amount of the obligation of the city to pay rent pursuant to this subsection.

(B) Not later than June 30, 2003, the city of Vancouver shall remove from National Park Service property in the Heritage Area all nonhistoric aviation-related buildings and devices, including T-hangers and associated taxiways, except buildings and devices necessary for navigation and safety.

(C) The city of Vancouver shall not be compensated for historic buildings remaining on National Park Service property, but shall continue to bear liability and responsibility for continued use and maintenance of these structures.

(D) No structural improvements or structural additions to any structure or facility of the Pearson Airpark Museum located on property of the National Park Service may be made without the approval of the Secretary.

(E) Helicopters shall not use Pearson Airpark except in cases of emergency, disaster, or national security needs.

SEC. 210. WHEELING AMERICAN HERITAGE AREA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Wheeling, West Virginia, and its vicinity possess important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce, industry, and Victorian culture in the United States;

(2) the city of Wheeling played an important part in the settlement of the Nation by serving as the western terminus of the National Road in the early 1800's, by serving as the Crossroads of America throughout the 19th century, by serving as one of the few major inland ports in the United States in the 19th century, and by hosting the establishment of the Restored State of Virginia, and later the State of West Virginia during the Civil War years;

(3) the city of Wheeling was the first capital of the new State of West Virginia, during the development and maintenance of many industries crucial to the expansion of the Nation, including iron, steel, and textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing, many of which are industries that continue to play an important role in the Nation's economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house, now Independence Hall, as a National Historic Landmark, with the designation of the historic suspension bridge as a National Historic Landmark, with 5 historic districts, and with many individual properties in the Wheeling area listed on or eligible for nomination to the National Register of Historic Places; and

(5) the heritage themes and number and diversity of the remaining resources of Wheeling should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States.

(b) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to recognize the special importance of the history and development of the Wheeling, West Virginia, area in the cultural heritage of the Nation;

(2) to provide a framework to assist the city of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of resources in the Wheeling area that are emblematic of the contributions of Wheeling to the cultural heritage of the Nation; and

(3) to allow for limited Federal, State, and local capital contributions for planning and infrastructure investments to create the Wheeling American Heritage Area, in partnership with the State of West Virginia, the city of Wheeling, West Virginia, and their designees, and to provide for an economically self-sustaining American Heritage Area that will not be dependent on Federal assistance beyond the initial years necessary to establish the American Heritage Area.

(c) DESIGNATION.—Upon publication by the Secretary in the Federal Register of notice that a compact regarding the Heritage Area and meeting the requirements for a compact under section 106(a)(2) has been approved by the Secretary under the procedures referred to in section 106(b), there is hereby designated the Wheeling American Heritage Area (hereinafter in this Act referred to as the "Heritage Area") in the State of West Virginia.

(d) BOUNDARIES.—The Heritage Area shall be composed of the lands generally depicted on the map entitled "Boundary Map, Wheeling American Heritage Area, West Virginia", numbered WHNA–80,005, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(e) ADMINISTRATION.—The Heritage Area shall be considered to be part of the American Heritage Areas Partnership Program and shall be considered for all purposes, including but not limited to the management plan submission requirement of section 107(c)(1) and the provisions of section 108, to have been designated an American Heritage Area under section 105(d) on the date on which the Heritage Area is designated under subsection (c) of this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than—

(A) $5,000,000 for capital projects;

(B) $1,000,000 for planning and studies; and

(C) $500,000 for technical assistance.

(2) LIMITATIONS.—(A) Funds made available pursuant to subparagraph (A) or (B) of paragraph (1) for a capital project or for planning and studies regarding a project shall not exceed 50 percent of the total costs of the capital project or project, respectively.

(B) Funds made available under this section or any other Federal law for the Heritage Area or the Wheeling National Heritage Area (including the Wheeling project) may not exceed $6,500,000 in the aggregate.

(3) NOT ELIGIBLE FOR FUNDS UNDER TITLE I.—No funds may be appropriated under title I for purposes of the Heritage Area.

TITLE III—STUDIES REGARDING POTENTIAL AMERICAN HERITAGE AREAS

SEC. 301. OHIO RIVER CORRIDOR.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the amenities and resources of the Ohio River, which flows through 6 States from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River and comprises a chain of commercial, industrial, historical, archaeological, natural, recreational, scenic, wildlife, urban, rural, cultural, and economic areas, are of major significance and importance to the Nation;

(2) the national interest is served by—

(A) preserving, protecting, and improving such amenities and resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in the Ohio River Corridor;

(3) the preservation, protection, and improvement of such amenities and resources are failing to be fully realized despite efforts by the States through which the Ohio flows, political subdivisions of such States, and volunteer associations and private businesses in such States;

(4) existing Federal agency programs are offering insufficient coordination to State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the amenities and resources of the Corridor; and

(5) the Federal Government should assist in the coordination, preservation, and interpretation activities of public and private entities with respect to the significant amenities and resources associated with the Ohio River.

(b) STUDY OF OHIO RIVER CORRIDOR.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Ohio River corridor, from its headwaters in the Commonwealth of Pennsylvania to its confluence with the Mississippi River, as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study required by subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 302. FOX AND LOWER WISCONSIN RIVER CORRIDORS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet;

(2) as the connecting route between the Great Lakes and the Mississippi River, the waterway was critical to the opening of the Northwest Territory and served as a major artery in bringing commerce to the interior of the United States and providing a vital communication link for early explorers, missionaries, and fur traders;

(3) within the Fox and Lower Wisconsin River corridors are an abundance of historic and archaeological sites and structures representing early Native Americans, European exploration, and 19th-century transportation and settlement; and

(4) the unique aspects of the waterway, from the heavily developed portions of the Fox River to the pristine expanses of the Lower Wisconsin River, should be studied to determine the suitability and feasibility of the waterway for designation as an American Heritage Area.

(b) STUDY OF FOX-WISCONSIN RIVER CORRIDORS.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 303. SOUTH CAROLINA CORRIDOR.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, form a corridor, more than 250 miles in length, which possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shellfish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the region for the residents of, and visitors to, the corridor area;

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits of the region resides with the State of South Carolina and the various local units of government having jurisdiction over the corridor area; and

(4) in view of the longstanding Federal practice of assisting the States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the corridor, the Federal Government has an interest in assisting the State of South Carolina, its units of local government, and the private sector in fulfilling their responsibilities.

(b) STUDY OF SOUTH CAROLINA CORRIDOR.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the National Park Service, shall cooperate with the South Carolina Department of Parks, Recreation, and Tourism in preparing a study on the suitability and feasibility of designating the corridor formed by the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston, in the State of South Carolina, as an American Heritage Area.

SEC. 304. NORTHERN FRONTIER.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the area comprising Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy), known during the American Revolutionary War period as the "Northern Frontier", offers excellent opportunities to study a little known or understood aspect of the American Revolution—the frontier experience;

(2) the Northern Frontier territory was extremely valuable to both sides of the American Revolutionary War and was contested because of its geopolitical, military, agricultural, transportation, and commercial attributes;

(3) because a complex social, economic, and political society was emerging on the Northern Frontier, the Continental Congress established the Northern Indian Department to conduct affairs there, and the English made the area, and its Indian population, the centerpiece of the English strategy to split the colonies;

(4) due to the struggle to control the Northern Frontier, privation and hardship were inflicted upon nearly all who lived there, a diverse mix of ethnic and racial groups willingly and unwillingly thrust into the struggle for independence, leaving many dead, homeless, orphaned, or dislocated by the end of the hostilities;

(5) the tensions on the Northern Frontier reached such a pitch that hostilities erupted, pitting neighbors, families, tribes, and clans against each other, and led to a bloody, savage, and destructive battle;

(6) new interpretations and interdisciplinary studies of this human drama are not only necessary, but timely because of the abundant supply of assets in the area, including sites, buildings, celebrations, folklore, and collections, many safely preserved and many at risk; and

(7) if these Northern Frontier assets can be thematically related and portrayed for the education and enjoyment of Americans and foreign visitors, an important and often overlooked chapter in the heritage of the Nation will be displayed for the benefit and edification of all peoples.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall complete a study on the suitability and feasibility of designating Tryon County, in the Mohawk Valley of the State of New York, and the Country of the Six Nations (Iroquois Confederacy) as an American Heritage Area.

(2) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a), the Secretary shall submit a report describing the results of the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE IV—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS

SEC. 401. BOUNDARIES, COMMISSION, AND REVISION OF PLAN.

(a) BOUNDARIES.—Section 2(a) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended by striking the first sentence and inserting the following new sentence: "The boundaries shall include the lands and waters generally depicted on the map entitled 'Blackstone River Valley National Heritage Corridor Boundary Map', numbered BRV-80-80,011, and dated May 2, 1993.".

(b) COMMISSION MEMBERSHIP.—(1) Section 3 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended—

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

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 19 members, appointed as follows:

"(A) the Director of the National Park Service, or a designee, ex officio;

"(B) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Rhode Island;

"(C) 5 individuals appointed by the Secretary after consideration of recommendations from the Governor of Massachusetts;

"(D) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Rhode Island; and

"(E) 4 individuals appointed by the Secretary to represent the interests of local government in the State of Massachusetts.

"(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made."; and

(B) in subsection (c), by inserting immediately before the period at the end the following: ", but may continue to serve until a successor has been appointed".

(2) Paragraph (1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) REVISION OF PLAN.—Section 6 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3625), is amended by adding at the end the following new subsection:

"(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of the enactment of this subsection, the Commission shall revise the Cultural Heritage and Land Management Plan submitted under subsection (a) and shall submit the revised plan to the Secretary and the Governors of Massachusetts and Rhode Island for approval under the procedures referred to in subsection (b). The revision shall address any change in the boundaries of the Corridor that occurs after the submission of the plan required by subsection (a) and shall include a natural resource inventory of areas or features that should be protected, restored, or managed because of the natural and cultural significance of the areas or features.

"(2) No changes other than minor boundary revisions may be made in the plan approved under subsection (b) and revised under paragraph (1) of this subsection, unless the Secretary approves such changes. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).".

(d) TERMINATION OF COMMISSION.—Section 7 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended to read as follows:

"TERMINATION OF COMMISSION

"SEC. 7. The Commission shall terminate on December 31, 2003.".

SEC. 402. IMPLEMENTATION OF PLAN.

Section 8(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended to read as follows:

"(c) IMPLEMENTATION.—(1) To assist in the implementation of the Cultural Heritage and Land Management Plan, submitted and revised under section 6, in a manner consistent with the purposes of this Act, and to assist in the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places, the Secretary is authorized to provide funds for projects in the Corridor that exhibit national significance or provide a wide spectrum of historic, recreational, environmental, educational, or interpretive opportunities, without regard to whether the projects are in public or private ownership. Applications for funds under this section shall be made to the Secretary through the Commission. Each such application shall include the recommendation of the Commission and its findings regarding the manner in which the project proposed to be funded will further the purposes of this Act.

"(2) The Commission shall not be eligible for funds under this section unless it submits to the Secretary an application that includes—

"(A) a 10-year development plan including the resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

"(B) specific descriptions of any projects that have been identified and of the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

"(3) Funds made available pursuant to this subsection for any project shall not exceed 50 percent of the total cost of such project.

"(4) In making funds available under this subsection, the Secretary shall give priority to projects that attract greater non-Federal than Federal funding.

"(5) Any payment made under this subsection for the purposes of conservation or restoration of real property or of any structure shall be subject to an agreement—

"(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

"(B) that upon conversion, use, or disposal of the real property or structure for purposes contrary to the purposes of this Act, the recipient of the payment, or the successors or assigns of the recipient, shall pay to the United States the greater of—

"(i) the total of all Federal funds made available for conservation or restoration of the real property or structure, reduced pro rata over the useful life of the improvements funded; and

"(ii) the increased value attributable to such funds, as determined at the time of the conversion, use, or disposal.

"(6) The determination that, for purposes of paragraph (5)(B), a conversion, use, or disposal has been carried out contrary to the purposes of this Act shall be solely within the discretion of the Secretary.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 100 Stat. 3630), is amended—

(1) in subsection (a), by striking "$350,000" and inserting "$500,000"; and

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

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8 for fiscal years beginning after September 30, 1994, not more than $5,000,000 in the aggregate, to remain available until expended.".

TITLE V—BRAMWELL NATIONAL HISTORIC DISTRICT

SEC. 501. BRAMWELL NATIONAL HISTORIC DISTRICT.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the coal mining heritage of southern West Virginia is of historical and cultural significance;

(2) the town of Bramwell, West Virginia, possesses remarkable and outstanding historical, cultural, and architectural values relating to the coal mining heritage of southern West Virginia; and

(3) it is in the national interest to preserve the unique character of the town of Bramwell, West Virginia, and to enhance the historical, cultural, and architectural values associated with its coal mining heritage.

(b) STATEMENT OF PURPOSE.—The purpose of this section is to encourage the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, West Virginia.

(c) DESIGNATION.—In order to preserve, protect, restore, and interpret the unique historical, cultural, and architectural values of Bramwell, West Virginia, there is hereby designated the Bramwell National Historic District (hereinafter in this section referred to as the "Historic District"). The Historic District shall consist of the lands and interest therein within the corporate limits of the town of Bramwell, West Virginia.

(d) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, to further the purposes of the Historic District.

(2) RATIO OF NON-FEDERAL FUNDS.—Funds authorized to be appropriated to the Secretary for the purposes of this subsection shall be expended in the ratio of 1 dollar of Federal funds for each dollar contributed by non-Federal sources. With the approval of the Secretary, any donation of land, services, or goods from a non-Federal source, fairly valued, may be considered as a contribution of dollars from a non-Federal source for the purposes of this subsection.

(3) AGREEMENTS REGARDING PAYMENTS.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for any purpose contrary to the purpose of this section, as determined by the Secretary, shall result in a right of the United States to the greater of—

(A) reimbursement of all funds made available to such project; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of the conversion, use, or disposal.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

TITLE VI—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA AMENDMENTS

SEC. 601. SHORT TITLE.

This title may be cited as the "Southwestern Pennsylvania American Heritage Area Amendments Act".

SEC. 602. DESIGNATION OF SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA.

The Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new title:

"TITLE III—SOUTHWESTERN PENNSYLVANIA AMERICAN HERITAGE AREA

"SEC. 301. DESIGNATION.

"There is hereby designated the Southwestern Pennsylvania American Heritage Area, which shall be comprised of the region in southwestern Pennsylvania described in section 101(a).

"SEC. 302. CLASSIFICATION.

"The Southwestern Pennsylvania American Heritage Area shall not be considered to be an American Heritage Area for purposes of the American Heritage Areas Partnership Program Act of 1994 or the American Heritage Areas Partnership Program established by section 105(a) of such Act.".

SEC. 603. POWERS OF COMMISSION.

Section 103(h)(3) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by inserting "or an appropriate private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986," after "public agency,".

SEC. 604. FEDERAL PARTICIPATION.

Section 105 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended to read as follows:

"SEC. 105. PROCEDURES FOR FEDERAL PARTICIPATION.

"(a) REVISION OF COMPREHENSIVE MANAGEMENT PLAN AND SCOPE AND COST DOCUMENT.—(1) The Commission shall revise, to carry out this title in a manner that provides for limited Federal involvement, the management plan developed before the date of the enactment of this section. The Commission shall also revise the scope and cost document developed before the date of the enactment of this section to reflect the total cost of each project proposed for approval under this section and the Federal portion of such cost. Both the management plan and the scope and cost document shall be submitted to the Secretary for approval.

"(2) The Secretary shall approve or disapprove any management plan or scope and cost document submitted under paragraph (1) not later than 90 days after receiving such plan or document. If the Secretary disapproves the submitted management plan or scope and cost document, the Secretary shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the plan or document. The Secretary shall approve or disapprove a proposed revision to such a plan or document within 90 days after the date on which the proposed revision is submitted to the Secretary.

"(b) LOANS, GRANTS, AND TECHNICAL ASSISTANCE USING FEDERAL FUNDS.—The Commission may not make loans or grants involving Federal funds under section 104 except as provided in this subsection. The Secretary may provide a loan, a grant, or technical assistance, for the purpose described in section 104, pursuant to an application made to the Secretary through the Commission in accordance with procedures required by the Secretary. Each such application shall include the findings of the Commission regarding the manner in which the proposed loan, grant, or technical assistance will further the purpose of this Act. Each such application shall also include the recommendations of the Commission regarding the proposed loan, grant, or technical assistance. The Secretary may approve such an application only if the Federal funds provided pursuant to the application will be used in a manner that is generally consistent with Federal law relating to the type of project or activity to be funded, as determined by the Secretary. Federal funds made available for loans or grants pursuant to section 104 or this subsection may be used to provide for the preservation or restoration of historic properties in an amount not to exceed $100,000 for each project so assisted.

"(c) USE OF FEDERAL FUNDS.—(1) Federal funds made available under this Act with respect to projects may be made available only for projects that are consistent with the Standards and Guidelines for Historic Properties promulgated by the Secretary.

"(2) Federal funds made available under this Act after the date of the enactment of this section with respect to a project may be used only for planning and design with respect to the project, except that such funds may be used to complete construction commenced before such date regarding Saltsburg Canal Park or West Overton Village.

"(3) The total amount of Federal assistance provided under this section for a project in any fiscal year may not exceed 20 percent of the total amount of Federal funds made available for that fiscal year for the Southwestern Pennsylvania National Heritage Area.

"(4) Federal funds made available under this title with respect to a project may not exceed 50 percent of the total costs of the project. In making such funds available, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds. Any payment made under section 104 or 105 shall be subject to an agreement that conversion, use, or disposal of the project so assisted for any purpose contrary to the purpose of this Act, as determined by the Secretary, shall result in a right of the United States to the greater of—

"(A) compensation for all funds made available with respect to such project; and

"(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

"(5) No Federal funds made available to carry out this Act for fiscal years beginning after September 30, 1995, may be used to provide operational or maintenance support with respect to any building, site, or structure that is not owned by the Federal Government, except the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village. Such funds for the Railroaders Memorial Museum, Saltsburg Canal Park, and West Overton Village may not exceed $200,000 annually, in the aggregate.

"(6) No Federal funds made available to carry out this Act may be used for the construction of any visitor center, interpretive center, or museum, except West Overton Village.

"(7) The Secretary shall approve or disapprove the use of Federal funds made available pursuant to this title within 30 days after application for such funds by the Commission.".

SEC. 605. CONGRESSIONAL OVERSIGHT.

Section 104(b) of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended—

(1) in the first sentence, by inserting "and to the Congress" after "Secretary"; and

(2) by inserting after the first sentence the following: "Funds made available for a fiscal year to carry out this Act may not be obligated for that fiscal year until the report required for the preceding fiscal year by the preceding sentence is submitted to the Congress.".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Title I of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended by adding at the end the following new section:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act the following:

"(1) For each of the fiscal years 1996, 1997, and 1998, $1,000,000 for planning and design, $1,600,000 for construction, $600,000 for grants and loans, and $400,000 for the operations of the Commission.

"(2) For that portion of fiscal year 1999 that occurs before the Commission ceases to exist under section 104(e), $250,000 for planning and design, $400,000 for construction, $150,000 for grants and loans, and $100,000 for the operations of the Commission.".

SEC. 607. PATH OF PROGRESS.

Title II of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (102 Stat. 4618), is amended as follows:

(1) By amending the heading of the title to read as follows:

"TITLE II—PATH OF PROGRESS".

(2) By amending section 201 to read as follows:

"SEC. 201. IDENTIFICATION OF ROUTE.

"In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in Southwestern Pennsylvania which are accessible by public roads, the Secretary, with the concurrence of the agency having jurisdiction over such roads, may provide signs, interpretive materials, and other informational devices for a vehicular tour route, commonly known as the 'Path of Progress Heritage Route'.".

The CHAIRMAN. Are there amendments to the bill?

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. VENTO: Page 12, after line 13, insert the following:

(E) An inventory of the amount of land in the area owned by public, private, and private nonprofit entities, respectively.

Page 17, after line 3, insert the following:

(4) NO REQUIREMENT FOR LAND USE REGULATION AS CONDITION FOR APPROVAL.—No provision of this title shall be construed to require any change in land use regulation as a condition of approval of a compact, management plan, or revision of a compact or management plan by the Secretary.

Page 26, line 2, insert "under this section" after "grants".

Page 29, line 20, strike "directly affecting" and insert "within".

Page 31, line 20, strike "$10,000,000" and insert "$8,000,000".

Page 33, line 15, strike "$25,000,000" and insert "$14,500,000".

Page 53, strike lines 11 through 16 and insert the following:

(d) BOUNDARIES.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the Heritage Area shall be comprised of the lands generally depicted on the map entitled "Hudson River Valley National Heritage Area", numbered P50—8002, and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) LOCAL AGREEMENT TO INCLUSION.—Each of the following counties, cities, and towns in the State of New York shall not be included within the boundaries of the Heritage Area unless the government of such county, city, or town agrees to be so included and submits notification of such agreement to the Secretary:

(A) The counties of Greene and Columbia.

(B) Any city or town within the county of Greene or Columbia.

(C) The counties of Rensselaer and Dutchess.

(D) Any city or town (except the town of Hyde Park) within the county of Rensselaer or Dutchess and located entirely within the 22d Congressional District of New York.

Page 72, line 17, strike "additional".

Page 72, line 18, strike ", which the city" and all that follows through "provision of law,"on line 20.

Page 72, line 23, after "subsection" insert the following: ", unless the city is obligated to perform the work or pay the expenses under a statute other than this Act".

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

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

There was no objection.

Mr. VENTO. Mr. Chairman, these amendments reflect agreements reached among a bipartisan group of House Members, the administration and other interested parties on certain provisions of H.R. 5044, as introduced. Before consideration of H.R. 5044 under suspension of the rules last Tuesday, several changes were made to the bill as introduced. Now that we are considering the legislation under a rule, I am offering those changes in the form of en bloc amendments.

First, the amendment adds a requirement that the feasibility study required for all proposed American Heritage areas contain an inventory of the amount of land in the area owned by public, private, and private nonprofit entities respectively. American heritage areas will contain active communities with a variety of resources and multiple uses, and some have expressed concern that the Federal involvement will negatively impact the rights of private property owners. Because the feasibility study provides the basis for further action with regard to American heritage area designation, I believe it is appropriate to document the ownership patterns at this stage, and I have agreed to include this requirement in the legislation.

Second, the amendment contains a provision disclaiming any requirement to change land-use regulation as a condition of approval of a compact, management plan, or a revision thereof. H.R. 5044, as introduced, makes no changes in current authority to regulate land use. State and local entities already responsible for zoning and other land-use regulations will continue to have this authority. New authorities have been neither provided nor anticipated as the result of enactment of this legislation.

However, some remain concerned that secretarial approval of compact or management plans will be conditioned upon the enactment of stricter land-use controls in American heritage areas. This provision states that nothing in this title shall be so construed. While the Secretary will be responsible for ensuring that Federal funds are expended responsibly and the Federal investment in these areas is protected, only local and State authorities currently authorized to do so may require changes in land-use regulation.

Third, the amendment changes the Federal consistency requirement to direct that Federal entities conducting or supporting activities within an American heritage area should consult with the Secretary of the Interior and coordinate those activities to the extent practicable. H.R. 5044 as introduced had provided for such consultation and coordination of activities directly affecting an American heritage area. Concerns were raised about the broad scope of this requirement in the bill as introduced, and I have agreed to limit the requirement to the boundaries of the American heritage area.

Let me make clear at this point, that this requirement does not subordinate other Federal agencies to the Secretary of the Interior. The affected Federal entities may take such actions as they deem necessary regardless of the Secretary's views. This provision merely requires appropriate coordination to eliminate wasteful duplication of efforts and to minimize the impacts of action which may adversely affect the resources contained in the American heritage area. Our interest is not in ceding control of all Federal activities to the Secretary of the Interior or to the management entity, but in assuring consistency and savings in areas where more than one Federal agency is involved.

Fourth, the amendment cuts the funding authorized for the American Heritage Areas Partnership Program. Based on estimates by the administration, H.R. 5044 had authorized $10 million annually for studies, plans, and early actions, and $25 million annually for development. While these funds will be drawn from an already authorized source, the Historic Preservation Fund, some have suggested that the program should be curtailed. Accordingly, I have agreed to limit the budget for studies, plans, and early actions to $8 million annually, and the budget for development to $14.5 million annually.

Let me stress that this continues to be a modest program. The budget for the entire National Park Service is $1.4 billion, and we are authorizing $22.5 million for the 10 areas designated by this legislation, and these Federal dollars must be matched. This program is a true partnership between Federal, State, local, and private entities. It is cost-effective, yet provides for the preservation of significant national resources. These minimal amounts will be leveraged in ways that will save the taxpayers money while providing appropriate assistance.

Fifth, the amendment addresses a particular concern with the designation of the Hudson River Valley American Heritage Area. I have worked closely with my colleague, Representative SOLOMON, who represents these areas of the Hudson River Valley, and we have agreed to require that political subdivisions within the counties of Greene and Columbia, and in certain parts of the counties of Rensselaer and Dutchess, must agree to be included in order to participate in the program.

The American Heritage Areas Partnership Program is designed to be voluntary. Procedurally, local groups petition the Secretary for study and inclusion in the program. Local entities will manage the areas so designated, and there is a requirement that all Federal funding be matched. Neither Congress nor the administration is interested in requiring participation, and I am pleased that this section underscores that understanding.

Finally, the amendment addresses particular concerns raised by Representative UNSOELD with respect to the Vancouver American Heritage Area. The language simply clarifies that work called for in the bill for the city of Vancouver to perform to improve National Park Service property may be among the in-kind services that the Secretary may permit to offset a portion of the fair market rental payments required of the city, under this act, for its use of Park Service land.

To summarize, Mr. Chairman, these en bloc amendments are the result of negotiations with Members who had expressed concerns about several provisions of H.R. 5044, as introduced. I am pleased that we were able to work out these disagreements, and I urge support for these en bloc amendments which improve the legislation.

□ 1320

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's yielding to me.

Mr. Chairman, I hope Members realize we have worked a long time on these en bloc amendments. These are a result of work between myself and the chairman of the committee, and many members of the committee. I would hope that the Members would go along with us on this one, get this behind us, and let us get to some of these others.

Mr. TAUZIN. Mr. Chairman, I rise in support of the Vento en bloc amendments, and commend the gentleman for some of the improvements to the bill that he discussed with us over the last 5 minutes.

Let me suggest, Mr. Chairman, for example, that this amendment, like our own amendment, contains a provision clarifying that nothing in these heritage plans will mandate the modification of land use regulations by local authorities. Our language, which will come a little later, actually makes that even, if it is possible to say this within the English language, more clear. We will attempt to do that within our own version of language coming up soon. However, I commend the gentleman for the effort.

Let me point out, however, Mr. Chairman, that the gentleman, in an earlier statement, acknowledged something that I hope the House paid some attention to. The gentleman from Ohio [Mr. REGULA] mentioned that hundreds of landowners would be affected.

The gentleman from Minnesota [Mr. VENTO] quickly jumped in and said thousands, and he has reiterated that point later on. What a nightmare, to go check with thousands of landowners to find out whether they should be included in one of these heritage areas that will regulate the use and value of their property.

Mr. Chairman, let me suggest that the nightmare is that thousands of homeowners, landowners, farmers, ranchers, ordinary citizens, thousands of them would never be consulted to find out if they wanted to give their consent to be regulated in this way, if the Tauzin amendment is not later on adopted. The Tauzin-Grams amendment will protect that right to consent for those thousands of citizens who ought to be consulted.

If it is a nightmare to check with them, so be it. The nightmare in America is when we are never consulted and our land is taken from us, and we never get compensated, and the Government says, "We did not take your fee title away, we did not take the title away at the courthouse, so what are you complaining about, even though we took away your right to use your property, to enjoy it, and to exercise what is commonly understood under the Constitution to be the value in your property?"

Mr. Chairman, in this bill we have a provision, in fact, that is most pernicious. It is a provision that says the Government cannot pay a landowner, and the authors tell us that is a property rights protection. This provision says a landowner can lose his right to use, he can lose his right to enjoy, and this bill says the Government is forbidden to pay him for the property it took from him.

If there ever was a provision in a bill that was most pernicious, most damaging to property owner rights, it is that one, and believe it or not, the authors cited in defense of this bill it having no effect on property rights.

Mr. Chairman, let me assure the Members that if thousands of their constituents, and the Members saw the map a moment ago, how broad these corridors are, if thousands of their constituents living in these corridors are never consulted, never given the chance to say "Yes, we want in or out," I want to suggest that I guarantee there will be lawsuits flying. Everybody will have cases like Dolan versus the City of Tigard, where somebody is complaining that property has been taken without their consent and without compensation.

I want to point out something. The fifth amendment to the Constitution, like most of the amendments of the Bill of Rights, guarantees individual protections, not Government protections. They are there to protect every one of us against Government action. The provision of the fifth amendment that says our Government cannot take our property, with bulldozers or regulations, cannot take it without compensating us, is a provision there to protect civil liberties in America.

We are discussing today, Mr. Chairman, a civil right in America. We are discussing a civil right as sacred as speech, as the practice of religion, as the right of assembly and due process. Those are not my words, those are the words of the Supreme Court in Dolan versus the City of Tigard. The civil right to own property and not have the Government take it from you without paying for it is as important as those other incredibly important civil rights in America.

Mr. Chairman, when it came time for us to protect individuals' civil rights in this country, this body responded. It responded during the great civil rights era. It responded by saying "Every citizen, large and small in this society, rich and poor, has the same individual rights under our Constitution, and no action of government, acting for the best of purposes, can take them away from us." It says the majority cannot infringe upon the rights of the individual.

For the good purposes of heritage protection, we cannot take people's property away from them without their consent or without compensation.

As we adopt these en bloc amendments, Mr. Chairman, I again commend the chairman of the committee for making an effort. However, this is not an amendment we drew up together. The amendment we are offering, the Tauzin amendment, is a property rights protection amendment.

The Tauzin-Grams amendment, if adopted, will make this bill a much better bill, and let me clarify the record, please. I should have hoped that the gentleman from Minnesota [Mr. VENTO] had done it, but let me do it.

Mr. Chairman, I do not know what other people want to do in this debate. I do not want to kill this bill. I want to pass it, but I want to pass it with these good amendments, just as we passed the Desert Protection Act and the Headwaters Forest Act.

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

Mr. Chairman, I rise in support of H.R. 5044, the American Heritage Areas Partnership Program Act, a bill which establishes a procedure within the Department of Interior to designate and manage national heritage areas.

Mr. Chairman, this measure designates 10 specified areas as American heritage areas, including an area located in the Hudson River Valley of New York. This area, the Hudson River Valley between Yonkers and Troy, NY, is a 150 mile corridor that is the gateway to America. Not only does this corridor possess invaluable scenic beauty and wondrous natural resources, it also retains important historical and cultural values indigenous to the Hudson Valley region and the origins of our Nation.

The proposed legislation will not only supply national recognition of the importance of the Hudson River Valley as a cultural and historic landscape, but also provides for a region-wide management plan to implement important preservation, interpretive and protective measures.

Accordingly, Mr. Chairman, I ask my colleagues to support this important legislation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The amendments were agreed to.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 103, after line 10, insert the following:

TITLE VII—BUY AMERICAN POLICY

SEC. 701. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In using funds made available under this Act to provide financial assistance to, or enter into any contract with, any entity, the Secretary, to the greatest extent practicable, shall provide to the entity a notice describing the statement made by the Congress in subsection (a).

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

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, several things before we get started. I want to commend the gentleman from Minnesota [Mr. VENTO], the chairman of the committee, the ranking member, the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. REGULA], who has been a real leader on this issue in Ohio, the gentleman from Louisiana [Mr. TAUZIN], and everybody involved with the bill. This is a good bill. We should pass it.

Later today, Mr. Chairman, I hope to God we do not bring up the godawful trade treaty, GATT, but if we do, the great ambush to taxpayers around here, I hope the rule is defeated, and I hope the Speaker is listening and he pulls it from the schedule before he loses 4 or 5 Democrat seats.

□ 1330

Mr. Chairman, I have an amendment here that the Committee on Ways and Means basically never really supported. I don't know what the hell they support. It is a little Buy American amendment that says if there is money to be expended, let us try and encourage that the money be expended on products made in our country. It does not tie anybody's hands.

I also want to invite the ranking member and the chairman to my valley to see an area that should be, I think, designated a heritage area under this legislation. I think this is great for America. I am glad to see you taking it on.

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

Mr. TRAFICANT. I yield to the gentleman from Minnesota, the chairman.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I support the amendment he has, a Buy American amendment he wants to add to the legislation. I think the application of it is acceptable to me. I have no objection to it. I know that there was some comment earlier about a number of areas that are proposed as heritage areas, and the gentleman from Ohio has one of them. I might point out that every area that does end up being proposed has to be acted on by Congress. We intend to designate them. Nothing is going to happen by accident. Very often the actions of the Park Service with regard to historic districts or landmarks are something that is an administrative action that does not necessitate action by Congress. That has, of course, embroiled us sometimes in controversy. But the gentleman from Ohio has one, and has this amendment. I support the amendment. I certainly want to cooperate with the gentleman in terms of the evaluation of the Ohio valley area that he represents concerning heritage areas.

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

Mr. TRAFICANT. I yield to the gentleman from Utah, the distinguished ranking member.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Ohio yielding.

Mr. Chairman, I listened intently to the comments that he made and the words that he said. I have to agree with everything he said. I think the amendment he came up with plus his other verbiage was excellent. I agree with it, and I support the amendment he has come up with. It is well drafted, well thought out. I would urge support from all of us to go along with the gentleman from Ohio.

Mr. TRAFICANT. I thank the chairman and the ranking member.

Let me say this, also: Today there is a vote on final passage of S. 986, the Corinth, MS battlefield. There has been a lot of contentious moments around here, but it is very important to the gentleman from Mississippi [Mr. WHITTEN]. I would hope that Members listening would realize that and look at that measure. I urge an aye vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer amendments, en bloc and I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that debate on my amendments and all amendments thereto be limited to 1 hour, with the time to be equally divided among myself, the gentleman from Ohio [Mr. REGULA], the gentleman from Minnesota [Mr. VENTO], and the gentleman from Minnesota [Mr. GRAMS].

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

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. TAUZIN: Page 9, after line 24, insert the following:

(9) CONSENT OF PRIVATE PROPERTY OWNERS.—No privately owned property shall be included within the area unless informed written consent to such inclusion is submitted to the management entity for the proposed American Heritage Area by all of the persons who own the property.

Page 14, line 19, after the period insert the following: "No privately owned property shall be included in such list unless informed written consent to such inclusion is submitted to the management entity for the area by all of the persons who own the property."

Page 15, line 18, strike "approval" and insert "submission".

Page 16, strike line 1 and all that follows through line 2 and insert the following:

(b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

Page 16, line 7, strike "or management plan".

Page 16, line 8, strike "or".

Page 16, line 9, strike "management plan".

Page 16, line 10, strike "or plan".

Page 16, line 15, strike "or management plan".

Page 16, line 19, strike "or plan".

Page 16, line 21, strike "or plan".

Page 16, strike line 23 and all that follows through line 3 on page 17.

Page 18, beginning on line 20, strike "for approval".

Page 20, line 22, strike "for the" and all that follows through line 23 and insert a period.

Page 19, line 22, insert "and" after the semicolon.

Page 20, line 2, strike "; and" and insert a period.

Page 20, strike line 3 and all that follows through line 6.

Page 24, line 14, strike "approved" and insert "submitted".

Page 24, line 15, strike "106(b)" and insert "107(c)(1)".

Page 25, strike line 13 and all that follows through line 15 and insert the following:

SEC. 109. DUTIES AND AUTHORITIES OF SECRETARY.

The duties and authorities of the Secretary under this title shall include the following:

Page 25, line 16, insert "(A)" after "GRANTS.—".

Page 26, after line 4, insert the following:

(B) The Secretary may not, as a condition of the award of a grant under this section, require any recipient of such a grant to enact or modify land use restrictions.

Page 29, strike line 19 and all that follows through line 14 on page 30.

AMENDMENT OFFERED BY MR. REGULA TO THE AMENDMENTS OFFERED BY MR. TAUZIN

Mr. REGULA. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment Offered by Mr. REGULA to the amendments offered by Mr. TAUZIN: In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 105—

(1) Strike "PRIVATE PROPERTY OWNERS" and insert "LOCAL GOVERNMENTS";

(2) strike "privately owned property" and insert "county, city, or town"; and

(3) strike "area unless" and all that follows through the period and insert the following "boundaries of the area unless the government of such county, city, or town agrees to be so included and submits notification of such agreement to the Secretary."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments offered to section 106—

(1) strike "line 19" and all that follows through "own the property." and insert the following "strike lines 13 through 19 and redesignate the following subparagraphs accordingly."; and

(2) strike "Page 15, line 18" and all that follows through "line 3 on page 17."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 107, strike "Page 18, beginning" and all that follows through "line 23 and insert a period."

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 108, strike "Page 24, line 14" and all that follows through "insert '107(c)(1)'.".

In the en bloc amendments offered by Mr. Tauzin to H.R. 5044, in the amendments to section 109—

)1) strike "Page 25, strike" and all that follows through line 3; and

(2) strike "Page 29" and all that follows through "page 30." and insert the following:

Page 30, line 3, insert "and" after the semicolon.

Page 30, line 7, delete "with the" and all that follows through line 14 and insert the following. "to minimize any real or potential adverse impact on an American Heritage Area.".

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

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

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 15 minutes, the gentleman from Ohio [Mr. REGULA] will be recognized for 15 minutes, the gentleman from Minnesota [Mr. VENTO] will be recognized for 15 minutes, and the gentleman from Minnesota [Mr. GRAMS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Chairman, I will be very brief. We have discussed this amendment previously. Let me reiterate. The amendment basically contains three features. The first feature is the landowner consent feature. It simply says in this limited area of these heritage programs that landowner's consent must be obtained to be covered by the area of the heritage protection.

This landowner consent amendment, if adopted, if the gentleman from Ohio [Mr. REGULA] does not strike it, will in effect provide landowner protection in this bill so that we do not have to offer a compensation amendment as a backup. If this amendment is deleted from our set of amendments and landowner consent is not required in this bill, we will be offering a separate amendment later to provide for landowner compensation.

The second and very important parts of the amendment provide in effect that the language of the bill demanding consistency with all other programs and in effect making it more difficult to conduct ordinary programs like flood control and housing programs and economic development programs is out of the bill. As the gentleman from Minnesota [Mr. VENTO] pointed out, he did amend this section but it is still very much present in the bill. We suggest it ought to be eliminated from the bill.

Finally, the last part of our amendment deals with basically the authority of the Secretary to approve these regional contracts but limits his authority to dictate to the local heritage management entities the terms and conditions of the plan, in effect, guaranteeing more local flexibility for the plans. In short, our amendments provide for local authority and flexibility, it takes away this broad and incredible Federal grant of consistency with other Federal programs, and, lastly, it provides for landover consent.

The gentleman from Ohio [Mr. REGULA] will attempt to take away the landowner consent feature. I urge Members not to adopt the Regula amendment, because if it passes, we are going to then come with the compensation amendment as we did in the Desert Protection Act in order to ensure that landowners affected by regulations in this bill will either give their consent or be allowed to seek compensation and recover, as the Supreme Court in Dolan versus Tigard has clearly said landowners have a right under the fifth amendment of our Constitution.

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

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

Mr. Chairman, the real issue here is this question of landowner consent. On the surface. it sounds rather innocuous. The landowner has to consent to be in the boundaries. As has been pointed out by the chairman and myself, this could involve thousands and thousands of parcels. Not that there is any taking, not that there is any limitation on their use of the land. Let us make it clear. The fact that there is a boundary does not impact on the landowner in any way. There is just a boundary out there.

Let me point out that I have here letters from county commissioners and mayors. I would just like to read one which I think embodies what is in all of these letters. This is from the Commissioners in Stark County.

This proposed legislation seems to have become a debate over the issue of private property rights. As representatives of county government elected representives, we are strong advocates for private property rights and the rights of state and local government. The Heritage Area designation, however, in no way negatively impacts the rights of the local jurisdictions. In fact we view this as a recognition of the importance of local initiatives in these regards.

One amendment to be offered by Congressman Tauzin as we read it would impose significant extra burdens on the local jurisdictions and in particular the management entity of the heritage area, to the point that it would discourage participation in the program. A written consent provision would require that the management entity, in the case of the Ohio and Erie Canal, would literally have to identify and contact tens of thousands of individual property owners along the 87 mile corridor, a nearly impossible task which would be unnecessarily costly and time consuming.

Another idea is the elimination of the requirement that heritage areas meet professional standards, subject to approval by the Secretary of the Interior. For areas such as the Ohio and Erie Canal, where so much time and so many resources have been invested in developing a top-notch program, this proposal to dilute the Heritage Areas program and its limited funding by supporting programs that would not meet standards of quality, is highly undesirable.

□ 1340

It says "we," and these are the commissioners speaking, up and down the 87 miles and the mayors and the people,

We are strong advocates of local rights and private property rights, but also strong supporters of the American Heritage Areas legislation as currently drafted. We believe this bill safeguards our rights while at the same time affording us an opportunity to enter into a beneficial partnership with the Federal Government to preserve important features of our cultural heritage. The American Heritage Area designation will enhance our communities in terms of economic development potential and quality of life for our residents and will preserve unique features of our natural and cultural landscape for generations to come.

Let me say again what is involved in the Tauzin amendment. They are boundaries. The boundaries do not require any taking, they do not impose any zoning changes, they do not limit the use of the property by the landowners, and to say that there would have to be consent would be like saying if you are going to build an interstate highway you have to go back perhaps 5 miles on both sides and get the consent, written consent of every property owner to build a highway. It would become impossible.

One of the popular things we hear now is unfunded mandates. What we are talking about here is an even more onerous unfunded mandate because we are saying to the local entities that are participating in these heritage corridors that they shall go out, (a), identify every property owner within this corridor, and (b), go see that property owner and get written consent, I do not know exactly to do what, because we are not taking the property or limiting the use. I guess the written consent as to whether or not there ought to be a heritage corridor. I have all of these letters from people living on the corridor saying, "We want it."

But the cost would be prohibitive for a group that is made up of volunteers, that is made up of local governments, and that is really a co-op effort and local initiative.

In the substitute that I am proposing we do say to the counties to have this heritage corridor the counties first have to opt in because the local commissioners that are elected, represent the people and they are right there within the community. So we say OK, we want the counties to opt in because their cooperation is very important to the enhancement and development of these features in a corridor.

In my substitute we accept a number of the Tauzin proposals because we are interested that in every way possible, common sense be used to protect local property rights. We use the Solomon language that we have used for the forest legacy bill suggested by our distinguished colleague from New York to protect his local communities under the forest legacy, and we give the local communities the right to opt in if they choose to be part of it. We have done exactly the same thing in the substitute, and we have tried as much as possible to accept the portions of the Tauzin amendment that I think make sense. But we simply cannot put a burden on the volunteer groups with a very limited amount of resources to go up and down the way, to go to the courthouse and try to identify these thousands and tens of thousands of properties and go visit each property. It would be an impossible task.

So the thrust of the Tauzin amendment requiring the written consent is in effect a killer amendment. There is no practical way that these local groups could do that, and we do not require it. We never have on other items, only where there is a taking, and there is no taking, there is no impact on zoning, there is no impact on land use regulations. This bill depends entirely on

local effort, local cooperation, and I urge the Members to support the amendment to the amendments so that we have a bill that does protect private property rights to the greatest extent possible.

The en bloc amendment offered by the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, already went a long way. As I said earlier to the 273 Members that supported this initially, we have clarified, we have gone further, reduced the amount of money and gone further in making it very clear that we are in no way encroaching on private property rights. That is a subject that should be dealt with as a policy matter on a separate piece of legislation. But it would be a tragedy to lose the ability of these 10 areas across the United States to enhance and develop great opportunities for their people to cause economic development because the quality of life would be improved, to preserve their historical heritage, their environmental heritage and provide for families and for young people and people of all ages a chance where they could enjoy the open spaces of their community on a daily basis.

I strongly urge the Members to support the amendment to the amendments and reject the Tauzin amendment as such.

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

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

First of all, Mr. Chairman, I would like to thank my colleague, the gentleman from Louisiana [Mr. TAUZIN], for working with me on this very important commonsense amendment.

Mr. Chairman, I rise in strong opposition to Mr. REGULA's substitute to the Tauzin-Grams amendment. While its goals are well-intentioned, it does not go far enough to protect the individual private property rights embodied in our Constitution.

The protection of an individual's private property is one of our Constitution's most important rights. It is a sacred right our Forefathers fought to defend and today we can help to ensure that their efforts were not in vain.

Having grown up on a farm and currently representing rural areas of Minnesota, I am fully aware of the negative impact that well-meaning environmental regulations on private property and their associated litigation have on rural Americans.

In 1990 alone, 53,000 pages of Federal Government regulations were issued on the use of private property. These regulations undoubtedly have placed severe limitations on the use of private property, have substantially reduced land values in some cases, and have created financial worries for many rural economies. Unfortunately, H.R. 5044, even with the Regula substitute, continues this unfair trend by failing to give individual landowners the choice to opt out of a heritage area.

The Regula substitute only gives counties, not individuals, the choice to opt out of an American heritage area. It guts the true democratic intentions of the Tauzin-Grams amendment by failing to give individual landowners the rights they need to protect themselves from what could potentially be Washington-based land use regulations.

The Regula substitute also imposes more unfunded Federal mandates on local governments. Unfunded mandates cost localities an estimated $11.3 billion in 1993 and are expected to rise to over $88 billion over the next 5 years. Our municipal, township, county, and State governments have begged Congress to stop legislating mandates without footing the bill—yet this is exactly what the Regula substitute does.

As if this were not bad enough, the Regula substitute is yet another example of Washington imposing its Government-knows-best attitude on the people. It assumes that Government entities have more knowledge than individual landowners when it comes to managing private land resources.

Instead of voting for this bad amendment, I urge my colleagues to support the real private property protections embodied in the Tauzin-Grams landowner consent amendment. Unlike the Regula substitute, it requires the written consent of the individual landowner for his or her land to be included within a heritage management area.

The Tauzin-Grams amendment is a well-balanced measure which protects the environment and individual private property rights, as well as the sovereignty of local governments. It enjoys bipartisan support and is endorsed by the American Farm Bureau, the National Cattleman's Association, the National Association of Homebuilders, the National Association of Realtors, the National Federation of Independent Businesses, and more.

I urge my colleagues to vote against the Regula substitute and support real private property rights protection as outlined in the Tauzin-Grams landowner's consent amendment.

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

Mr. VENTO. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL], a cosponsor of the Regula amendment.

□ 1350

Mr. RAHALL. Mr. Chairman, I thank the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], for his hard and persistent work in bringing this legislation once again to the floor today.

Mr. Chairman, I rise as a cosponsor of the Regula/Rahall substitute amendment to the pending amendment.

Mr. Chairman, the amendment offered by our colleague, Mr. TAUZIN, is premised on a gross misperception of what the pending legislation entails.

To be clear, the pending legislation does not infringe upon the rights of private landowners. Nor does it infringe upon local zoning or land use planning decisions.

Nobody is forcing anybody located within a proposed heritage area to do anything.

Let me repeat that. This legislation does not force anybody located within a proposed heritage area to do anything. Plain and simple.

As a matter of fact, the bill goes so far as to state that no Federal funds can be used to acquire property within a heritage area, even, I might add, when you have a willing seller situation.

These are the facts. It is all set forth in the bill.

Yet, here we go again. The so-called property rights bandwagon rolls on.

It kind of reminds me of that TV commercial for a battery company with the rabbit mechanically marching on and on, banging on its drums, through every situation and every environment.

In my view, agendas are being pursued under the banner of allegedly protecting the property rights of the average law abiding American citizen that do not have anything to do with actually protecting their property rights.

And I say this because nobody's property rights would be adversely affected under the pending legislation.

Mr. Chairman, the record does not support the adoption of this amendment, and the clear reading of what this legislation would do does not support the adoption of this amendment.

I have a heritage area included in this bill. And I can guarantee you that there will be no infringement upon private property in southern West Virginia under this legislation.

However, we find ourselves at the end of this Congress, and if you find that you simply have to vote for some type of amendment, the proper course of action to take is to vote for the pending Regula-Rahall substitute.

What it says is that only those properties which a county, city, or town has agreed to be included within the boundaries of a heritage area, may be included on the inventory of significant resources located within the heritage area.

This action would be taken within the context of the management plans that are to be developed for each heritage area.

As such, the Regula-Rahall amendment clarifies that the applicable unit of local government would decide which significant cultural or historic resources located within a heritage area are to be a priorities for preservation or restoration under a management plan.

To adopt the Tauzin-Grams amendment without this perfecting amendment would be to strike at the very authority many localities have in this Nation to engage in local land use planning and zoning in order to protect the public health, safety and environment.

This would be a terrible precedent to establish, is not in the public interest, and is not an action necessary to be taken within the context of this bill.

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

Mr. Chairman, I want to reiterate a correction in the RECORD. Our amendment does not affect current local zoning regulations whatsoever, nor authority whatsoever.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I was going to use the same rabbit as my colleague, the gentleman from West Virginia, used, but with a little different context, because it is the private property owners of America who feel like we are being run over constantly by the same little rabbit, always saying the same things.

A private property owner does not care whether it is a local government riding in, it does not matter whether it is the mayor or the President of the United States making a Government determination as to how in fact a private property owner's land is going to be used. Your arguments, I say to the gentleman from West Virginia [Mr. RAHALL], both of the authors of this amendment and the substitute, the argument you are making I happen to be involved as many of my Texas colleagues right now in an actual on-the-line, actual example of which nonintended circumstances are happening because of laws having been passed by the Federal Government concerning the utilization of private property.

Now, whatever the merits of this legislation, it seems to me if it is as good as you contend that is, there will be no difficulty getting the consent of a private property owner to utilize that land if it is as good as you contend it to be.

But there must be something wrong with it. One of the things that I think is wrong with it is I have found that every single time a nonproperty owner chooses to use somebody else's property, they are for it; they are for it, for the public good. We have laws that protect those. It is called eminent domain. If you are going to take someone's property for any use, you must compensate that individual.

Now, that is why some of us are beating that drum, and we are going to continue to beat that drum, because we believe that we have passed far too much good-sounding legislation for all of the right reasons that have the wrong end effect, and the wrong end effect begins to cost the individual private property owner the utilization of their land or the value of their land.

Yes, I feel very strongly about it. I disagree totally with this weakening amendment today, because we are experiencing right now in Texas the end effect in the Endangered Species Act of good-sounding, good legislation that will not affect any property owner, but it is literally taking thousands of dollars of value away from individuals.

So I hope we will adopt the Tauzin-Grams amendment today. I hope we will do what we should be doing in all legislation, which is beginning to again recognize the priority and importance of individual private property rights, and before we take it, whether it is the mayor or the President, there are certain rules that we ought to follow.

Let us not circumscribe them today.

The CHAIRMAN. I rise in strong support of the Tauzin-Grams amendment to H.R. 5044, the American Heritage Partnership Act.

H.R. 5044 would establish new Federal land-use controls for areas designated as heritage areas, which could severely limit the landowner's property rights without compensation. This bill makes a poor attempt to protect private property rights by prohibiting land acquisitions, but contradicts itself by requiring Federal agencies to identify and promote compatible land management activities. These Federal land-use plans will infringe upon property rights by restricting the ability of landowners to utilize property.

Therefore, I strongly support the amendment offered by Mr. TAUZIN of Louisiana and Mr. GRAMS of Minnesota that gives individual landowners within these heritage parks the freedom not to have their land included in these systems. If they do not have this option, their land will be subject to any land-use restrictions which would be included in the land-use management plan approved by the Secretary of the Interior. Among other things, the Tauzin-Grams amendment would require that landowners give their written consent before their lands could be included in an American heritage area. Furthermore, it deletes the language that requires, to the maximum extent possible, all Federal actions to be consistent with the heritage management plan, unless there is no other practicable alternative. This type of language has created many of our current problems both with the Endangered Species Act and with wetlands regulation. If this language is left in the bill, it will make it more difficult to conduct an activity in these areas that requires a Federal permit or any use of Federal funds.

I strongly urge my colleagues to support the Tauzin-Grams amendment and protect the rights of private property owners.

Mr. GRAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, the difference between America and the rest of the countries around the world is that, you know, we believe in the individual person in our country, and we believe in private property. That separates us from all of the other nations of the world, and certainly separates us from the other isms of the world and creates a freedom unknown really to most people on this globe. We fight to protect those very rights, the individual and private property.

In this situation, we are not sure, honestly, what infringement there may or may not be on private property rights, because in many of these areas, the heritage proposed areas, the local committees have not met, the cities have not met, and the Secretary of the Interior has not yet been consulted. He will be, as you follow this bill.

I have had personal experience here in this kind of thing on the Columbia River, the Columbia River Gorge. Many of you may remember that.

In that situation, inholders, private property people, were surrounded by a corridor that extends up and down the Columbia River, a beautiful spot, and yet they have to have Government authorization to paint their houses. They cannot plant a tree on their private property without consent of the Government, and they certainly cannot change their homes or build a barn without Government consent.

Now, there will be inholders around and inside of these heritage areas, and the Tauzin amendment asks only one thing, if a private property owner does not want in, let him out. That is a choice we have. We are not mandating that private property be out at all. We are asking that private property owners have the choice.

It is a very simple, straightforward amendment, and I might say that, indeed, if all of the arguments you have heard here that, in fact, private property is not in peril, that zoning ordinances are not in peril, why not accept the amendment? It cannot hurt the bill, and it certainly will make a lot of people in America rest more easily at night, because finally they know their freedoms are intact in this legislation.

So I ask you again, support the Tauzin amendment. And, by the way, I should set the record straight, I mentioned that the National Association of Counties supported the Tauzin bill. The National Association of Counties opposed the amendment to the Tauzin bill.

□ 1400

These are the counties that are affected, these are the counties that are crying about unfunded mandates; these are the counties that we all think we would like to support. So please vote for the Tauzin amendment.

Mr. VENTO. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. I thank the very fine chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to the private property provision of the en bloc amendment, and in support of the Regula substitute.

Mr. Chairman, everyone agrees that the rights of private property owners must be protected and preserved. It is a concept that is fundamental to our Nation and is protected by the Fifth Amendment to the Constitution.

The American Heritage Partnership Act does more to protect the rights of private property owners than any piece of legislation in recent memory.

American Heritage Areas are places of national significance that deserve special attention and protection. But this bill gives no special attention or protection to any area without the express consent of the local community.

Each American Heritage Area is developed in coordination with local and Federal governments, nonprofit organizations and the private sector, and funded on a 1-to-1 matching basis. All decisions on the management of these areas are dependent upon local approval.

Requiring the written consent of each landowner within a proposed American Heritage Area is a cynical attempt to prevent the implementation of this legislation.

It would be an expensive, time-consuming process that would only delay the needed protection for these historic areas.

The American Heritage Protection Act and the fifth amendment to the Constitution ensure that the rights of all private property owners are protected and preserved.

I encourage my colleagues to support the Regula substitute, and to support the American Heritage Areas Protection Act.

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

Mr. MINETA. I yield to the chairman, the gentleman from Minnesota.

Mr. VENTO. I thank the chairman for yielding.

Mr. Chairman, I want to point out relative to the discussion of unfunded mandates, well, the cost of going around and collecting tens of thousands of signatures, how would that be funded? Who would fund that?

I think the gentleman makes the point, the question is do you trust your local Government? Do you trust your local Government to do what local Governments essentially do in terms of zoning, in terms of regulations on land? We say we will designate an American heritage area in your area, but we will withdraw from you one of the key tools you need in order to try to protect and preserve that area; not to take anyone's property rights away, not to amend the fifth amendment to the Constitution, but then we will take it away.

As I said to my colleague, the gentleman from Louisiana, it is throwing an anchor at a man who is drowning. In other words, they need that like they need a hole in the head.

You cannot have it both ways. That is why we need to adopt the Regula amendment, which maximizes the impact of responsibility of local Governments and permits the program to go forward.

Mr. Chairman, I thank the gentleman from California [Mr. MINETA] for his statement.

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

I want to speak in particular against the Regula amendment to the Tauzin amendment. The Regula amendment at its core has exactly the words that our friend from Minnesota just echoed in this Chamber, "Trust your Government," Trust your Government? That is what the Dolan family did in the city of Tigard. The government there took that property without paying for it and they had to go all the way to the Supreme Court. In fact, Mr. Dolan never survived it. His widow had to carry the case on.

In case after case where Americans have trusted their Government when it comes to Federal regulations, they found they had to spend 10 years in court to get their rights adjudicated. Ask Mr. Bowles in the case of *Bowles* v. *the United States Government*, in Texas, who was denied the right to build on his subdivision lots in Brazoria County. It took him 10 years to get the Government to recognize that they had taken his property. It took him 10 years for the Court of Claims to say the Government owed him compensation for denying him the use of his property.

Trust your Government, that is the theme of the Regula amendment. It says that we will not seek the consent of the landowners. The Regula amendment would strike that from my amendment. What it will say is we will seek the consent of the local government. So we will let the local government decide whether to take your land without paying for it, just as they did in the city of Tigard. We will let the local government be the hatchet man for the Secretary of Interior, who will come in and say your property is covered by these regulations, whether you like it or not, and we will not provide any money in this bill to compensate you.

Trust your Government? Well, Americans wrote a document called the U.S. Constitution. They adopted a Bill of Rights, and they adopted it for one reason, that we did not trust Government always to protect our rights, that we insisted that Government live by a covenant, 10 basic sacred amendments to that Constitution. They said every one of us is entitled to rights the Government cannot take away from us.

Why do you think we wrote that if we trusted our Government? We wrote it to insure that when a criminal goes before a court he is entitled to due process? Is that a burden? Is it expensive? Is it troublesome? Yes. But due process is the sacred right of every citizen.

When we tell people they can practice free religion in this country and they have free speech in this country, is it a burden? Do we like what they write about us in the press sometimes? I suggest many of you do not like what you read about us in the press lately.

But it is a right we diligently protect under the Constitution. One of those rights is the basic civil right to own property in this country and not have the Government take it away from you and not to have to trust the Government in that regard.

Now, if you trust the Government completely, you vote for the Regula amendment to the Tauzin amendment. If you believe not the Government but the landowner ought to consent to what happens to him or her and their personal private property in America, I suggest you reject the Regula amendment and adopt the Tauzin amendment.

It is the only amendment that will perfect this bill to make sure that the personal civil rights to private property in America are adequately protected by making sure we go through, yes, the burden and the trouble of going around and making sure that we fill up folders, such as the gentleman from Ohio [Mr. REGULA] brought to this House Chamber today, and that we fill the folders up with landowners' consents before we begin to take their property away from them in derogation of the civil rights guaranteed to us under the Constitution.

We fought some tremendous battles in this country for civil rights. We ought not to surrender them on this floor for heritage areas or for any other good purpose.

We ought to stand up for them today, defeat the Regula amendment to the Tauzin amendment.

Vote for the Tauzin amendment and stand up for that Constitution and that Bill of Rights and let the Government know once again in this renewal of our democracy that we still do not trust the Government completely, that we want our rights protected and guaranteed under that Constitution and in the law adopted by this Chamber, which is always supposed to represent the individual citizens of this country, not necessarily what Governments would like us to do on the local level.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], whose

State is the cradle of private property rights and liberty and the personal freedoms that we cherish.

Mr. TORKILDSEN. I thank the gentleman for yielding. Coming from the State where the Boston Tea Party was held, yes, we do not like Government very much at all. And I do agree with one statement from the gentleman; I do not trust Government either. That is why we have specific provision in the original bill, in the Regula substitute. I do not trust Government.

Opponents of this bill have said, "Well, you don't want private property takings." So the specific language in the bill says, "No, you can't use Federal money for property takings."

We think that answers it because I do not trust the Federal Government. If you give them a blank check, they are going to spend the money. I do not trust Government. I wanted that protection in there. The opponents said that they do not want the Federal Government or these management entities dictating zoning laws. So the language of the bill with the Regula substitute will say that no management entity has zoning power, that only the Government entities, whether it be a city, a town, or a county which currently has zoning power will keep that.

□ 1410

Now we do not seek to take away zoning power from local governments. We think they have the right to keep that power. But we specifically say the Federal management entity will have no zoning power, will have no land use power. Because I do not trust Government, I wanted that specific language included there as well.

Some people have gotten up to this microphone and stated they object to decisions that local governments have made about land use takings, and they may have very legitimate gripes and disagreements with what local governments have done. Certainly not every local government has acted perhaps in the best interests of property owners. I would not disagree with that. But this language seeks neither to add or diminish the power of zoning or the power of land use from local governments. That is what this bill is all about.

Let local government, the duly elected people, the people's choice for government officials at the local level, continue to make these decisions, to make these decision on zoning, to make these decisions on land use, and, if a property taking is desired at the local level, not the Federal level, but at the local level, let the locally chosen officials make that decision. But this language, the language of H.R. 5044 with the Regula substitute, has that.

Again, Mr. Chairman, I strongly urge my colleagues to support the Regula substitute and vote against the Tauzin amendment.

Mr. GRAMS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] together with the gentleman from Minnesota [Mr. GRAMS]. The private property protections embodied in this amendment make the American Heritage Areas Partnership Program a better bill, pure and simple. Mr. Chairman, I say this as a Member who supported the bill on the suspension calendar. I know this may stun some of my colleagues in this Chamber, but I was persuaded to support H.R. 5044 last week and I plan to vote "aye" on final passage today, if this amendment passes.

But, Mr. Chairman, I supported the Tauzin-Taylor amendment to the National Biological Survey Authorization this body passed earlier this Congress and I see this amendment as a similar tool to ensure good faith on the part of the Federal Government in dealing with its citizens living within a designated heritage area. The NBS amendment passed the House by an overwhelming 309 to 115 vote, and this amendment should do as well. Why? Because what could be more basic than the Federal Government seeking approval from a landowner before incorporating private property within the strictures of a Federal land-use plan?

Mr. Chairman, voluntary participation in this heritage area partnership program will do more to insure success in achieving the goals of the act than any other amendment. If landowners within the broadly drawn boundaries of an area are unilaterally forced to come within the confines of a Federal plan I think we will have created a recipe for revolt. Take it from someone with constituents who have to deal with a Federal landlord every day, the actions of the Federal Government—Congress and the executive branch—are the seeds of the sagebrush rebellion in the West, now known by the phrase "War on the West."

Could forced participation in Federal land use plans drive property owners in the areas designated by this bill into their own revolt? I don't know why not. Even without such a heritage area partnership program in place, we have recently witnessed the implied threat of the National Park Service to do whatever was necessary to stop the Disney Co., from building an historic theme park near Haymarket, VA, on private land.

Mr. Chairman, no matter how one may feel about the legitimacy of that site in Prince William County, VA, for such use, I think most Americans did not view it as a Federal case.

The senior Senator from the Commonwealth of Virginia said the Federal Government should butt out on the issue, and he's a nearby landowner who presumably didn't want the now defunct project. But, he had faith in the local and State regulatory process governing land-use to achieve the proper balance. A trust that apparently did not extend to bureaucrats in the Department of the Interior.

With that thought I will finish, Mr. Chairman, I ask my colleagues to support the Tauzin-Grams voluntary participation amendment. Send a strong signal to your constituents that you support legislation to protect private property interests.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, either I am missing something in this debate or the private property arguments that are being offered up here are a real red herring, and I just wanted to ask the gentleman from Minnesota [Mr. VENTO] a couple of questions to see if I am on track here.

Let us take a look, for instance, at the Hudson Valley area before and after the presumed designation as a heritage area. Will there be any impact on the rights of private property owners within that heritage area?

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

Mr. SKAGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Not by virtue of the designation. The local government authorities remain and in fact make the decisions.

Mr. SKAGGS. That gets to the 10th amendment argument, let us say. What is the difference, assuming we adopt the amendment offered by the gentleman from Ohio [Mr. REGULA] in the authority of local land use authorities before or after the designation of an area?

Mr. VENTO. Well, the Regula amendment maintains the existing authorities of local government to make decisions as to the land use and zoning decisions. In fact they could have a referendum on whether they wanted to be in the heritage area. They could have an election that people could advocate it or not. They would maintain their control. The Tauzin amendment would allow an individual landowner to opt out, so you would basically have local anarchy.

Mr. SKAGGS. Reclaiming my time, Mr. Chairman, I just cannot see under the circumstances any legitimate 5th or 10th amendment property rights argument to be brought to this debate. It is either ill-informed or an ill-intended effort to really distort the real issues presented by this legislation, and no amount of fulmination is going to make it otherwise. The Constitution and the Bill of Rights are not the private rhetorical property of any Member.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Ohio [Mr.

REGULA] for yielding this time to me. I want to go over two quick questions and then make a statement in response to whether or not we should trust local government.

First question is: Would private property owners lose their right under the amendment offered by the gentleman from Ohio [Mr. REGULA]? The answer is clear, and it has been discussed here at length. The answer is: Absolutely no.

Second question is: Does the bill give the Department of the Interior the power to control activities of other Federal agencies in heritage areas? The answer to that is: Unequivocally no.

Now the question about whether or not we should trust local government. My answer is: Please become involved in your local government, in your local community, all of you, whether you trust them or whether you don't trust them. Go to those planning and zoning commission hearings and meetings and become absolutely involved.

Listen and consider this: Do you want a toxic waste dump next to your property? Do you want or would you like a pornographic movie house next to an elementary school or next to your property? Would these two things next to your property devalue your property, and would you consider them taking some of your rights to use your property away?

Become involved at the local level in these land use decisions. The local government with community's support should make the decisions about local zoning, not us at the Federal Government. Let us not sterilize the diversity in the myriad of communities throughout our Nation by making one clear crystal law that seems to favor some property owners, but not all property owners.

I encourage strongly a vote for the Regula amendment.

Mr. GRAMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman from Minnesota [Mr. GRAMS] for yielding this time to me, and I rise today in support of the Grams-Tauzin amendment and in opposition to the Regula amendment.

Mr. Chairman, what we are really talking about here today is the same battle that we have had in the House of Representatives and in Federal Government for many generations, and it is a matter of control.

□ 1420

Who is going to control local land use, who is going to control private property. In recent times, the emphasis has been on increased Federal control and decreased individual or local control, and this bill in and of itself is a mandate. This is a Federal mandate.

I would like to read out of title I of the bill.

(5) despite existing Federal programs and existing efforts by States and localities, the natural, historic, and cultural resources and recreational opportunities in these areas are often at risk; and

(6) the complexity and character of these areas distinguish them and call for a distinctive system of recognition, protection, and partnership management.

This is in a Federal bill. This is not in a county, State, or city council bill. This is a Federal bill. The Federal Government is stepping on the toes of local government in land use control. It is very clear.

I will turn to one part in the bill that involves South Carolina. It is on page 82 of the bill. "A primary responsibility for conserving, preserving, protecting and promoting the benefits of the region resides with the State of South Carolina and the various local units."

But it also goes on to say, "there is a national interest in protecting, conserving, restoring, promoting."

This is the Federal Government stepping in to control what happens in a locality. And if any locality accepts being part of a heritage area, they are accepting the Federal regulations that come with that. You are accepting those Federal regulations as part of this.

Now, I heard a speaker earlier say it is just a boundary. It is just a line on a map. Well, who is deciding who is on what side of that boundary? It is us in passing this bill. We are deciding who are the have's and who are the have-not's. We are deciding as the U.S. Federal Government who is going to be in the heritage area and who is going to be outside of the heritage area.

Now, if you did not pass this bill, there is nothing stopping a local county or a local city from adopting its own heritage area and protecting and preserving its own natural resources and its way of life. There is nothing stopping a local government from doing that now.

All this does is tells the localities that they are going to accept the regulations that we in our infinite wisdom decided were going to be put down on them.

Mr. Chairman, this whole bill is a bad idea. But the least we can do is protect the private property owners.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today in strong support of the Tauzin/Grams landowner consent amendment to H.R. 5044, the American Heritage Areas Partnership Act. This amendment ensures that the rights of private property owners will be protected and that additional unfunded mandates will not be passed onto State and local governments.

In its original form, H.R. 5044 would establish heritage areas, which would typically be large areas of land with a central theme or resource which would be managed or preserved. The program would be under the direction of the National Park Service, but require States, local governments and private organizations to impose management plans on heritage areas in order to receive funding. Unfortunately, the bill as written, provides no protection for individual private property owners, who may lose the right to use their property.

Proponents of H.R. 5044 proudly point to the bill's requirement that local governments within the heritage area voluntarily join the program. However, without protection for the individual property owners, the Federal Government has simply passed on the responsibility to the local governments without providing any funding. If a private property owner should seek compensation from a takings that occurs as a result of this program, the Federal Government is off the hook. The responsibility for compensation has been transferred to the local government, even though the Federal Government sets down the rules and regulations for the heritage areas. In fact, H.R. 5044 expressly forbids the use of Federal funds for compensation. Plain and simple, this is another unfunded mandate on local governments.

I've just spent the entire morning in the Government Operations Committee which is trying to develop legislation to address the problem of unfunded mandates, only to find that the House is passing another one with H.R. 5044. We have got to stop the practice of passing the costs of Federal programs onto local governments. They simply cannot afford to absorb these costs.

I believe that landowners should have the freedom not to have their land included in these heritage areas. The Tauzin-Grams amendment guarantees this freedom while preventing the passage of yet another unfunded mandate onto our local governments. I urge my colleagues to support this amendment.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. JOHNSON] to speak for local governments in his area.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise to just make two or three points.

First of all, I think it is the exact opposite point just made, speaking, I thought, on the side of the Tauzin amendment. This is a question of are we going to allow the local government to make application for grants under this bill, that they will be able to manage themselves, come up with the plan themselves. They do not have to under this Regula amendment. They can operate out of it. Any local government can. This is not forcing anything on anybody.

Second, the Secretary may not as a condition of awarding a grant require any recipient to enact or modify land use regulations. And this even deletes the provision encouraging local governments to adopt land use policies

consistent with the plan. So it has absolutely no mandate on local government.

You know, I have followed the efforts of the gentleman from Louisiana [Mr. TAUZIN] on property rights and voted with him most of the time, the most recent one being in the National Biological Survey. It is different. I voted for that because it required the consent of local property owners to give consent before a Federal agent could go on their property.

This amendment is different. His amendment would tell the local government that if they wanted to apply for funds under this bill, they have to in effect change their land use process. The fifth amendment and the due process clause protects people from abuse in this regard, and no amount of rhetoric changes that.

This is bad precedent. Are we going to now say for the Community Development Block Grants, when local governments come in and apply for Community Development Block Grants, that they have to get the consent of every property owner in the region that is making application? I think this is very bad precedent, and it changes local land use regulation.

Mr. GRAMS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

Mr. Chairman, I stand in favor of the Tauzin amendment, and I stand strongly in opposition to the Regula amendment to the Tauzin amendment.

I believe that the bill places a huge burden potentially on private property owners as regulatory authority by the Secretary of the Interior. I think it is a burden that is too great for the individual and the private property owner.

I think the Tauzin amendment is not an unreasonable burden on local government. After all, I believe that it protects local control and authority. All it is asking for is a landowner's consent before you establish an American heritage protection area, and those land owners are to be brought in under the provisions of that American heritage area.

We have heard argument today that this is going to place too heavy a burden on local government, implying that perhaps maybe we are dealing with thousands of names and, by the time they track all these down and get the consent, it is going to be too great a burden.

I would point out that when it comes to tax collecting time, local government does not have a hard time running down their owners and getting in contact with them and dealing with them on important tax issues.

□ 1430

I also would bring up the point that if we are talking about open spaces and how it applies to the American Heritage Area, if we have to contact too many landowners that, perhaps, maybe it is inappropriate to set this up in an American Heritage Protection Area for the purpose of open space.

But the basic question is, why do we have to provide protection to the private property owner?

I see a fundamental change in the way the bureaucracy is doing business today as it was a number of years ago. They are assuming responsibility and powers and then telling the Congress, well, you deny us that assumption of responsibility. You tell us we cannot do it.

I think the Tauzin amendment is very important, because it clearly sets limits on the Secretary of Interior so that when it comes to private property rights, he is not assuming more power than perhaps was intended by the sponsors of this particular piece of legislation. I think the Tauzin amendment is very appropriate. I think it provides the clear and obvious limits that we need to place on the Secretary of Interior.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. BLUTE], whose State is the home of the Minuteman, Paul Revere and liberty.

Mr. BLUTE. Mr. Chairman, I thank my good friend from Ohio for yielding time to me.

As a member of the Massachusetts state legislature for 6 years, I fought many private property battles in that body, and I have joined in many of those fights here to protect the private property rights of the citizens of our great country.

I think in this case, though, that we are talking about apples and oranges. The Regula language maintains private property rights by maintaining local zoning control. The best way, in my view, to protect property rights is to enhance local control, not to weaken it.

Local governments are closer to the people, and they are much more sensitive to these issues than are distant bureaucrats who do not live anywhere near where the property is located.

The Tauzin language supersedes local control. It overrides local jurisdiction, and it shifts power from local authorities and local people to the Federal Government. That is the exact opposite of what we want to be doing on private property rights.

I strongly support the Regula language. I urge its adoption. I strongly support the National Heritage Partnership bill, because I think it is a major step forward for the citizens of our country.

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

Mr. Chairman, someone alluded to the fact that they supported the Taylor amendment to the biological survey bill, but they do not want to support this Tauzin amendment for landowner consent. We should all ask, why not?

The Taylor amendment, which passed 291 and later on by 325 votes, simply said that a person had to get landowner consent before Federal and State Government agents walked onto their property.

What we are talking about here is not them walking onto it and visiting it, checking it out. We are talking here about them regulating it. Should we not want landowner consent here?

If we want landowner consent before they can come visit a person and look at their property, would we not want landowner consent before they came to take it away?

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

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, was not the Taylor amendment on a Federal agency whereas here we are talking local government?

Mr. TAUZIN. Mr. Chairman, reclaiming my time, we are talking about local government enforcing a plan approved by Secretary Babbitt of the U.S. Government. That is what we are talking about. We are talking about Federal agents and local agents in a partnership walking onto a person's property to take it away from them without their consent.

All we are saying, in the Tauzin amendment, is, get landowner consent.

All the gentleman from Ohio [Mr. REGULA] is saying, is, do not get landowner consent, just check with your local government.

I suggest to Members that the people that are closer to the people of the country than local government are the people of this country. If we depend upon them and check with them once in awhile, I do not think we will go wrong. We ought to pass the Tauzin amendment and depend upon landowners to give their own consent, just as we did in the Taylor amendment on the biological survey.

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

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL], a former local elected official from Massachusetts, the center of democracy in our Nation.

Mr. NEAL of Massachusetts. Mr. Chairman, we certainly practice it.

Mr. Chairman, I would just draw an interesting contrast. I came from local government. In fact, I was mayor of one of the largest cities in Massachusetts. And I happen to agree with much of what the gentleman from California [Mr. CONDIT] said earlier.

The truth of the matter is, I have a different interpretation of what the gentleman from Ohio [Mr. REGULA] has done here. Let me just draw a contrast for the House. That contrast is this.

You have the gentlemen from Massachusetts, Mr. BLUTE and Mr. TORKILDSEN, two of the more conservative members of the Massachusetts delegation. I would find myself generally in the middle of that delegation on most issues. The three of us happen to agree on this interpretation. We believe that it protects, as the gentleman from Ohio [Mr. REGULA] has submitted, private property rights. And that the proposal of the gentleman from Louisiana [Mr. TAUZIN] in fact subtracts from the rights of people at the local level to raise certain questions.

Indeed, in the end, the irony of this is that the Tauzin amendment is indeed unworkable, if applied as he has proposed it to all of us in this Chamber.

We have a remarkable opportunity here today to once again highlight the historic infrastructure of this Nation. Anthony Lewis at the Times reminded us once again that we are quickly becoming a Nation without a memory. Today we can honor the memory of America. Nowhere has that been better honored in this Nation than in the Commonwealth of Massachusetts. But most importantly, we can give a boost to those preservation groups and those historic commissions at the local level who, across this Nation every single day, make for a sense of living history.

Before I went to local government, I was in a classroom teaching high school history and government. Let me tell my colleagues something, this legislation proposed by the gentleman from Ohio [Mr. REGULA] and the gentleman from Minnesota [Mr. VENTO] today represents no threat to private property rights and, indeed, if anything, enhances private property rights and maintains local government intact.

I thank the gentleman for yielding time to me.

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

Mr. Chairman, I would just like to say that in talking about the Regula substitute, they are stressing that this would not infringe on individual property rights. If it would not, why are they so strongly opposed to the Tauzin-Grams amendment? They say that this amendment would gut this bill, H.R. 5044. It would gut this bill. So by saying that, they admit that they are ready and willing to trample on personal property rights.

They say that the Federal Government is not going to buy land or take land from individuals. But what this bill actually does, it says the Federal Government can take or it can use, it can mandate the use of private property for any way that the Interior Secretary deems that it should be used for and local governments then would have to set their regulations or their management plans in step with what the Interior Secretary says.

So I think this amendment is a clear infringement on personal property rights. The Tauzin-Grams amendment would protect those rights.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. GRAMS] has expired.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman from California [Mr. MINETA] pointed out, this bill goes further toward providing and protecting local property rights than anything we have done historically. This time we start from the bottom up.

□ 1440

We let the local governments design what they want and submit it. Usually we have the Federal Government designing something for local government.

In the Tauzin proposal, you have an unfunded mandate. In the Regula-Rahall, there are no unfunded mandates. The local government is totally in control. A vote for Regula-Rahall is a vote for local control, it is a vote for local partnership.

It is a vote for the community, for all of these volunteers, to give them a chance to preserve their history, to preserve their open spaces, their public open spaces. Let me emphasize, there is no power to take anything. They cannot even spend the Federal dollars if the property owner wanted to sell his property, it is so tightly drawn.

It is totally local control. There is no change mandated in zoning or land use. We say to the communities "You do what will serve your people. You are there." The counties have to opt in. They have to say "Yes, we want to go in and be part of this historic corridor."

In contrast, Mr. Chairman, the Tauzin amendment would deny the local groups the ability to preserve their heritage. It would deny them the ability to preserve open spaces, deny the local groups who want to voluntarily make a difference in their community and preserve something for all time, for history, for generations to come. They would no longer have that ability, because under the gentleman from Louisiana's amendment, this thing will not help, it would be so burdensome on local government.

Mr. Chairman, I urge my colleagues to vote for the Regula-Rahall amendment to the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I would inquire of the Chair how much time remains.

The CHAIRMAN. The gentleman from Louisiana has 2 minutes remaining.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman let me clarify the record. I was a member of local government in Louisiana, too. I respect local government for all the good it does. I am a member of the Federal Government. I respect this Federal Government for all the good it does.

However, American citizens know that government can deprive them of their rights. That is why we wrote a Constitution and the Bill of Rights. That is what this fight is all about, individual rights under that Constitution.

Second, Mr. Chairman, I am for heritage and living history, too. I am for God, apple pie, and motherhood, too, but I know a bad deal when I see one. Everybody complains about those of us who write laws writing them with too much legalese. Let me scratch the legalese here and put it down in its basic elements for the Members and I and for all Americans to hear.

This is the deal in this bill, without the Tauzin amendment, or with the Regula amendment. Listen well, this is the deal, Here is the deal we give.

We will regulate your property, with Secretary Babbitt's permission, and we will take away its use and its value, and we promise you we will not pay you for it. Let me say it again. We will regulate your property, with Secretary Babbitt's permission, and we will possibly take away its use and value from you, and we promise you, take our word for it, we will not pay you for it. That is what this says.

I think Americans know a bad deal when they see it, too. Here is the deal I offer back: The Tauzin amendment says "Only with my consent will you give me that great deal. Only with my consent will you take my property and regulate it without paying me for it."

I think without the Tauzin amendment, without the landowner consent provision in this bill, this bill is a bad deal for Americans and most of our constituents would not take it. Landowner consent, the Tauzin amendment. Please adopt it. The Regula amendment takes that landowner consent away. Please vote against it, and then let us pass this good bill.

Mr. VENTO. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, the deal here is whether we are going to have a bill that is going to be workable or unworkable, reasonable or unreasonable. I want to credit my colleagues with great creativity and imagination, in conjuring up problems with regard to this.

All of a sudden, the inability of the Federal Government to buy land at the local level is an abomination. It is usually the other way around in terms of debates I have been in.

What this amendment does, Mr. Chairman, is create anarchy, or would create anarchy in these heritage areas.

I might add, Mr. Chairman, that the Members that are seeking these designations, and Congress would designate these areas, with the cooperation of local government, the Members that are in the areas that have these

designations favor the Regula amendment. They oppose the Tauzin amendment, because they understand it would be unworkable.

It would be an unfunded mandate. It would be simply unworkable, We would have a patchwork quilt of individual landowners that decided to be in or decided to be out. It would not be workable. It would destroy the idea and the concept that is being advanced here in terms of partnership.

The question is, Mr. Chairman, should we arrogate onto ourselves, the Congress, this decision; in other words, should we take rights away from the local government with regard to these heritage areas. It would deny them the basic tools they need in order to do the job.

We have had a lot of demonizing going on here. There are a lot of unrelated concepts being attached to this American Heritage Partnership Act. Mr. Chairman, I would suggest this is not the biological survey, it is not the property rights issue. The property rights issues are not involved in this.

The Constitution remains inviolate. It is not affected. I urge the Members to vote for the Regula amendment. It goes as far as we can go. We take the good ideas that we get from the Tauzin amendment without killing the bill. I know it is the intention to be supportive of this, but there are many other groups that have the intention to destroy this bill, to stop this bill.

Mr. Chairman, I would urge the Members to defeat the Tauzin amendment, and to favor the Regula amendment, which will be voted on first.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. I would ask the Chair if he would announce the rotation of the vote with regard to what will come first.

The CHAIRMAN. The first vote will be the question on the amendment offered by the gentleman from Ohio [Mr. REGULA] to the amendments offered en bloc by the gentleman from Louisiana [Mr. TAUZIN].

Mr. VENTO. The first vote will be on the Regula amendment with regard to local government rights, is that correct, Mr. Chairman?

The CHAIRMAN. That is correct.

Mr. TAUZIN. Mr. Chairman, the first vote will be on the vote to strike the landowner consent provisions of the Tauzin amendment?

The CHAIRMAN. The first vote will be on the amendment offered by the gentleman from Ohio [Mr. REGULA].

The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA] to the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a rollcall vote by electronic device may be taken on the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 15, as follows:

[Roll No. 484]

AYES—222

Abercrombie	Gilman	Norton (DC)
Ackerman	Greenwood	Oberstar
Andrews (ME)	Gutierrez	Obey
Andrews (TX)	Hall (OH)	Olver
Applegate	Hamburg	Owens
Bacchus (FL)	Hastings	Oxley
Barlow	Hinchey	Pallone
Barrett (WI)	Hoagland	Pastor
Bateman	Hobson	Payne (NJ)
Becerra	Hoyer	Pelosi
Bellenson	Hughes	Pickle
Bereuter	Jacobs	Porter
Berman	Jefferson	Portman
Bilbray	Johnson (CT)	Price (NC)
Blute	Johnson (GA)	Pryce (OH)
Boehlert	Johnson (SD)	Quillen
Bonior	Johnson, E.B.	Rahall
Borski	Johnston	Rangel
Boucher	Kanjorski	Ravenel
Brown (CA)	Kaptur	Reed
Brown (FL)	Kennedy	Regula
Brown (OH)	Kennelly	Reynolds
Bryant	Kildee	Richardson
Byrne	King	Ridge
Cantwell	Kleczka	Rogers
Cardin	Klein	Romero-Barcelo (PR)
Clay	Klink	Rose
Clayton	Kopetski	Rostenkowski
Clinger	Kreidler	Roukema
Clyburn	LaFalce	Rowland
Coleman	Lantos	Roybal-Allard
Collins (IL)	LaRocco	Rush
Collins (MI)	Lazio	Sabo
Conyers	Levin	Sanders
Coppersmith	Levy	Sangmeister
Costello	Lewis (GA)	Sawyer
Coyne	Livingston	Schroeder
Darden	Lloyd	Schumer
de Lugo (VI)	Lowey	Scott
Deal	Machtley	Serrano
DeFazio	Maloney	Sharp
DeLauro	Mann	Shaw
Dellums	Manton	Shays
Derrick	Margolies-Mezvinsky	Shepherd
Deutsch	Markey	Skaggs
Dicks	Martinez	Slaughter
Dingell	Matsui	Spence
Dixon	Mazzoli	Spratt
Durbin	McCloskey	Stark
Edwards (CA)	McCollum	Stokes
Ehlers	McHale	Studds
Engel	McKinney	Swift
English	McMillan	Synar
Eshoo	McNulty	Thompson
Evans	Meehan	Torkildsen
Faleomavaega (AS)	Meek	Torres
Farr	Menendez	Torricelli
Filner	Mfume	Towns
Fingerhut	Michel	Traficant
Flake	Miller (CA)	Underwood (GU)
Foglietta	Mineta	Unsoeld
Ford (MI)	Mink	Velazquez
Ford (TN)	Moakley	Vento
Frank (MA)	Molinari	Visclosky
Franks (CT)	Mollohan	Waters
Franks (NJ)	Moran	Watt
Furse	Morella	Waxman
Gejdenson	Murtha	Weldon
Gephardt	Myers	Wheat
Gibbons	Nadler	Williams
Gilchrest	Neal (MA)	Wise
Gillmor	Neal (NC)	Wolf
Woolsey	Wynn	Young (FL)
Wyden	Yates	Zimmer

NOES—202

Allard	Goodling	Nussle
Andrews (NJ)	Gordon	Ortiz
Archer	Goss	Orton
Armey	Grams	Packard
Baesler	Grandy	Parker
Baker (CA)	Green	Paxon
Baker (LA)	Gunderson	Payne (VA)
Ballenger	Hall (TX)	Penny
Barca	Hamilton	Peterson (FL)
Barcia	Hancock	Peterson (MN)
Barrett (NE)	Hansen	Petri
Bartlett	Harman	Pickett
Barton	Hastert	Pombo
Bentley	Hayes	Pomeroy
Billirakis	Hefley	Poshard
Bishop	Hefner	Quinn
Billey	Herger	Ramstad
Boehner	Hochbrueckner	Roberts
Bonilla	Hoekstra	Roemer
Brewster	Hoke	Rohrabacher
Brooks	Holden	Ros-Lehtinen
Bunning	Horn	Roth
Burton	Houghton	Royce
Buyer	Huffington	Santorum
Calvert	Hunter	Sarpalius
Camp	Hutchinson	Saxton
Canady	Hutto	Schaefer
Carr	Hyde	Schenk
Castle	Inglis	Schiff
Chapman	Inhofe	Sensenbrenner
Clement	Inslee	Shuster
Coble	Istook	Sisisky
Collins (GA)	Johnson, Sam	Skeen
Combest	Kasich	Skelton
Condit	Kim	Smith (IA)
Cooper	Kingston	Smith (MI)
Cox	Klug	Smith (NJ)
Crane	Knollenberg	Smith (OR)
Crapo	Kolbe	Smith (TX)
Cunningham	Kyl	Snowe
Danner	Lambert	Solomon
de la Garza	Lancaster	Stearns
DeLay	Laughlin	Stenholm
Diaz-Balart	Leach	Strickland
Dickey	Lehman	Stump
Dooley	Lewis (CA)	Stupak
Doolittle	Lewis (FL)	Swett
Dornan	Lewis (KY)	Talent
Dreier	Lightfoot	Tanner
Duncan	Linder	Tauzin
Dunn	Lipinski	Taylor (MS)
Edwards (TX)	Long	Taylor (NC)
Emerson	Lucas	Tejeda
Everett	Manzullo	Thomas (CA)
Ewing	McCandless	Thomas (WY)
Fawell	McCrery	Thornton
Fazio	McCurdy	Thurman
Fields (LA)	McDade	Upton
Fields (TX)	McHugh	Valentine
Fowler	McInnis	Volkmer
Frost	McKeon	Vucanovich
Gallegly	Meyers	Walker
Gekas	Mica	Walsh
Geren	Miller (FL)	Wilson
Gingrich	Minge	Young (AK)
Glickman	Montgomery	Zeliff
Gonzalez	Moorhead	
Goodlatte	Murphy	

NOT VOTING—15

Bachus (AL)	Cramer	Slattery
Bevill	Fish	Sundquist
Blackwell	Gallo	Tucker
Browder	Hilliard	Washington
Callahan	McDermott	Whitten

□ 1507

Messrs. POMEROY, ARCHER, FAWELL, HEFNER, GONZALEZ, BISHOP, and ROEMER changed their vote from "aye" to "no."

Mr. DEAL, Mr. BOUCHER, Ms. ESHOO, Mr. GILMAN, and Mr. COLEMAN changed their vote from "no" to "aye."

So the amendment to the amendments was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Louisiana [Mr. TAUZIN], as amended.

The amendments en bloc, as amended, were agreed to.

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: Page 23, after line 24, insert the following:

(g) PROTECTION OF PRIVATE PROPERTY.—The management entity for an American Heritage Area shall publish procedures to ensure that the rights of owners of private property are protected. Such procedures shall include an administrative process to provide compensation to the owner of private property if the use or value of all or any portion of the private property is substantially diminished as a result of the designation of the American Heritage Area or the management plan for the American Heritage Area.

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

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

□ 1510

Mr. VENTO. Mr. Chairman, reserving the right to object, I wanted to inquire as to the amendment being offered by my colleague, the gentleman from Louisiana. Is this the amendment printed in the RECORD that provides for a process for compensation of landowners that are significantly affected?

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

Mr. VENTO. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has inquired as to whether the amendment at the desk is the amendment providing for compensation to a landowner whose property has been severely or substantially devalued.

Mr. VENTO. I think the word is significant.

Mr. TAUZIN. Significantly devalued.

Mr. VENTO. That is in the amendment, unless it is a different amendment that the gentleman is talking about.

Mr. TAUZIN. As a result of the regulations, and the answer is that that is the amendment at the desk.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL TO THE AMENDMENT OFFERED BY MR. TAUZIN

Mr. RAHALL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The Clerk read as follows:

Amendment offered by Mr. RAHALL to the amendment offered by Mr. TAUZIN:

In the amendment offered by Mr. TAUZIN to page 23 of section 107 of H.R. 5044, on line 5, strike "an administrative" and all that follows through line 10 and insert the following:

a process to provide information to the owners of private property with respect to obtaining just compensation due as a result of a taking of private property under the Fifth Amendment of the Constitution of the United States.

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

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

Mr. TAUZIN. Mr. Chairman, reserving the right to object, if I may engage the gentleman in a colloquy, I ask the gentleman from West Virginia [Mr. RAHALL], is this the amendment that would substitute for the compensation amendment, and would provide only a process to provide information to the landowner?

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

Mr. TAUZIN. Further reserving the right to object, I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, my amendment reaffirms constitutional rights, I respond to the gentleman.

Mr. TAUZIN. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, it is unfortunate, but true, that we are faced with a situation where this particular bill is being used as a vehicle to advance a certain political agenda which, while on its face has a populist appeal, is in reality quite dangerous to some of the basic foundations of the Republic.

The pending legislation clearly provides that no Federal funds can be used to acquire property within a heritage area.

Let me repeat that, because there are some who have chosen to ignore the clear reading of the legislation.

The pending legislation clearly provides that no Federal funds can be used to acquire property within a heritage area.

Now, with that said, I find it hard to imagine why anybody would offer a so-called takings amendment to allegedly protect private property rights.

Moreover, we have gone so far in trying to address the concerns of Members like the gentleman from Louisiana as saying in this bill that if you own a historical property within a heritage area, and you want to sell it to a governmental entity to ensure its protection, you will not be able to do so if Federal funds are involved.

We are throwing out the window the concept of willing buyer/willing seller that has served us so well over the years.

Mr. Chairman, the fact of the matter is that the Constitution states that there shall be no taking of private property by the Government without just compensation.

Most of us learn this at least by the time we take our first civics class in school.

And what we also know is that only the courts can decide, on a case-by-case basis, whether a governmental action results in a takings and whether it is a compensable takings.

In my view, agendas are being pursued under this takings banner that do not necessarily have anything to do with private property rights.

And I say this especially within the context of the pending situation, where we have a bill that prohibits Federal funds from being used for land acquisition.

I would suggest to my colleagues that in light of these facts, if you find that you simply have to vote for some type of amendment, the proper course of action to take is to vote for the pending Rahall-Regula amendment.

Our amendment provides for procedures to be put into place within a heritage area to ensure that the rights of private property owners are protected, and that they are made aware of their constitutional rights. I urge the adoption of this substitute amendment.

□ 1520

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the Rahall amendment and in support of the Tauzin amendment.

Mr. Chairman, on a very close vote, as we just saw, the House agreed not to require the written consent of the landowner to have his property wrapped into these heritage areas, and the regulations on land use that are going to flow from them. In short, the House voted for the Federal Government working with the State governments and local governments to regulate the use and value of people's property in these heritage areas without their consent. If ever there was an exercise of eminent domain, we just exercised it in the last vote.

Now, the Congress has provided through eminent domain, through easement procedures, laws to permit the Government to compensate landowners when the Government needed the land, needed the use of that property for a certain purpose. We have done that in many cases already.

The amendment I have offered simply says now that if we are going to have a bill that says that landowners do not have to consent to have their property brought under these regulatory regimes, if they do not have to

consent to the loss of the value and the use of their property, that the least we ought to do under the Constitution is provide a remedy at home for small landowners who cannot afford to go all the way to the Supreme Court to find out if they have a remedy in compensation.

Now, the gentleman from West Virginia [Mr. RAHALL] offers a substitute to our amendment. I think it is important to look at that substitute very carefully. All that substitute does is to say that under this bill the landowner is going to be given information about what to do if he wants to get compensated.

Well, you do not need an amendment to do that; all you need is a road map and a designation as to where the courthouse is. If all you want to do is to send every landowner in America to the courthouse to find out whether or not he can get compensated, you have relegated every landowner, homeowner, rancher, farmer affected by this bill to a 10-year litigation process because that is the average right now for landowners contesting property right condemnations under regulatory takings.

Am I exaggerating? No. Look at the record.

Look at the case of Bowles versus the United States, a property owner in Texas who belonged to the Nature Conservancy, a good guy who actually was on a conservation committee to watch the Corps of Engineers that they did not overly allow development in his area.

In 1984 he was denied the right to build on his own subdivision lot in a subdivision in Brazoria County, TX. When he was denied that right, he did what Mr. RAHALL'S amendment does, he went to court, 10 years later the court of claims here in Washington, DC, finally awarded him compensation for the taking of his property. It took him 10 years.

Now, rich landowners can afford to do that, perhaps; rich companies can afford 10 years of litigation. Perhaps those of you who want to vote for Mr. RAHALL'S amendment because they will get information as to where to find the courthouse.

But if you have in your district, if you have in your State ordinary property owners, farmers, ranchers, homeowners who simply own a tract of land in America, a parcel that is going to come under these heritage corridors, some as long as six countries wide and as wide as the Mississippi River, look at the map. If you have small landowners who cannot afford a 10-year trip to the Supreme Court, maybe you might be interested in the Tauzin amendment. Maybe you want more information, maybe you want a process to compensate you when the value of that property has been substantially diminished without your consent.

Now, if ever there was a pernicious reading of the Constitution, it is the way this bill currently reads. What this bill says, if I may reword the fifth amendment, according to this bill, is that private property shall not be taken for public purposes unless it is in a heritage area.

The Constitution does not have an exception. It does not say unless it is in a heritage area or unless it is a wetland or covered by an endangered species. We had this debate on the Desert Protection Act. The House voted overwhelmingly to make sure the landowner got compensated.

I urge you, as you did in the Desert Protection Act, to recognize there are many small landowners in America who cannot afford a 10-year trip to the U.S. Supreme Court and whose justice and civil rights under the Constitution require us to pass a law, the Tauzin amendment, establishing a procedure for them to get compensated.

This is a basic right in America. We can argue about it all day and all night until the chickens come home, but it is basic. If you are going to take somebody's property without their consent, if you are going to substantially deprive them of the value or the use of their property, then we ought to provide a compensation mechanism. If you want to tell every small landowner in your district that you refuse to do that, that you refuse to provide them a remedy in law for their losses, then I suggest you vote for the Rahall amendment. But if you want to protect private property rights, vote for the Tauzin amendment.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word and rise in opposition to the Rahall amendment.

Mr. Chairman, the Rahall amendment is just a pawn to try to divert attention from the real issue here, and that is payment for the use and taking of private property.

Now, I have heard and you have all heard the argument that this bill now does not provide Federal funds to be used to acquire Federal property. That is part of the problem. What about the use of private property, Mr. Chairman and Members? In these heritage foundation areas they may well use your private property and reduce the value of it and therefore you have no ability of using your own private property to control it. So use is a very important part of this issue.

The Tauzin amendment provides that there be compensation if your land is either used or diminished in value. That is as simple as it is. Do not hide behind the fifth amendment to the Constitution.

Let me read to you 3 or 4 recent holdings by the U.S. Supreme Court.

In Hadacheck versus Sebastian, a 90-percent taking, the Supreme Court said no taking. Euclid versus Amber, the Supreme Court said no taking. Seventy five percent of the value of the land was taken.

The Keystone Coal case, where 50 percent of the value of the land was taken, the Supreme Court ruled no taking.

But in the latest Supreme Court decision, Dolan decision, Dolan versus Tigard, which, by the way, is in the State of Oregon, the city of Tigard, there the city was trying to take Mr. Dolan's opportunity to expand his laundry because the city wanted to store grain, and an additional 10 percent for a bike path. The Supreme Court said, after 10 years, said, "No, that is a taking." The city of Tigard had to back away.

The point remains here that if you hide behind the fifth amendment, you have extremely disadvantaged small people who have to spend years and literally thousands and millions of dollars to pick it up. What we are saying here, we say outright we want small people who have lost the use of their land, who have abused by either local government or Secretary Babbitt, the Secretary of Interior, they will have the right of compensation to restore them whole. What is wrong with that? That is basic private property rights. That is what we all stand for.

Support the Tauzin amendment and vote against the Rahall amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Rahall-Regula amendment to the Tauzin amendment and ask my colleagues to support it.

□ 1530

The fact of the matter is that the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] sets up a radical concept in terms of how we ought to deal, or how local governments ought to deal, with any changes of value that might be attributed to some type of zoning activity at a local level. I want to know from the sponsor of this where does this procedure exist in the United States today? What local government has set up this particular process or procedure? What State government has set up this process or procedure—given this to bureaucrats to make these decisions about when property goes up or down in value without the consent of owner? Where does it exist? Where does it exist? Can the gentleman tell me where it exists?

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

Mr. VENTO. I yield to the gentleman from Louisiana.

Mr. TAUZIN. It exists in every highway department in the country which has an eminent domain section. Every highway department in Oregon has such a section.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is not the point. The point is that every agency can negotiate for a willing seller, willing buyer. There is no eminent domain in

this bill. There is no purchase by the Federal Government. There is no purchase necessarily by the local government. There is no procedure that exists administratively at the local or at the State level for this particular function. It does not exist. What this is is a wholly unique piece of policy to be superimposed on this bill. It is a radical concept. It is an unfunded mandate. If a local government opted into a heritage area, they would have to buy part and parcel this particular procedure for setting up and compensating so-called changes in significant value.

The fact of the matter, Mr. Chairman, is the procedure exists in law today, and it works pretty well in the U.S. Constitution, and that is why the Regula and the Rahall amendment is articulating and emphasizing that. It is the Constitution that these basic provisions exist in. This is the core of law, not something superimposed on it, some type of convoluted process which the gentleman from Louisiana [Mr. TAUZIN] is proposing here.

This would simply undermine the effect of local governments being able to deal with this. This would set up an experimental program with no funding at the local level. How could local governments possible deal with this particular procedure in terms of making these determinations? It is unworkable. It is unfair to those local governments to set this up, and in the end it would render the program moot, and it would pull the rug out from under the program and make it so it would not be workable. Providing the information is a positive step in terms of giving property owners affected knowledge of their rights to pursue a course through the tried and tested State and local courts and through the Federal Government, ultimately even the Supreme Court, and I might say that the Supreme Court has not been reluctant, or the other courts reluctant, to in fact assert the legitimate rights of property owners when they have been violated, and I endorse the proposals and the effort that they have made to protect those property owners.

Mr. Chairman, we need to be sensitive to this, and, if we need a new process, is this the place to develop it? Is this the place we are going to upset 200 years of jurisprudence by putting in place a procedure that is not defined, that is going to be different in every local jurisdiction that is impacted by this. How many administrative units are we going to create? What are we doing to the local governments? It is one thing to protect private property rights, but I think we ought to look before we leap, and I say to my colleagues, "I think that if you look before you leap, you vote for the Rahall-Regula amendment and you vote against the Tauzin amendment."

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

Mr. Chairman, and members of the committee, let me make it clear by saying, "If you voted yes on the last amendment, you're a yes on this amendment because essentially the issue is the same," and let me also make clear that in this bill there is no public use of private property without compensation. This bill is for the local people to cooperatively and voluntarily put together these heritage corridors. The gentleman from Oregon gave us cases where there was a 90-percent taking, a 75-percent taking. Let me tell my colleagues that this is a zero percent taking. There is no taking, and so there is no relationship to what the court has done, and here it said we cannot use the courts. I say to my colleagues, "I believe that you can't repeal the Fifth Amendment to the Constitution by making a speech here today."

Mr. Chairman, it very clearly in the Rahall-Regula amendment says, and let me read it:

> . . . a process to provide information with respect to the owners of private property to obtaining just compensation due as a result of any taking of private property as provided in the Fifth Amendment to the Constitution.

The point is there is no taking. There is no change in zoning. It simply allows local people, with support from the Federal Government of a dollar-for-dollar match, to develop a heritage corridor with historic preservation of historic areas, environmental areas. It gives people an opportunity to do things locally.

And talk about unfunded mandates. Let me say to all of my colleagues that the Tauzin amendment would be the biggest unfunded mandate we have passed here in a long time because it would mandate to local governments, that they would be paying people that might have nothing to do with this, and the cost would be enormous, and, therefore, local governments could not, as a practical matter participate.

So, Mr. Chairman, I say to my colleagues, "If you're against unfunded mandates, you're a yes on the Rahall-Regula, and, if you believe in local control, you're a yes on Rahall-Regula."

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

Mr. REGULA. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, my friend made an eloquent, passionate speech, but I caught an inconsistency. Perhaps he can help me with it.

I say to the gentleman, "At one point in your talk you said there are no takings under this bill, and at another point you said that if my amendment passed providing for compensation for substantial takings, that this would be a huge cost."

Which is correct?

Mr. REGULA. If there would be a taking by local government or a taking by anybody, there would be a cost. But the point is the gentleman is saying in his amendment that they have to go out to all of these people and provide compensation for a change in value. That is not a taking. The gentleman is talking about something entirely different. We are saying in our amendment that we protect the rights of the private property owner, as clearly set out in the fifth amendment.

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

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. The fact is that what the Tauzin amendment would do is to place a cost on the legitimate and bona fide powers of local governments to make the decisions with regard to land use. There are within the context of our Constitution divided and delegated powers to the States. The States have those rights, and within the precepts of the Constitution, within the precepts of what the court has determined to be a legitimate and police power of the State, they have certain powers, and they ought to be able to exercise those. They ought to be able to exercise them without paying a premium to someone that is set up under a procedure here.

What the gentleman is doing is superimposing on local governments a new power, a new procedure. The gentleman from Louisiana is superimposing a new procedure in terms of what happens every time a land use changes, and the fact of the matter is that is a determination by the court to determine whether or not there is. But there certainly is zoning. There certainly are powers that the local governments have today, they have under this particular bill. There are certain powers the States have today that they have under this bill. Should they have to pay in order to exercise those legitimate and bona fide powers they have today that are recognized and not recognized in the court? And what this amendment intends to do and what the gentleman from Louisiana [Mr. TAUZIN] generally intends to do is to make both the Federal Government pay, to make State governments pay, to make the local governments pay every time they exercise a land use decision. That is the total effect of the advocacy that is being presented here, a radical new vote in terms of the government's role, in terms of what it does with land use, what it does with property.

Mr. Chairman, that is what is going on here, and we ought to be defeated. We ought to vote for and uphold the Constitution, not some radical interpretation.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I say to my colleagues, "If you voted 'yes' on the last amendment, you vote 'yes' on this amendment. The same issue is before us."

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

Mr. Chairman, I yield to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN], my colleague, for yielding.

Mr. Chairman, I wish to respond to the gentleman from Oregon who earlier in this debate alleged that, although prohibiting the use of Federal funds in this legislation for the acquisition of private property, as we so clearly do, he says that in essence in effect what we are doing is affecting the use of private property. Again I say to the gentleman, as I did earlier in the use of Federal funds for the acquisition of private property, that look what we save, three different occasions as far as the use of private property in this legislation.

□ 1540

On page 30, section (1)(a), the lack of effect on authority of governments, we say, "Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by current law or regulation."

A second area, we say, "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for American Heritage area."

On a third occasion, in the Vento en bloc amendments that we already adopted, we say, "No requirement for land use regulation as a condition for approval. No provision of this title shall be construed to require any change in land use regulation as a condition of approval of a compact management plan or revision of a compact management plan by the secretary."

So once again I say, read the legislation and see what we clearly prohibit in the bill already, to address the concerns of those like the gentleman from Louisiana.

Finally I will say, Mr. Chairman, in a question I posed to the question from Louisiana, who has championed this particular concern of his, and again I say myself perception as it relates to this bill, what if we were to adopt the gentleman's language to every highway bill that went through this body, to every dam that we built, to every public works project that we were to build across this country. What if we were to adopt the language of the gentleman from Louisiana?

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

Mr. MOLLOHAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman knows, I assume, that that is the law in every highway bill, that when the government takes your private property to build a highway, you are entitled to a procedure for compensation, and it is an eminent domain question, and you get compensated. The gentleman knows the current law provides for that.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield further, that is not a taking in those particular issues. We are not talking about takings here in this particular piece of legislation.

Mr. TAUZIN. If the gentleman will yield further, I suggest when the Government comes along and demands 10 of your acres for a highway, that it is a taking, and that is what it is all about. That is when you get paid under eminent domain. When a taking occurs here, we are suggesting the same thing ought to happen. You ought to get compensated, and the House agreed with that provision on the Desert Protection Act.

Mr. RAHALL. Again I would say to the gentleman, there are no takings in this piece of legislation. If there were takings, I would totally agree with him. The Constitution protects us in those cases.

Mr. TAUZIN. If the gentleman will continue to yield, if the gentleman were correct that there are no potential takings in this bill, you are correct, that there would be no compensation required. So what is the harm of an amendment that says if a taking does occur, that you have a provision for compensation? You cannot argue there is no taking, and yet no need for compensation if there are takings.

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

Mr. MOLLOHAN. I yield to the gentleman from Minnesota.

Mr. VENTO. The gentleman's definition in his amendment does not necessarily suggest that there is a taking. It talks about, whatever it means, a significant diminution of the use, whatever that is. The fact is that flies smack into the face, and the gentleman ought to know, the gentleman is very learned with regard to this, it flies right into the face of the legitimate powers of local and State governments to regulate land. So this is the case. And what the gentleman seeks to do, and I think it is clear, is to expand the amount of liability that the State and local governments would have uniquely onto this heritage area. Not under any other.

Now, maybe if you want to do that, that ought to be applied to everything in general. But why we would begin and do it in this instance is beyond me. So it is not a taking. Takings, if the gentleman will continue to yield, are protected under the fifth amendment. We say there are no takings, and in order to order that, we say here are the procedures we are going to follow. Are we going to rewrite out of whole cloth new law with regard to property rights here on the House floor as represented, as is represented by my colleague from Louisiana's effort.

That is what this is; no more, no less.

Mr. TAUZIN. If the gentleman will yield further, I beg to differ with my friend from Minnesota. What this gentleman is doing is in fact offering an amendment that parallels the decision of the Supreme Court in the case of Doland versus Tigard and in the case of Lucas versus the United States. In both of those cases, the U.S. Supreme court said that where a substantial loss, which is what we have here, of the use of or value of property, results from a regulatory taking, such as this, that compensation should be provided.

What we are suggesting is that a procedure be set up for that, rather than requiring everybody to go to court. That is what we do in highway takings, that is what we do in public property takings for public purposes like public projects.

So the gentleman is incorrect in saying that we have written something out of whole cloth. Lucas versus the United States and Doland versus the city of Tigard is the language we depend upon.

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

Mr. Chairman, a lot of times we support something based on previous knowledge and history of the way things work. I know in the California desert plan, the Government, when it takes lands, and I know the gentleman from Minnesota [Mr. VENTO] fought against it, the Government is billions and billions of dollars behind in paying for land.

So what happens is that when a person's property is taken and goes on that list, the Government cannot pay for it. Then in the meantime, you cannot build or improve your property. So what happens? The value goes down. Then the Government comes in and says we want to give you fair market value.

That is not right, Mr. Chairman. I talked to a judge in San Diego this past weekend who teaches at the University of San Diego. He said the Government historically tries to beat down the price of private property so they can get it cheaper. He also said that the courts today across the country of the United States are tending to fight against this, because it is violating private property rights of individuals. Basically, it is stealing their land, and that is wrong.

I have a cousin that is in the district of the gentleman from Louisiana [Mr. TAUZIN]. He is a Republican, a solid Republican, and he supports the gentleman. Let me tell you why. Because the gentleman fights for the property rights and the rights of his constituents and those across America. I take a look at the gentleman's record in that area, and I look at the other gentlemen as far as the taking of lands, such as the California desert plan, Mr. Chairman, and I happen to believe in the gentleman and what he is trying to do.

I support eminent domain, but I also support the fair and equitable payment for land that you would own, Mr. Chairman, or I would own, or my mom or anybody else. And I think that when we take a look at it, I do not care if it is the Federal Government trying to steal my land or the State government trying to steal my land, or a city trying to steal my land. If they are going to take it under a taking, then they need to at least compensate me for it.

If there is no taking in this legislation, then the Members that are supporting this legislation should not be afraid to stand up and say hey, there is no taking in this. But if it does happen, then just compensation will be provided. And I do not think that is wrong.

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

Mr. CUNNINGHAM. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, on this point of administrative procedures, my understanding is that if there is a taking and we go through the administrative procedures, it costs an average individual about $250,000 and takes 10 years to resolve that. I thought I would bring that up and add it to the remarks of the gentleman from California.

Mr. CUNNINGHAM. In the meantime, the property value goes down and the Government wants to give him fair compensation at the reduced level. That concerns me, and I would ask at least the gentleman from Minnesota [Mr. VENTO] and the rest of you, if you are saying taking does not take place, but if it does, then I think we ought to give just compensation.

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

Mr. CUNNINGHAM. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman's yielding. My point is that is exactly what the Rahall-Regula amendment does. It refers back to the provisions in the Constitution. We cannot deny or suspend those rights by a speech on the floor, as Mr. REGULA said. The problem you have to understand, and I hope all Members do, is that what is being proposed here is not legislation dealing with the takings. That issue is decidedly and affirmatively in the Rahall-Regula amendment. But what is being proposed is if there is regulation, and regulation is a legitimate power of the local and State government in this case, there is no Federal Government involvement here. This is not a corollary to the California desert, which the gentleman and I debated on in the past.

Mr. CUNNINGHAM. Reclaiming my time, I would say, again, I do not care if it is a State or even a local district. If they wanted to take my land, all I am asking for is just compensation. If taking is not involved in this, then there should be no problem.

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

□ 1550

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Rahall amendment. Threats to our constitutional rights never come in announcing their intentions. They never come in like a whirlwind. They usually come in, they nibble around the edges. They never take a constitutional right head-on. They are like termites, Mr. Chairman. They chip away at the foundation of the principles on which our country was founded.

This initiative is no different. It claims it is no threat to our constitutional rights. It only nibbles around the edges of the rights of private property owners. It chips away just a little bit at a time.

Our Government has let loose too many of these termites on the rights of private property owners already, Mr. Chairman. I urge my colleagues to stand up for the rights of private citizens, private landowners in this country, and to vote "no" on the Rahall amendment.

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

I just want to briefly also say that what the Rahall substitute would do to this amendment is they want the government to have the ability to use your property or any portion of it and that if the use happens to reduce its value, that they do not have to compensate the value to the owner for it.

In other words, they are saying that the government or this heritage area should be able to take this property or not take it, just to walk in and use it for whatever purpose they determine. And then if it happens to lower the value or restrict the use by the owner, so be it, that they have compensation recourse.

I would like to say that if in your own backyard in your homes, to the gentleman from Minnesota or the gentleman from Ohio, if the local government said, we want to use your backyard for a running path but we are not going to compensate you for it, but we will allow the public to run through it, would that be a similar situation as what we are asking for in this bill.

I just feel that if the government is going to use it, if it is going to reduce the value, that there should be just compensation ordered.

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

Mr. GRAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, if there is a taking of that property.

Mr. GRAMS. Mr. Chairman, no, not a taking. We just want to use it. That is what this bill is saying. Let us both use it.

Mr. VENTO. Mr. Chairman, would the gentleman from Minnesota advocate that anything a local government or State government made any modification to zoning, that they should have to have the purse out to pay back the money? Is that what the gentleman is advocating?

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

Mr. GRAMS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I am happy to help the gentleman in this area, because I have researched the law in that area. The courts have said that where zoning is unreasonable, where it is unreasonable, that you can have a taking. But only where there is a shared burden and benefits is a zoning law reasonable and, therefore, not a taking.

You can have a zoning law that is not a taking, but you can have a zoning law that unreasonably restricts the use of property. And the Supreme Court has ruled in other cases that that is a taking compensable under law.

We are saying here is that this Heritage Act may create such unreasonable takings for the benefit of the public at the expense of one small landowner.

The court has said very clearly in Florida Rock and many decisions that when the public at large benefits by taking the use away from one single landowner or a small group of them, that that is a constitutional taking.

Our problem is that if all of us have to go to the Supreme Court to find that out, what an awful, awful condition we are in in America. If every black child had to go to the Supreme Court to go to school in America, what a terrible state of mind we would be in in this country.

We came to this legislative body and we passed a civil rights law to guarantee those civil rights, and the same thing ought to be true when it comes to civil rights of individuals in regard to property in this country.

If a taking occurs, provide just compensation. If no taking occurs, as the gentleman claims no taking will occur, then there will be no compensation.

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

Mr. GRAMS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the point is that we say there is no taking. Apparently, there is some confusion about that. Obviously, the Constitution would prevail.

Clearly, whenever there is a decision that is made, those decisions have to be followed by the lower courts and by the police of that local government. The fact here is that there is no taking in this particular bill.

The point is, the gentleman is mandating that they set up a procedure. The gentleman is mandating in this amendment of his that they set up

such a procedure irrespective of what takes place. To have it sitting there for no purpose is another waste of money, another unfunded mandate. I would suggest that we resist the amendment.

Mr. GRAMS. Mr. Chairman, reclaiming my time, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I want to read the very simple, very straightforward language of our amendment that the Rahall amendment would destroy. It simply says that the procedures shall include an administrative process to provide compensation to the owner of private property if the use or value of all or any portion of his private property is substantially diminished as a result of the designation of the American Heritage Area or the management plan for the American Heritage Area.

That tracks very closely the language of the case law in this area, and it simply says that rather than condemning every one of us to spend 10 years in court to find out if we have this right, that we would establish that as a matter of law.

If the landowner in this process cannot establish that his property has been diminished in value, he will not be compensated. If he can make that determination, under our Constitution, he ought to, and under our amendment, he would be compensated. That is the clear choice before the House today. It was the same clear choice in the Desert Protection Act that 281 of my colleagues voted affirmatively for.

Mr. GRAMS. Mr. Chairman, I would just like to briefly conclude by saying that every Member should put himself in the position of one of these property owners that would lie within this designation. Ask themselves if they would be willing to open the doors to their back gates of their property and let anybody use it for any purpose without compensation or just recourse.

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

Mr. Chairman, very briefly, to let the Members know, in the language of H.R. 5044, it specifically states, "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity." Again, "nothing in this title shall be construed to grant powers of zoning or land use to any management entity."

Even these local management entities will have no power of zoning and no power of land use. The Tauzin amendment would require them to compensate, even though they have no such power.

To me it just is not fair to say to a local entity, they are going to have to pay some specified money even though they do not have the power of zoning and they do not have the power of land use.

If a local community wants to change its zoning and change its property values, then the local community should have to pay whatever money is involved in the taking, and the Rahall-Regula substitute will provide for that, if there is an actual taking.

But under the bill, these management entities have no power to change zoning and no power to change or to require land use so they should not be held liable when they have no such power.

This vote is very similar to the last vote. If Members voted yes for the Rahall-Regula substitute before, they should vote yes on the Rahall-Regula substitute again. I hope that substitute is adopted.

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

Mr. Chairman, I will be brief. I guess the question I would raise, at least rhetorically for the gentleman from Louisiana [Mr. TAUZIN], based upon how successful these historic corridors have been across the northeast, this might be a question of some legitimacy, I wonder if the gentleman from Louisiana [Mr. TAUZIN] thinks that those who have had their property value enhanced by being included in historic corridor projects ought to compensate the government for that enhanced value?

My argument here is that by and large, by and large, in my experience in totality, property values have been enhanced by the historic corridor projects. As one who has come from local government and one who was involved in zoning, which was a legitimate public purpose, and one who was involved in numerous land takings, I can state unequivocally that there is a process for settling amicably these issues. It is called the courts. And time and again, whether we like the decision that they come back with, they do a remarkable job in this instance of settling land use taking questions.

There is no effort here, other than a proposal that would make for a more intrusive Congress in having us suggest, having us suggest that local government ought to check with us before they take private property.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me, because the gentleman previously posed a rhetorical question and would not yield to allow me to answer it for him.

The answer is that in no eminent domain taking is there such a provision for adjacent landowners to claim appreciation value.

□ 1600

In fact, Mr. Chairman, when the government comes to take your property for a highway purpose, the added value to your adjacent property is discounted in the calculations of value. That is currently the law.

What we are talking about here, however, is a law that provides for your property to be wrapped into a management area without your consent, now, according to the last amendment, and without the chance for you to say "I would rather not have been there, because it will diminish the value of my property."

If you have the right to consent, and your property was going to be elevated in value, that is one thing. However, where you do not have the right to say "I don't want to be in that zoning area," and that heritage area may be six counties wide, as long as the Mississippi River, you ought to at least have the right to say "If you have taken it without my consent, at least compensate me for what I have lost."

That is what the fifth amendment is all about. If we think every citizen ought to go to the Supreme Court to find that out, vote with the gentleman from West Virginia [Mr. RAHALL]. His amendment gives directions to go to the court. It says "Go find the courthouse."

If Members want to protect the individual small landowners of their district, they have to vote against the amendment offered by the gentleman from West Virginia [Mr. RAHALL] and vote for the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

If the gentleman will continue to yield, one final point, Mr. Chairman. It is not the same amendment because the same fellow has his name on it. Do not let anybody kid you. Because the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Ohio [Mr. REGULA] are the same sponsors of this amendment, it is not the same vote as the last vote.

The last vote was on the issue of consent by the landowner. We decided we did not want to give him that consent. What this amendment is all about is whether, having denied him the right to consent, are we also going to take his property away without giving him a process for compensation. That is a very different issue.

On that issue, Mr. Chairman, if Members are looking for guidance, look for the Tauzin amendment on the Desert Protection Act. Two hundred and eighty-one of the Members stood up in this Chamber and voted for fair compensation when property is taken by the Government for public purposes. That is what they Tauzin amendment is all about.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I have heard different Members say that there is no local land use regulation in this, that there is no regulation in this.

This is the bill. It is all regulation. It tells where the borders are, how wide, how long, what can be done. It identifies what they want to protect in those areas. The only out that they give the

local government in this is, because the previous amendment passed, it says that local counties have to buy into it, totally ignoring the local private property owners and whether they want to buy into it.

It is a Federal bill that now gives local counties or local cities the choice to opt out of it. It is all Federal land use regulation. That is what the bill is all about.

Mr. Chairman, let me just walk the Members through this very quickly as to what is going to happen. Ranchers are now going to wake up in the morning with a green spot on top of the map where their ranch used to be, and the Federal Government is now going to have adverse possession of their property. What they are doing is, they are regulating their ability to do something with their property, because if they do not happen to fit into the regulations that this outlines, they will not be allowed to do it.

Mr. Chairman, what the gentleman from Louisiana [Mr. TAUZIN] is attempting to do with this amendment is to say if the Federal Government is taking away the value of our property with this legislation, they have to compensate us for it.

Earlier in the discussion, in the debate, someone said "There is no money in here to buy property." That is one of the biggest things that is wrong with this bill. If the Government wants it, buy it. Do not regulate them out of existence.

We cannot afford to buy all the property that is included in this bill. We know we cannot afford to do it, so just say "There is no money to buy it." If the Government wants it, pay for it. If we are going to take it by regulation, we have to pay the property owner for what we are taking.

I have said this over and over on this floor. The Federal Government already owns a third of this country. What we are doing with the attempt is to take more property without having to pay for it. We are taking it by adverse possession. We are taking it by regulation, and in this, we are going to use the help of the local government.

The local government can install any kind of heritage plan, heritage corridor, they want. They can go to any county they want to and install these regulations. They do not need the Federal Government to step on their toes and tell them what they are going to do.

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

Mr. Chairman, the point has been made this afternoon here over and over again that there are no provisions in this bill whatsoever which would empower the Federal Government to acquire or use any private property whatsoever. Nothing in this bill will enable the Federal Government to acquire or use in any way whatsoever any private property.

Furthermore, Mr. Chairman, it says "Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American heritage area." This bill makes it clear over and over and over again throughout its pages that the powers of zoning remain exclusively with the local government, with the village, the town, the localest level of government.

The amendment offered by the gentleman from Louisiana [Mr. TAUZIN], and by the way, I have a great deal of respect for my friend and colleague, the gentleman from Louisiana, for what he is, what he tries to do in terms of property rights; I think he is to be respected and encouraged in that regard.

Unfortunately, in this particular instance, he was off by just a little bit, because, since the bill stipulates that all the local powers of zoning remain with the local government, and no powers of zoning are in any way conveyed to the management entity or anyone else involved in the management of the heritage area, what the gentleman from Louisiana wants to do in his amendment is to require local governments to set up an administrative procedure for their own local zoning process, so that if a local government who happens to be within an American heritage area decides that it wants to zone an area residential, or it wants to keep an area around the school free of pornography, or pornographic bookstores, or movies, things of that nature, and they zone them out of existence, the effect of this amendment would require the local government to then set up an administrative procedure whereby they would have to pay the owner of that property not to establish a pornographic bookstore or a pornographic movie next to the theater pursuant to zoning regulations set up by the local government. That would be the practical, yes, the practical effect of the Tauzin amendment.

That is why the Regula amendment to the Tauzin amendment is so necessary, and ought to be adopted.

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

Mr. HINCHEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I would just point out that the local government, without this bill, has the right, power, and duty to zone out pornographic shops next to schools. They are doing it today. They have that right under the Constitution.

Mr. HINCHEY. Yes, that is true, Mr. Chairman. However, under the amendment of the gentleman from Louisiana, he would set up an administrative procedure which would have the effect of requiring them to pay the property owner for not being able to do that.

Mr. TAUZIN. If the gentleman will yield again, Mr. Chairman, the amendment does not affect current zoning authorities for those purposes. The amendment only affects the zoning authority used under this Federal act to create heritage areas.

If the local government wants to zone an area, right now, if this act never becomes law, as it may not in the waning hours of this session, the local government has the right to do that now.

This amendment would not require compensation for the exercise of that government authority, which currently exists without this bill.

Mr. HINCHEY. No sir, Mr. Chairman, I would tell the gentleman that he is mistaken about that. He is mistaken about that, because what he does is say that any local government involved in an America heritage area would have to set up that administrative procedure, because the effect of the gentleman's amendment is to require that whenever any zoning takes place, that administrative procedure has to then follow.

Since the only zoning that can take place has to be enacted by local government, the gentleman is imposing an unfunded mandate on every local government within the American heritage area to set up the administrative procedure that the gentleman wants to set up that would require people to be paid for not setting up pornographic bookstores and pornographic movies.

Mr. TAUZIN. Mr. Chairman, if the gentleman will yield further, I am so glad that the gentleman has such a great respect for me that he would make this argument. The fact of the matter is that our amendment only deals with substantial diminutions of value as a result of designation by the American heritage area. It has nothing to do with pornographic bookstores next to schools, which can and should be zoned out of existence under current law, without respect to this statute.

I will say it again, Mr. Chairman. My amendment does not in any way affect pornographic bookstores next to schools. I would appreciate it if the gentleman would just quit saying that.

Mr. HINCHEY. The gentleman would have us believe that, I know, Mr. Chairman. The fact of the matter is that when a local government enacts a zoning ordinance, and that zoning ordinance then restricts that kind of activity in a particular neighborhood, the gentleman's amendment would have the effect of requiring an administrative procedure to pay that property owner for not setting up that obnoxious activity in that neighborhood.

I am sorry to tell the gentleman that, but that is the effect of it.

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

Mr. Chairman, there are certain comments in this hallowed Chamber this

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afternoon that bear repeating. I want to make, first, a couple of quick comments. The gentleman from California [Mr. POMBO] said if this legislation passed, every ranch in the country would have a green dot on it.

Mr. Chairman, I am not sure if that is accurate. I respect the gentleman from California [Mr. POMBO]. The comment I want to make to the gentleman from California is that I respect his views, I respect his right as a property owner to own a ranch and be able to use that property as productively as possible, as far as his ancestors and his descendants want that property to be used.

□ 1610

But I would just hope that the gentleman understands what is beginning to happen with the precedent of this particular amendment. I would like to see the gentleman use that ranch from now until the end of time and I hope with enough rain, that ranch remains green so the cattle have something to eat. But I want to make a comment about the amendment of the gentleman from Louisiana [Mr. TAUZIN] and the precedent that it may in my judgment, actually would, set.

Each jurisdiction in this country, a county, a town, has the right to have certain provisions for land use. There are residential areas, industrial areas, commercial areas, agricultural areas, all of these things. It is my judgment that under the Tauzin amendment, suppose in an agricultural area, a farmer decided that he wanted to use his farm for a rubble fill and bring in rubble or out-of-State rubble. That he could make—and this is not an exaggeration because it happens all across the country—$1 million a year bringing in rubble.

Then the local planning commission said that you cannot use that land for a rubble fill. And he said that is a takings, because under my regular agricultural use of this land, I can only make $50,000 off of those acres, but if I make it a rubble fill, I can make $1 million off of that land, so that in clear essence is a takings because you have now substantially reduced the value of my property as far as my economic income is concerned.

Suppose we have a residential area where someone decides that because of gasohol, they can now use their property in a residential area to set up a gasoline station and sell gas. They can make $100,000 a year with that gas station, with mechanic work or whatever, and the local jurisdiction said, "That is zoned residential, you can't do that." But the owner says, "You have substantially reduced the value of my property."

I want to make one other comment, and I do not want to really be an alarmist here and I do not want to overdo this issue because these things do happen around the country. They have happened in my district, they will happen in your district. Suppose somebody simply wants to set up a pornographic bookstore or they want to set up a little pornographic whatever and they want to put it in an area of town which will substantially reduce the value of somebody's restaurant, but they say, "I want that bookstore because I can make a lot of money and if you substantially reduce the value of my property, you owe me the money."

According to this amendment in my judgment, the precedent is that we have just, and we will, place a mandate on local government in areas that we would not even begin to imagine. This amendment has nothing to do with land use, it has nothing to do with regulation, it has nothing to do with the takings. This protects the fifth amendment as has been described here endlessly today.

I just want all the Members to consider the full ramifications of this precedent-setting amendment by the gentleman whom I have great respect for from the great State of Louisiana. He owns a little parcel of land on the Eastern Shore of Maryland from which I think he finds endless hours of enjoyment. I have full respect for this gentleman from Louisiana.

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

Mr. GILCHREST. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

I know it has been said over and over again, but there is no taking, no change of zoning, no power to do that. If you are against unfunded mandates, vote yes on Rahall-Regula, because it prevents an unfunded mandate that will be required if you were to support the Tauzin amendment. We are trying to avoid that.

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

Mr. Chairman, I rise in support of the Tauzin amendment and rise in opposition to the Rahall amendment.

I would just like to make a point to the gentleman from Maryland who just finished speaking. Every one of the examples that he presented to the body today is a situation where there was a zoning change. What we are talking about here in this discussion is there is an established use of that particular piece of property and because of actions of the Federal Government, there is a potential of losing some of that use that that individual farmer or rancher has been relying on for years.

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

Mr. ALLARD. I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. I thank the gentleman for yielding.

Mr. Chairman, he is correct in his assessment. As a former city councilman and someone who has spent countless hours working on local land-use decisions, the examples that the gentleman from Maryland points out are just dead-wrong, and we have gone back and forth on this. We come from different parts of the country and we have different ideas on protection of property. The point is, what they are doing to these properties is not telling them that they cannot put a rubble dump, that they cannot put a toxic waste dump, that they cannot build a gas station, that they cannot move in a pornographic bookstore. They are not telling them that they cannot do something. That is a local land-use decision.

What they are doing is telling them that possibly they cannot do something they are doing now with their property. That is the difference. I think that the two arguments that were made by the two previous speakers about local land use and about their fears of what the Tauzin amendment might do are a perfect example of why they ought to vote against this entire bill. Because anytime the Federal Government gets involved in local land use, we mess it up.

We have no business getting involved in local land use. It should be a local body's decision to decide whether or not they are going to put a rubble dump in their community, whether they are going to put a gas station in their community. That is a local land use decision. It is not up to the Federal Government.

What this is doing with these regulations is land use.

Mr. VENTO. They are not regulations. It is proposed law.

Mr. POMBO. It has borders in here of where they start, where they stop. It has what they are trying to protect in the areas. This is the Federal Government getting involved with the county and the city's business. That is what this whole bill is about.

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

Mr. ALLARD. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, this has been a good debate. I just want to correct one point in the record here. We are not talking about the ordinary zoning laws of a city, county or municipality. The Court of Appeals clearly said in the Florida Rock case which cited other Supreme Court decisions that where there is a comparable reciprocity of advantage and disadvantage. There is no taking in ordinary zoning laws. We are talking here about a law that will create large greenway networks up and down river systems, huge networks. We are not talking about local planning or zoning. We are talking about a new Federal statute to create new huge regionally planned land use areas in

America. In these regionally planned huge land use areas, the notion of compensation is clearly defined in the Supreme Court takings law and it is one we ought to have in this bill.

We are about to wrap up this debate very shortly. I want to just put it down to what it comes down to. It comes down to whether or not you want to reaffirm as you did in the Desert Protection Act that you believe in compensation, just compensation fully for government takings of private property, for regulatory takings. In the Desert Protection Act, 281 Members voted that way. A vote for the amendment of the gentleman from West Virginia [Mr. RAHALL] is a vote to kill that same provision in this bill, because Rahall would simply provide information about how to go to court. That is all his amendment does. If you believe as you did in the Desert Protection Act that people ought to be compensated in a procedure whereby they get paid for the regulatory takings of the value of their property, the vote is no on Rahall and yes on the Tauzin amendment.

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

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think we have had a good debate. Obviously as Members know, I favor the Regula-Rahall amendment. I do not think local governments in heritage areas should have to pay to govern to make the decisions on zoning. They are protected by the fifth amendment. The Rahall-Regula amendment reiterates that. We do not need some sort of a new administrative procedure. What would that be?

□ 1620

What is better than the courts? Are we going to reinvent something here in every local government without any shape or form that is going to be unique in every local government? As the gentleman says, they already have structures to deal with where they have compensation issues, they already have land management offices. We do not need to tell them to do that. If there is an issue they need to respond to, they can do so. We cannot force this.

This amendment would have a very negative effect on these areas being established. We want the local governments to make the decision. That is what this bill says. I just hope that we can vote this up and be on our way. This is not the California Desert, we are not creating any new parks, this is not creating 8 million acres of wilderness area. This is inherently local partnership. Can the local government be a partner, can the local government take some pressure off of the Park Service and designate some of these new areas? I think we can.

Mr. Chairman, I thank the gentleman for yielding. There are other amendments that should be offered that we are willing to accept, so if Members are going to use time, I would ask that we end the debate in about 5 minutes. I do not want to cut anybody off. But I want to inform the Members that there is only about 10 minutes remaining so we need to come to a conclusion so that the noncontroversial amendments can be offered.

Mrs. UNSOELD. Mr. Chairman, I believe that the sponsor of the underlying amendment, the gentleman from Louisiana [Mr. TAUZIN], has a laudatory objective. But the way I read it, I think it goes beyond what he may be intending in a couple of ways.

No. 1, it is imposing by us Feds requirements on the local government. For many of us who have been saying we should be getting Government off the backs of local government we should not be imposing additional requirements on local government. The one that particularly bothers me, if I understand this correctly, currently if a highway is put through a community, the persons who give up their homes for the highway construction are compensated. That is a taking, and they are reimbursed, hopefully adequately. But the people who used to look at homes and are now looking at highway are not currently compensated under our system, and it would bankrupt the whole transportation system.

But under the gentleman's amendment, as I read it, the local governments would be required to set up a procedure to compensate those whose view had been altered, and I think that this would be creating a whole new type of entitlement that we Feds should not be imposing on the local government.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to point out to the gentlewoman the amendment does not impose the obligation of compensation. That is under the fifth amendment, under the courts. For example, the Dolan decision said the local government had to pay Mrs. Dolan for taking the greenway and the bike path. All we are saying is there ought to be a local procedure to do that, and I think that is fair. That is all we are doing.

Mrs. UNSOELD. As I understand the partnership requirements, that can be achieved through the local partnership, and indeed that is the proper place to address this issue. I feel that although what the gentleman may be attempting to do and may have a legitimate purpose, I think that the attempt, the means of doing that goes way beyond anything we can contemplate today, and would open us up, and open local government up to such potential lawsuits that one no would dare tackle a heritage corridor.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, as a sponsor, the Member that represents those areas that are asking for this particular amendment, if this were just applied to the State of Louisiana, I might be able to accept it. But I do not know of any place that we have that type of a problem.

Mrs. UNSOELD. My chamber of commerce is not asking for it.

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

Mr. Chairman, I rise in support of the Regula-Rahall amendment on behalf of the people that I represent in northern Ohio.

Essentially what the Tauzin amendment would do in this case would be to place a liability, a potential liability, a real liability on the managers of the various corridors that are being proposed. In the case of the Ohio and Erie Canal American Heritage Area that consists of the Superintendent of the Cuyahoga Valley National Recreation Area, two individuals that have been appointed by the Governor, eight individuals that are appointed by county commissioners or the county chief executive of the counties of Cuyahoga, Summit, Stark, and Tuscarawas, and I happen to represent the western side of Cuyahoga County, Cuyahoga County has clearly stated from its planning commission, from the Cuyahoga County Commissioners that they are very much in favor of the bill as it stands, and that essentially what this amendment would do is eliminate their ability to go forward with the corridor.

The reason for that is that it creates personal liability to the individuals on the board, it creates corporate liability for the county, and what that essentially means is that it kills the corridor area.

My concern is that the issue here or that the real motivation here is to actually kill the ability to have the corridor completely. The fact is that right now anybody who actually had a real taking of property would and does have a very real, very real cause of action right now in State court and could pursue it that way.

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

Mr. HOKE. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has just made my point. The liability already exists. The person who suffers the taking under this bill will be able to go to the court. That exists today. The only difference between any amendment and the Rahall amendment

is that he will point you to the courthouse. Our amendment will set up a procedure where local landowners can have that established at home without having to travel and litigate for 10 years. I think that is very fair.

Mr. HOKE. Reclaiming my time, I would have to tell the gentleman in that case that if that is all the amendment does, then it is very easy to be opposed to it, because all it does is set up a new bureaucracy. With respect to the people that I represent and the area that we are talking about in Cuyahoga County, they have to travel if it is in the Federal courthouse, they have to travel about 5 miles to the Federal courthouse in Cleveland. If it is the county courthouse, they have to travel the same amount of miles. They are across the street from each other. They have no place to travel. If that is what we are doing, is creating this bureaucratic entity that is going to be another layer of bureaucracy, for heaven's sake, there is no justification whatsoever for doing this.

Mr. TAUZIN. Will the gentleman yield further?

Mr. HOKE. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. My bill does not create another level of bureaucracy. It calls upon the local government to use its current land office, its current imminent domain offices to do at home on the local level what might be done in the court of claims up in here Washington after 10 years of litigation. That is the only change, only difference in my amendment. If you want justice at home, vote for the Tauzin amendment. If you want to go to court for 10 years, go with Rahall.

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

Mr. HOKE. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, that is not the only thing in terms of setting up a new administrative panel or board. Most local governments are capable of dealing with that, and in fact do. But it also puts in a new definition of what is a property value, and that is the key here in terms of what is going on. That is where the court has come in and applied it. What the gentleman is asking is a substantial diminution of the right. He claims it follows the law, and if it follows the law, then there is no need for it again, and again it is redundant, and we do not need this redundancy.

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

Mr. HOKE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman said it exactly right. Tauzin creates a whole plethora of administrative units, big, expensive, and you have the local Boy Scouts, the Kiwanis Club and the Boys Club trying to preserve something for their children and their grandchildren, and instead he wants to have a huge administrative burden.

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

□ 1630

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

Mr. Chairman, most unusual debate; I was not going to get involved, but since everybody is talking about how you go to jail and what process it takes to get to jail and how supposedly Rahall is going to help you do all of that, I have gone through the process more than anybody else and been in jail more than anybody else. So I think I could probably, as a nonattorney, speak to what I consider to be the language in the bill.

I will not yield to the venerable chairman. I am hoping not to get into the details of the indictment and everything.

Page 30, section 110, "the lack of effect on land use regulation," subsection (b), from a nonattorney, "Lack of zoning or land use powers of entity. Nothing in this title shall be construed to grant powers of zoning or land use to any management entity for an American Heritage Area."

Now, I looked at the language. My neighbor does a great job, a Member of the other party, probably helped Ohio more than anybody else along with the gentleman from Ohio [Mr. STOKES], and we appreciate it, Chairman.

I looked at the language in concert with the chairman, the gentleman from West Virginia [Mr. RAHALL], and I think we are taking this constitutional thing a little out of context.

The Congress of the United States is going to spend all of this time in the last 2 days on all of these bills talking about the Constitution. My God, you should be talking about the World Trade Organization or that God-awful trade treaty.

I support the Regula-Rahall amendment. I support, though in principle, the continuing efforts of the chairman, the gentleman from Louisiana [Mr. TAUZIN], but I am going to vote, because I think the amendment by Regula-Rahall speaks to the constitutional issues, and I think that the fears that are being developed are just that.

Now, not everybody is an attorney who reads our laws, and one of the problems we have is interpretation. One of the things that, Congress, we might do is, in establishing legislative history, bring forward all of that dialog. The people of the United States are certainly getting tired of all of these attorneys, anyway.

So I am proud to say today that I am not a member of the bar. I am going to try to stay out of jail. And I am going to vote for Rahall-Regula.

And in closing, I would hope that the Speaker of the House may be listening, and he will not bring forward the rule on GATT that may cost the Democrat candidates to lose four or five seats in the upcoming election. I have seen some crazy things, and I think the Democrat responsible for bringing GATT on the floor today is making a serious blunder.

The White House is not up for election, and if Hulk Hogan cannot lift it and Albert Einstein cannot understand it, leave it in the closet, Mr. Speaker.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO], the venerable chairman, who wanted to try and say some nice things.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's support for the Rahall-Regula amendment.

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the amendment by my colleague from Louisiana and in support of the Rahall-Regula substitute.

Mr. Chairman, I want to again stress that everyone agrees that the rights of private property owners in this country must be protected and preserved.

But once again, Mr. Chairman, the gentleman from Louisiana is making a disingenuous argument. As has been pointed out time and time again, the American Heritage Areas Protection Act does not diminish the rights of private property owners—it protects them.

This bill ensures that no decision on land management can be made without the express consent of the local community.

For more than 200 years the court has protected our private property rights under the fifth amendment to the Constitution. The amendment by Mr. TAUZIN would radically change our tradition by creating an administrative process—instead of a judicial process—to adjudicate takings disputes. We should not undertake such a fundamental change so lightly.

The Rahall-Regula substitute, which would ensure that all landowners are made aware of their rights under the fifth amendment, is a good and fair alternative to the Tauzin amendment.

Mr. Chairman. I encourage my colleagues to support the Rahall substitute and support the American Heritage Areas Protection Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL] to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. RAHALL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RAHALL. Mr. Chairman, how long a time does one have after a vote has been declared one way or another?

The CHAIRMAN. There had been no intervening business when the gentleman from Louisiana, who was standing, asked for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a rollcall vote by electronic device may be taken on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The vote was taken by electronic device, and there were—ayes 234, noes 187, not voting 18, as follows:

[Roll No. 485]

AYES—234

Abercrombie	Gillmor	Neal (NC)
Ackerman	Gilman	Norton (DC)
Andrews (ME)	Glickman	Oberstar
Andrews (TX)	Gonzalez	Obey
Applegate	Greenwood	Olver
Bacchus (FL)	Gutierrez	Owens
Baesler	Hall (OH)	Oxley
Barca	Hamburg	Pallone
Barlow	Harman	Pastor
Barrett (WI)	Hastings	Payne (NJ)
Bateman	Hefner	Pelosi
Becerra	Hinchey	Pickle
Bellenson	Hoagland	Porter
Bereuter	Hobson	Portman
Berman	Hochbrueckner	Price (NC)
Bilbray	Hoke	Pryce (OH)
Blute	Holden	Quillen
Boehlert	Hoyer	Rahall
Bonior	Hughes	Rangel
Borski	Jefferson	Ravenel
Boucher	Johnson (CT)	Reed
Brown (CA)	Johnson (GA)	Regula
Brown (FL)	Johnson (SD)	Reynolds
Brown (OH)	Johnson, E. B.	Richardson
Bryant	Johnston	Rogers
Buyer	Kanjorski	Romero-Barcelo (PR)
Byrne	Kaptur	Rose
Cantwell	Kasich	Rostenkowski
Cardin	Kennedy	Roukema
Clay	Kennelly	Rowland
Clayton	Kildee	Roybal-Allard
Clinger	King	Rush
Clyburn	Kleczka	Sabo
Coleman	Klein	Sanders
Collins (IL)	Klink	Sangmeister
Collins (MI)	Kopetski	Santorum
Conyers	Kreidler	Sawyer
Coppersmith	Lantos	Schroeder
Costello	LaRocco	Schumer
Coyne	Lazio	Scott
Darden	Levin	Serrano
de Lugo (VI)	Levy	Sharp
Deal	Lewis (GA)	Shays
DeFazio	Lloyd	Shepherd
DeLauro	Lowey	Skaggs
Dellums	Machtley	Slaughter
Derrick	Maloney	Smith (NJ)
Deutsch	Mann	Snowe
Dicks	Manton	Spratt
Dingell	Margolies-Mezvinsky	Stark
Dixon	Markey	Stokes
Durbin	Martinez	Strickland
Edwards (CA)	Matsui	Studds
Ehlers	Mazzoli	Swett
Engel	McCloskey	Swift
English	McDade	Synar
Eshoo	McDermott	Thompson
Evans	McHale	Thornton
Faleomavaega (AS)	McKinney	Torkildsen
Farr	Meehan	Torres
Fawell	Meek	Torricelli
Filner	Menendez	Towns
Fingerhut	Meyers	Traficant
Fish	Mfume	Underwood (GU)
Flake	Michel	Unsoeld
Foglietta	Miller (CA)	Velazquez
Ford (MI)	Mineta	Vento
Ford (TN)	Mink	Visclosky
Frank (MA)	Moakley	Waters
Franks (CT)	Molinari	Watt
Franks (NJ)	Mollohan	Waxman
Furse	Moran	Weldon
Gejdenson	Morella	Wheat
Gephardt	Murtha	Williams
Gibbons	Nadler	Wise
Gilchrest	Neal (MA)	Wolf
Woolsey	Wynn	Young (FL)
Wyden	Yates	Zimmer

NOES—187

Allard	Grandy	Ortiz
Andrews (NJ)	Green	Orton
Archer	Gunderson	Packard
Armey	Hall (TX)	Parker
Baker (CA)	Hamilton	Paxon
Baker (LA)	Hancock	Payne (VA)
Ballenger	Hansen	Penny
Barcia	Hastert	Peterson (FL)
Barrett (NE)	Hayes	Peterson (MN)
Bartlett	Hefley	Petri
Barton	Herger	Pickett
Bentley	Hoekstra	Pombo
Billirakis	Horn	Pomeroy
Bishop	Houghton	Poshard
Bliley	Huffington	Quinn
Boehner	Hunter	Ramstad
Bonilla	Hutchinson	Roberts
Brewster	Hutto	Roemer
Brooks	Hyde	Rohrabacher
Bunning	Inglis	Ros-Lehtinen
Calvert	Inhofe	Roth
Camp	Inslee	Royce
Canady	Istook	Sarpalius
Castle	Johnson, Sam	Saxton
Clement	Kim	Schaefer
Coble	Kingston	Schenk
Collins (GA)	Klug	Schiff
Combest	Knollenberg	Sensenbrenner
Condit	Kolbe	Shaw
Cooper	Kyl	Shuster
Cox	LaFalce	Sisisky
Crane	Lambert	Skeen
Crapo	Lancaster	Skelton
Cunningham	Laughlin	Smith (IA)
Danner	Leach	Smith (MI)
de la Garza	Lehman	Smith (OR)
DeLay	Lewis (CA)	Smith (TX)
Diaz-Balart	Lewis (FL)	Solomon
Dickey	Lewis (KY)	Spence
Dooley	Lightfoot	Stearns
Doolittle	Linder	Stenholm
Dornan	Lipinski	Stump
Dreier	Livingston	Stupak
Duncan	Long	Talent
Dunn	Lucas	Tanner
Edwards (TX)	Manzullo	Tauzin
Emerson	McCandless	Taylor (MS)
Everett	McCollum	Taylor (NC)
Ewing	McCrery	Tejeda
Fazio	McCurdy	Thomas (CA)
Fields (LA)	McHugh	Thomas (WY)
Fields (TX)	McInnis	Thurman
Fowler	McKeon	Upton
Frost	McMillan	Valentine
Gallegly	McNulty	Volkmer
Gekas	Mica	Vucanovich
Geren	Miller (FL)	Walker
Gingrich	Minge	Walsh
Goodlatte	Montgomery	Wilson
Goodling	Moorhead	Young (AK)
Gordon	Murphy	Zeliff
Goss	Myers	
Grams	Nussle	

NOT VOTING—18

Bachus (AL)	Carr	Ridge
Bevill	Chapman	Slattery
Blackwell	Cramer	Sundquist
Browder	Gallo	Tucker
Burton	Hilliard	Washington
Callahan	Jacobs	Whitten

□ 1655

Mr. GUNDERSON, Mr. SAXTON, and Mr. MCCOLLUM changed their vote from "aye" to "no."

Mr. ROWLAND changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Alaska:

Page 35, after line 11, insert the following:

SEC. 115. FISHING AND HUNTING SAVINGS CLAUSE.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—The designation of an American Heritage Area shall not diminish the authority of the affected State or States to manage fish and wildlife, including the regulation of fishing and hunting within such Area.

(b) NO CONDITIONING OF APPROVAL AND ASSISTANCE.—Limitations on fishing, hunting, or trapping may not be made a condition for the approval of a compact or management plan, the provision of assistance for early actions pursuant to section 106 (a)(4), the determination of eligibility for Federal funds, or the receipt, in connection with the American Heritage Area status of an area, of any other form of assistance from the Secretary or other Federal agencies.

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

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

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VENTO. Mr. Chairman, I cannot hear what is being done.

The CHAIRMAN. The Chair states that there has been offered a new amendment, the amendment offered by the gentleman from Alaska [Mr. YOUNG].

Is there objection to the dispensing of the reading of this amendment?

Mr. VENTO. Mr. Chairman, is this the amendment that is printed in the RECORD of October 3, 1994?

The CHAIRMAN. Yes, it is.

Mr. VENTO. Is this the amendment that deals with the fishing and hunting savings clause to be offered by the gentleman from Alaska [Mr. YOUNG] and, I understand, the gentleman from Oklahoma [Mr. BREWSTER]?

Mr. YOUNG of Alaska. Yes, Mr. Chairman, it is.

Mr. VENTO. Mr. Chairman, I have no objection to dispensing with the reading.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Alaska will be considered as read and printed in the RECORD.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, our amendment preserves the right of the State fish and game departments to manage fish and wildlife on lands designated as heritage areas which includes regulating hunting and fishing.

Mr. Chairman, does the gentleman from Minnesota [Mr. VENTO] accept the amendment?

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VENTO. Mr. Chairman, I am trying to find out if all we have left is 5 minutes in total for this bill.

The CHAIRMAN. The gentleman is correct.

Mr. YOUNG of Alaska. Mr. Chairman, then if I take the 5 minutes, the gentleman from Minnesota [Mr. VENTO] has no more time to talk.

The CHAIRMAN. The Chair can divide the time, and the Chair will divide the time, equally between both gentlemen. The Chair will recognize the gentleman form Alaska [Mr. YOUNG] for 2½ minutes and the gentleman from Minnesota [Mr. VENTO] for 2½ minutes.

Mr. VENTO. Mr. Chairman, I ask unanimous consent to divide the time equally between the gentleman from Alaska [Mr. YOUNG] and myself.

The CHAIRMAN. Without objection, the Chair has divided the time already.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, the amendment also clearly states that Secretary Babbitt or his successors cannot require limits on hunting and fishing as a condition for approving any heritage area management plans or compacts. Furthermore, no Federal funds authorized by this act can be withheld because hunting is allowed on the affected lands.

Without our amendment, this legislation would be silent on the question of hunting. As a result, Code of Federal Regulations [CFR] 2.2(b) dealing with hunting on units of the National Park System would be the law of the land for all heritage areas.

This regulation states, "hunting shall be allowed in park areas where such activity is specifically mandated by Federal statutory law."

It goes on to state, "hunting may be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles."

Our failure to authorize hunting in this legislation will either result in the National Park Service using their discretionary power to ban hunting or animal rights activists going to Federal court to stop it as they did with the Ozark National Scenic Riverway in Missouri several years ago.

One real world example of why our amendment is needed is illustrated by a proposal to create a heritage area two to six counties wide running the entire length of the Mississippi River, over 1,200 miles long. This area contains one of the largest waterfowl flyways on the entire North American Continent and provides millions of hours of enjoyment for hunters all over the Nation. Without our amendment, hunting in this entire area could be seriously jeopardized.

Our amendment is supported by the 3.7-million-member National Rifle Association. It is also strongly supported by the Safari Club International and the Wildlife Legislative Fund of America.

The issue is crystal clear: Do you want to allow unelected Federal bureaucrats in green uniforms or militant animal rights activists to stop you or members of your family from hunting on lands where you have hunted for generations? If so, then oppose our amendment.

If you want to allow hunting, under reasonable State regulation, to continue on lands designated as heritage areas, then support the Young-Brewster amendment.

□ 1700

Mr. YOUNG of Alaska. Mr. Chairman, all I have done is to extend my remarks. I thought my chairman had accepted the amendment. I do not want to argue the amendment at this time. All it does is simply preserve the right for the States to manage fish and game in these heritage areas, the same one you printed.

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

Mr. VENTO. Mr. Chairman, this amendment, I understand, is offered by the gentleman from Oklahoma [Mr. BREWSTER]. I did not know if the gentleman wanted to speak on it or not.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman for yielding.

Mr. Chairman, I do rise in support of the Young-Brewster amendment. I think the gentleman offers a very responsible amendment here aimed at protecting hunting. It preserves the right of our State wildlife areas to continue the management of wildlife, including hunting on lands designated as National Heritage Areas. The gentleman has crafted a very important piece of legislation in this amendment.

Mr. Chairman, the gentleman's amendment makes sense because in instances where enabling legislation of park units have not allowed, or expressly authorized, that is, hunting, anti-hunting groups have filed lawsuits to ban hunting on these lands. This means extensive legal fees. And by the preservation of the right of our State wildlife agencies to continue the management of this area, this amendment does help prevent the diversion of a lot of these monies to expensive legal suits.

So I appreciate the gentleman's amendment, and again rise in support.

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

Mr. Chairman, the concern that arose here, and I respect the gentleman from Alaska [Mr. YOUNG] and the gentleman from Oklahoma [Mr. BREWSTER] had suggested to me that this would not require hunting or fishing in areas that are urban. That is, the State and local laws that affect hunting and fishing would prevail in these instances. Because many of these Heritage Partnership Areas are in urbanized areas. There is no expectation that hunting would occur in these areas.

Mr. Chairman, I will yield to the gentleman from Alaska [Mr. YOUNG] for clarification on that point. It is my understanding if the State did not permit hunting in certain zones, because they are urban or because for any other reason, that this amendment would not require or permit hunting in those areas where hunting is not permitted today. Is that correct?

Mr. YOUNG of Alaska. Mr. Chairman, that is correct. The State would still manage as they did in the past. They would not allow hunting in areas where it is not allowed already.

Mr. VENTO. I thank the gentleman for his clarification.

Mr. Chairman, we have no objection to the amendment. I want to commend the gentleman from Alaska [Mr. YOUNG] and the gentleman from Oklahoma [Mr. BREWSTER] for their efforts with regard to this. I also want to commend my colleagues for the conduct of the debate. Momentarily we are going to be at the point where we can pass this bill, an important new bill, an important new issue, and I ask all of my colleagues to join together in support of that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAMS

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

The Clerk read as follows:

Amendment offered by Mr. GRAMS: Page 18, after line 4, insert the following:

(3) MEMBERSHIP.—A management entity for an American Heritage Area should, to the fullest extent possible, consist of diverse governmental, business, and nonprofit groups within the geographic area of the American Heritage Area.

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

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

There was no objection.

The CHAIRMAN. There are 2 minutes left. The Chair will divide the time equally between the gentleman from Minnesota [Mr. GRAMS] and the distinguished chair, the gentleman from Minnesota [Mr. VENTO].

The Chair recognizes the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I rise today to offer an amendment which improves the quality of management. My amendment simply offers nonbinding direction to the management entities to include representatives from local governments, businesses, and nonprofit groups, including environmental organizations, within the entity itself. I strongly urge adoption.

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

Mr. VENTO. Mr. Chairman, we have no objection to this amendment. We think that this is not a harmful amendment. It may be somewhat helpful. We would be willing on this side to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GRAMS].

The amendment was agreed to.

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

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] is recognized for 1 minute.

Mr. SMITH of Oregon. Mr. Chairman, this may be the last time I have officially to address the House of Representatives after 12 years of service here, and I think I am going out the way I came in, a little short. I had an amendment at the desk ready to be offered in proper order, yet the time ran out, so that my offering here to save the American taxpayers $50 million cannot be discussed or voted upon.

However, I want to say, finally, that it has been a good trip. I have enjoyed serving in this body with you most of the time. Issues like this one are contentious. I will not miss the last 2 days, I guarantee you. But it has been a privilege to serve in the people's House. Very few of us have that opportunity, and I consider it an honor to be with you and having served with you.

I am very optimistic about the future. I think help is on the way for some of us and some of our philosophy. A bill like this will never pass in another session of Congress. By the way, this one will not become law.

So I am delighted to be here. I love the battle. I am going to Oregon. I will think about you once in a while, and come see you from time to time. Good evening.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOYER) having assumed the chair, Mr. MENENDEZ, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 5044) to establish the American Heritage Areas Partnership Program, and for other purposes, he reported the bill back to the House with sundry amendments adopted by the committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

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

Mr. VENTO. 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 281, nays 137, not voting 16, as follows:

[Roll No. 486]

YEAS—281

Abercrombie	Ford (MI)	Lowey
Ackerman	Ford (TN)	Mann
Andrews (ME)	Frank (MA)	Manton
Andrews (TX)	Franks (CT)	Margolies-Mezvinsky
Applegate	Franks (NJ)	Markey
Bacchus (FL)	Frost	Martinez
Baesler	Furse	Matsui
Baker (LA)	Gejdenson	Mazzoli
Barlow	Gephardt	McCloskey
Barrett (WI)	Gibbons	McCrery
Bateman	Gilchrest	McCurdy
Becerra	Gillmor	McDade
Beilenson	Gilman	McDermott
Bereuter	Glickman	McHale
Berman	Gonzalez	McKinney
Bilbray	Gordon	McMillan
Bishop	Green	McNulty
Blackwell	Greenwood	Meehan
Blute	Gutierrez	Meek
Boehlert	Hall (OH)	Menendez
Bonior	Hamburg	Meyers
Borski	Hamilton	Mfume
Boucher	Hansen	Michel
Brewster	Harman	Miller (CA)
Brown (CA)	Hastings	Mineta
Brown (FL)	Hefley	Minge
Brown (OH)	Hefner	Mink
Bryant	Hinchey	Moakley
Byrne	Hoagland	Molinari
Cantwell	Hobson	Mollohan
Cardin	Hochbrueckner	Montgomery
Castle	Hoke	Moran
Clay	Holden	Morella
Clayton	Horn	Murphy
Clement	Hoyer	Murtha
Clinger	Hughes	Nadler
Clyburn	Hutto	Neal (MA)
Coleman	Inslee	Neal (NC)
Collins (IL)	Jacobs	Oberstar
Collins (MI)	Jefferson	Obey
Conyers	Johnson (CT)	Olver
Coppersmith	Johnson (GA)	Ortiz
Costello	Johnson (SD)	Owens
Coyne	Johnson, E. B.	Oxley
Danner	Johnston	Packard
Darden	Kanjorski	Pallone
de la Garza	Kaptur	Pastor
Deal	Kasich	Payne (NJ)
DeFazio	Kennedy	Payne (VA)
DeLauro	Kennelly	Pelosi
Dellums	Kildee	Penny
Derrick	King	Peterson (FL)
Deutsch	Kleczka	Peterson (MN)
Diaz-Balart	Klein	Pickle
Dicks	Klink	Pomeroy
Dingell	Kolbe	Porter
Dixon	Kopetski	Portman
Dunn	Kreidler	Poshard
Durbin	LaFalce	Price (NC)
Edwards (CA)	Lambert	Pryce (OH)
Ehlers	Lancaster	Quillen
Engel	Lantos	Rahall
English	LaRocco	Rangel
Eshoo	Lazio	Ravenel
Evans	Leach	Reed
Farr	Lehman	Regula
Fawell	Levin	Reynolds
Fazio	Levy	Richardson
Fields (LA)	Lewis (CA)	Roemer
Filner	Lewis (GA)	Rogers
Fingerhut	Lipinski	Ros-Lehtinen
Fish	Livingston	Rose
Flake	Lloyd	Rostenkowski
Foglietta	Long	Roukema
Rowland	Snowe	Velazquez
Roybal-Allard	Spence	Vento
Rush	Spratt	Visclosky
Sabo	Stark	Volkmer
Sanders	Stokes	Walsh
Sangmeister	Strickland	Waters
Santorum	Studds	Watt
Sawyer	Stupak	Waxman
Schenk	Swett	Weldon
Schroeder	Swift	Wheat
Schumer	Synar	Williams
Scott	Tauzin	Wise
Serrano	Tejeda	Wolf
Sharp	Thompson	Woolsey
Shays	Thornton	Wyden
Shepherd	Torkildsen	Wynn
Shuster	Torres	Yates
Skaggs	Torricelli	Zimmer
Slaughter	Towns	
Smith (NJ)	Traficant	

NAYS—137

Allard	Gallegly	Nussle
Andrews (NJ)	Gekas	Orton
Archer	Geren	Parker
Armey	Gingrich	Paxon
Baker (CA)	Goodlatte	Petri
Ballenger	Goodling	Pickett
Barca	Goss	Pombo
Barcia	Grams	Quinn
Barrett (NE)	Grandy	Ramstad
Bartlett	Gunderson	Roberts
Barton	Hall (TX)	Rohrabacher
Bentley	Hancock	Roth
Bilirakis	Hastert	Royce
Billey	Hayes	Sarpalius
Boehner	Herger	Saxton
Bonilla	Hoekstra	Schaefer
Brooks	Houghton	Schiff
Bunning	Huffington	Sensenbrenner
Burton	Hunter	Shaw
Buyer	Hutchinson	Sisisky
Calvert	Hyde	Skeen
Camp	Inglis	Skelton
Canady	Inhofe	Smith (IA)
Chapman	Istook	Smith (MI)
Coble	Johnson, Sam	Smith (OR)
Collins (GA)	Kim	Smith (TX)
Combest	Kingston	Solomon
Condit	Klug	Stearns
Cooper	Knollenberg	Stenholm
Cox	Kyl	Stump
Crane	Laughlin	Talent
Crapo	Lewis (FL)	Tanner
Cunningham	Lewis (KY)	Taylor (MS)
DeLay	Lightfoot	Taylor (NC)
Dickey	Linder	Thomas (CA)
Dooley	Lucas	Thomas (WY)
Doolittle	Manzullo	Thurman
Dornan	McCandless	Upton
Dreier	McCollum	Valentine
Duncan	McHugh	Vucanovich
Edwards (TX)	McInnis	Walker
Emerson	McKeon	Wilson
Everett	Mica	Young (AK)
Ewing	Miller (FL)	Young (FL)
Fields (TX)	Moorhead	Zeliff
Fowler	Myers	

NOT VOTING—16

Bachus (AL)	Gallo	Sundquist
Bevill	Hilliard	Tucker
Browder	Machtley	Washington
Callahan	Maloney	Whitten
Carr	Ridge	
Cramer	Slattery	

□ 1732

Mr. CHAPMAN changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall vote No. 486. Had I been present I would have voted "aye."

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5044, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1420

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1420.

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

There was no objection.

MODIFICATION OF MOTION TO SUSPEND THE RULES AND PASS S. 1614, HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and pass the Senate bill, S. 1614, as amended, be modified, and that the modification be considered as read and printed in the RECORD.

Mr. Speaker, this has been agreed on by all parties.

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

There was no objection.

The text of the modification is as follows:

(1) Page 11, line 12, after "subsection (a)(1)(A)(ii)", insert "and section 4(e)(1)".

(2) Page 47, line 23, strike "subsection" and insert "section".

(3) Page 47, line 24, strike "$1,700,000" and insert "$1,800,000".

(4) Page 47, line 24, strike "$2,400,000" and insert "$2,600,000".

(5) Page 47, line 25, strike "$2,900,000" and insert "$3,100,000".

(6) Page 48, line 1, strike "$3,300,000" and insert "$3,400,000".

(7) Page 56, line 6, strike "$375,000" and insert "$475,000".

(8) Page 56, line 7, strike "$425,000" and insert "$525,000".

(9) Page 74, beginning on line 8, strike ", $1,900,000" and all that follows through "1999" on line 11 and insert "and $2,000,000 for fiscal year 1996".

(10) Page 87, beginning on line 18, strike $150,000" and all that follows through "1998" on line 20 and insert "$200,000 for each of fiscal years 1995 and 1996, $150,000 for fiscal year 1997, and $100,000 for fiscal year 1998".

SUPPORT SOUGHT FOR S. 986, CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1994

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

Mr. MONTGOMERY. Mr. Speaker, there has been some confusion. We will be taking up a suspension vote in just a few moments on S. 986, the Corinth, MS battlefield bill.

That only covers Corinth, MS, and Stone River in Tennessee. No other battlefields are included. There was a mistake last night.

Mr. Speaker, this is bipartisan legislation. Its authorization will probably be the last bill in which the gentleman from Mississippi [Mr. WHITTEN] will be involved. This is in the district of the gentleman from Mississippi [Mr. WHITTEN]. As far as we know, there is no objection, but I did want to mention it because there was some confusion.

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

Mr. MONTGOMERY. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, Chairman WHITTEN is very concerned about this bill. For all his years in service, there has been a lot of antagonism at times and some partisan activity for strategies. I would hope that S. 986 has not become embroiled in that.

The gentleman from Mississippi [Mr. WHITTEN] is very concerned about that bill. I hope everybody will vote "aye" on S. 986.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 173

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 173.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3949

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3949.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 3, 1994, and then on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 4, 1994, in the order in which those motions were entertained.

Votes will be taken in the following order:

S. 986 by the yeas and nays;
H.R. 5116, de novo;
H.R. 4922, de novo;
S. 1457, de novo;
S. 922, de novo;
H.R. 5140, de novo;
H.R. 3059, de novo;
H.R. 5139, by the yeas and nays;
H.R. 2135, de novo;
S. 720, de novo;
Concurring in Senate amendment to H.R. 4653, de novo;
H.R. 4533, by the yeas and nays;
S. 1919, by the yeas and nays;
S. 1614, de novo;
S. 1225, by the yeas and nays;
H.R. 5155, de novo;
H. Con. Res. 302, de novo;
H. Res. 561, de novo;
H. Res. 560, de novo;
H. Con. Res. 278, de novo;
H. Con. Res. 216, de novo;
Concurring in Senate amendment to H.R. 2826, de novo; and
Concurring in Senate amendment to H.R. 3485, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CORINTH, MISSISSIPPI, BATTLEFIELD ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 986, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 986, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 45, not voting 26, as follows:

[Roll No. 487]

YEAS—363

Abercrombie	Bonior	Condit
Ackerman	Borski	Conyers
Andrews (ME)	Boucher	Cooper
Andrews (NJ)	Brewster	Coppersmith
Andrews (TX)	Brooks	Costello
Applegate	Brown (CA)	Cox
Bacchus (FL)	Brown (FL)	Coyne
Baesler	Brown (OH)	Crapo
Baker (LA)	Bryant	Cunningham
Ballenger	Bunning	Danner
Barca	Burton	Darden
Barcia	Buyer	de la Garza
Barlow	Byrne	Deal
Barrett (NE)	Calvert	DeLauro
Barrett (WI)	Canady	Dellums
Bartlett	Cantwell	Derrick
Barton	Cardin	Deutsch
Bateman	Castle	Diaz-Balart
Becerra	Chapman	Dickey
Bellenson	Clay	Dicks
Bereuter	Clayton	Dingell
Berman	Clement	Dixon
Bilbray	Clinger	Dooley
Bilirakis	Clyburn	Dornan
Bishop	Coleman	Dreier
Blackwell	Collins (GA)	Dunn
Blute	Collins (IL)	Durbin
Boehlert	Collins (MI)	Edwards (CA)
Bonilla	Combest	Edwards (TX)

Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NAYS—45

Allard
Archer
Armey
Baker (CA)
Bliley
Boehner
Camp
Coble
Crane
DeFazio
DeLay
Doolittle
Duncan
Ehlers
Fawell
Fields (TX)
Goodlatte
Goss
Grams
Greenwood
Hancock
Hansen
Hefley
Hoekstra
Huffington
Inglis
Klug
Lazio
Manzullo
Margolies-Mezvinsky
Mica
Miller (FL)
Orton
Pombo
Porter
Pryce (OH)
Ramstad
Rohrabacher
Royce
Sensenbrenner
Taylor (NC)
Thomas (WY)
Upton
Williams
Zeliff

NOT VOTING—26

Bachus (AL)
Bentley
Bevill
Browder
Callahan
Carr
Cramer
Frank (MA)
Gallo
Hilliard
Lewis (CA)
McDade
Obey
Pastor
Peterson (FL)
Ridge
Sabo
Slattery
Stokes
Sundquist
Torres
Tucker
Washington
Wilson
Wolf
Yates

□ 1759

Messrs. CAMP, ROYCE, DEFAZIO, and GREENWOOD, Ms. PRYCE of Ohio, and Mr. GOSS changed their vote from "yea" to "nay."

Mr. SAM JOHNSON of Texas and Mr. PAXON changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

BANKRUPTCY REFORM ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5116, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 5116, as amended.

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

A motion to reconsider was laid on the table.

COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT AND SUNDRY AMENDMENTS TO THE CODE AND THE COMMUNICATIONS ACT OF 1934

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4992, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 4922, as amended.

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

A motion to reconsider was laid on the table.

AMENDING THE ALEUTIAN AND PRIBILOF ISLANDS RESTITUTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1457, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 1457, as amended.

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

A motion to reconsider was laid on the table.

FULL FAITH AND CREDIT FOR CHILD SUPPORT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 922.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the Senate bill, S. 922.

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

A motion to reconsider was laid on the table.

CHILD SUPPORT ENFORCEMENT FOR MEMBERS OF THE ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5140.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 5140.

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

A motion to reconsider was laid on the table.

NATIONAL MARITIME HERITAGE ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3059, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington [Mrs. UNSOELD] that the House suspend the rules and pass the bill, H.R. 3059, as amended.

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

A motion to reconsider was laid on the table.

REEMPLOYMENT OF IMPROPERLY SEPARATED POSTAL SERVICE EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5139.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 5139, on which the yeas and nays are ordered.

The Chair would remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 300, nays 117, not voting 17, as follows:

[Roll No. 488]

YEAS—300

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonilla
Bontor
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Snowe
Spence
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff

NAYS—117

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Billirakis
Bliley
Boehner
Bunning
Buyer
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Danner
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Leach
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McHugh
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Penny
Petri
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Royce
Santorum
Sensenbrenner
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spratt
Stearns
Stump
Talent
Tanner
Taylor (MS)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Young (FL)
Zimmer

NOT VOTING—17

Bachus (AL)
Bevill
Blute
Browder
Brown (CA)
Callahan
Carr
Clayton
Cramer
Frank (MA)
Gallo
Hilliard
Ridge
Slattery
Sundquist
Tucker
Washington

□ 1816

Mr. SMITH of Texas and Mr. GRAMS changed their vote from "yea" to "nay."

Messrs. HOLDEN and ROHRABACHER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIVE AMERICAN VETERANS' MEMORIAL ESTABLISHMENT ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2135, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 2135, as amended.

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

A motion to reconsider was laid on the table.

INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill S. 720, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the Senate bill, S. 720, as amended.

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

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 4653, MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 4653.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL PARK SERVICE ENTREPRENEURIAL MANAGEMENT REFORM ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4533, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill. H.R. 4533, as amended, on which the yeas and nays are ordered.

The vote was taken by elecronic device, and there were—yeas 242, nays 174, not voting 18, as follows:

[Roll No. 489]

YEAS—242

Abercrombie	Borski	Dellums
Ackerman	Boucher	Derrick
Andrews (ME)	Brooks	Deutsch
Andrews (TX)	Brown (FL)	Dicks
Bacchus (FL)	Brown (OH)	Dingell
Baesler	Bryant	Dixon
Barca	Byrne	Dooley
Barlow	Cantwell	Dunn
Barrett (WI)	Chapman	Durbin
Barton	Clyburn	Edwards (CA)
Bateman	Coleman	English
Becerra	Collins (IL)	Eshoo
Beilenson	Collins (MI)	Evans
Bereuter	Combest	Farr
Berman	Conyers	Fazio
Bilbray	Coppersmith	Filner
Bishop	Coyne	Fingerhut
Blackwell	Darden	Flake
Blute	de la Garza	Foglietta
Boehlert	Deal	Ford (MI)
Bonior	DeLauro	Fowler
Franks (NJ)	Lucas	Rush
Frost	Machtley	Sabo
Furse	Mann	Sanders
Gejdenson	Manton	Sangmeister
Gephardt	Margolies-Mezvinsky	Sarpalius
Gibbons	Markey	Sawyer
Gilchrest	Martinez	Schenk
Gillmor	Matsui	Schroeder
Gingrich	Mazzoli	Scott
Glickman	McCloskey	Serrano
Gonzalez	McDermott	Sharp
Goodlatte	McKinney	Shays
Goss	McMillan	Shepherd
Grams	McNulty	Sisisky
Gutierrez	Meehan	Skaggs
Hall (OH)	Meek	Slaughter
Hamburg	Meyers	Smith (MI)
Hamilton	Mfume	Smith (OR)
Hansen	Miller (CA)	Smith (TX)
Harman	Mineta	Snowe
Hastings	Minge	Spence
Hefner	Moakley	Spratt
Hinchey	Mollohan	Stark
Hoagland	Montgomery	Stenholm
Hobson	Moran	Strickland
Hochbrueckner	Morella	Studds
Hoke	Murtha	Stupak
Horn	Neal (MA)	Swett
Houghton	Neal (NC)	Swift
Hoyer	Oberstar	Synar
Hughes	Obey	Tanner
Hutto	Olver	Tauzin
Inslee	Ortiz	Tejeda
Jacobs	Orton	Thomas (WY)
Johnson (CT)	Parker	Thompson
Johnson (GA)	Pastor	Thornton
Johnson (SD)	Payne (VA)	Thurman
Johnson, E.B.	Pelosi	Torkildsen
Johnston	Penny	Torres
Kanjorski	Peterson (FL)	Towns
Kaptur	Pickett	Traficant
Kasich	Pickle	Unsoeld
Kennedy	Pomeroy	Upton
Kennelly	Porter	Vento
Kildee	Portman	Visclosky
Kleczka	Price (NC)	Volkmer
Klink	Rahall	Waters
Kolbe	Rangel	Watt
Kopetski	Ravenel	Waxman
Kreidler	Reed	Wheat
Kyl	Regula	Whitten
LaFalce	Reynolds	Williams
Lambert	Richardson	Wilson
Lantos	Roberts	Wise
Lehman	Roemer	Wolf
Levin	Rose	Woolsey
Lewis (GA)	Rostenkowski	Wyden
Lloyd	Roukema	Wynn
Long	Roybal-Allard	Yates
Lowey		Young (AK)

NAYS—174

Allard	Crane	Gunderson
Andrews (NJ)	Crapo	Hall (TX)
Applegate	Cunningham	Hancock
Archer	Danner	Hastert
Armey	DeFazio	Hayes
Baker (CA)	DeLay	Hefley
Baker (LA)	Diaz-Balart	Herger
Ballenger	Dickey	Hoekstra
Barcia	Doolittle	Holden
Barrett (NE)	Dornan	Huffington
Bartlett	Dreier	Hunter
Bentley	Duncan	Hutchinson
Bilirakis	Edwards (TX)	Hyde
Billey	Ehlers	Inglis
Boehner	Emerson	Inhofe
Bonilla	Engel	Istook
Brewster	Everett	Jefferson
Bunning	Ewing	Johnson, Sam
Buyer	Fawell	Kim
Calvert	Fields (LA)	King
Camp	Fields (TX)	Kingston
Canady	Fish	Klein
Cardin	Ford (TN)	Klug
Castle	Franks (CT)	Knollenberg
Clay	Gallegly	Lancaster
Clement	Gekas	LaRocco
Clinger	Geren	Laughlin
Coble	Gilman	Lazio
Collins (GA)	Goodling	Leach
Condit	Gordon	Levy
Cooper	Grandy	Lewis (CA)
Costello	Green	Lewis (FL)
Cox	Greenwood	Lewis (KY)
Lightfoot	Owens	Sensenbrenner
Linder	Oxley	Shaw
Lipinski	Packard	Shuster
Livingston	Pallone	Skeen
Maloney	Paxon	Skelton
Manzullo	Payne (NJ)	Smith (IA)
McCandless	Peterson (MN)	Smith (NJ)
McCollum	Petri	Solomon
McCrery	Pombo	Stearns
McDade	Poshard	Stokes
McHale	Pryce (OH)	Stump
McHugh	Quillen	Talent
McInnis	Quinn	Taylor (MS)
McKeon	Ramstad	Taylor (NC)
Menendez	Rogers	Thomas (CA)
Mica	Rohrabacher	Torricelli
Michel	Ros-Lehtinen	Valentine
Miller (FL)	Roth	Velazquez
Mink	Rowland	Vucanovich
Molinari	Royce	Walker
Moorhead	Santorum	Walsh
Murphy	Saxton	Weldon
Myers	Schaefer	Young (FL)
Nadler	Schiff	Zeliff
Nussle	Schumer	Zimmer

NOT VOTING—18

Bachus (AL)	Carr	McCurdy
Bevill	Clayton	Ridge
Browder	Cramer	Slattery
Brown (CA)	Frank (MA)	Sundquist
Burton	Gallo	Tucker
Callahan	Hilliard	Washington

□ 1827

Messrs. KLEIN, PAYNE of New Jersey, ENGEL, and TAYLOR of Mississippi, and Ms. VELAZQUEZ changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

RIO PUERCO WATERSHED ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1919, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1919, on which the yeas and nays are ordered.

The Chair would remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 18, as follows:

[Roll No. 490]

YEAS—220

Abercrombie	Blute	Collins (MI)
Ackerman	Bonilla	Conyers
Andrews (ME)	Bonior	Coppersmith
Andrews (TX)	Borski	Coyne
Applegate	Boucher	Darden
Bacchus (FL)	Brooks	de la Garza
Baesler	Brown (FL)	Deal
Barca	Brown (OH)	DeLauro
Barlow	Bryant	Dellums
Barrett (WI)	Byrne	Derrick
Bateman	Cantwell	Deutsch
Becerra	Cardin	Diaz-Balart
Beilenson	Clay	Dicks
Bereuter	Clement	Dingell
Berman	Clinger	Dixon
Bilbray	Clyburn	Dooley
Bishop	Coleman	Dunn
Blackwell	Collins (IL)	Durbin

Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Inslee
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rangel
Reed
Regula
Reynolds
Richardson
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sawyer
Schenk
Schiff
Schroeder
Scott
Serrano
Sharp
Shays
Shepherd
Shuster
Skaggs
Skeen
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thomas (WY)
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—196

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bentley
Billirakis
Bliley
Boehlert
Boehner
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Chapman
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schumer
Sensenbrenner
Shaw
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bachus (AL)
Bevill
Browder
Brown (CA)
Callahan
Carr
Clayton
Cramer
Frank (MA)
Gallo
Hilliard
McCurdy
Ridge
Sanders
Slattery
Sundquist
Tucker
Washington

□ 1834

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1614, as amended, as modified.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the Senate bill, S. 1614, as amended, as modified.

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

A motion to reconsider was laid on the table.

UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1225.

The Clerk read the title of the Senate bill.

The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL] that the House suspend the rules and pass the Senate bill, S. 1225, on which the yeas and nays are ordered.

The Chair reminds Members, this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 103, not voting 23, as follows:

[Roll No. 491]

YEAS—308

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Bellenson
Bereuter
Berman
Bilbray
Billirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs

Skeen	Talent	Visclosky
Skelton	Tanner	Volkmer
Slaughter	Tauzin	Vucanovich
Smith (IA)	Taylor (MS)	Waters
Smith (MI)	Tejeda	Watt
Smith (TX)	Thomas (CA)	Waxman
Snowe	Thompson	Wheat
Spence	Thornton	Whitten
Spratt	Thurman	Williams
Stark	Torkildsen	Wilson
Stenholm	Torres	Wise
Stokes	Torricelli	Woolsey
Strickland	Towns	Wyden
Studds	Traficant	Wynn
Stupak	Unsoeld	Yates
Swift	Velazquez	Young (FL)
Synar	Vento	

NAYS—103

Allard	Greenwood	Packard
Baker (LA)	Hancock	Paxon
Ballenger	Hansen	Penny
Barca	Hastert	Petri
Barrett (NE)	Hefley	Pombo
Bartlett	Herger	Porter
Bentley	Hobson	Portman
Boehner	Hoekstra	Pryce (OH)
Bunning	Hoke	Quinn
Burton	Holden	Regula
Camp	Houghton	Rogers
Canady	Inglis	Rohrabacher
Castle	Inhofe	Royce
Clinger	Inslee	Santorum
Coble	Istook	Sensenbrenner
Collins (GA)	Kasich	Shaw
Cooper	Kim	Shuster
Cox	King	Smith (NJ)
Crane	Kingston	Smith (OR)
Crapo	Klug	Solomon
Doolittle	Knollenberg	Stearns
Dreier	Lazio	Stump
Duncan	Levy	Swett
Emerson	Lewis (CA)	Taylor (NC)
Everett	Lewis (FL)	Thomas (WY)
Ewing	Lewis (KY)	Upton
Fawell	Linder	Valentine
Franks (CT)	Manzullo	Walker
Franks (NJ)	Margolies-Mezvinsky	Walsh
Gallegly	McHugh	Weldon
Gekas	Meyers	Wolf
Goodlatte	Miller (FL)	Young (AK)
Goodling	Orton	Zeliff
Goss	Oxley	Zimmer
Grams		

NOT VOTING—23

Bachus (AL)	Cramer	Payne (NJ)
Becerra	Farr	Ridge
Bevill	Frank (MA)	Sanders
Browder	Gallo	Slattery
Brown (CA)	Hilliard	Sundquist
Callahan	McCurdy	Tucker
Carr	Mica	Washington
Clayton	Michel	

□ 1843

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS of Alabama. Mr. Speaker, earlier today I joined several of my colleagues in traveling to my home State of Alabama to attend the funeral services of our friend and former colleague, Claude Harris.

During my absence, my vote was not recorded on rollcall votes 484, 485, 486, 487, 488, 489, 490, and 491.

Mr. Speaker, had I been present and voting, I would have voted "no" on rollcall votes 484, 485, 486, 488, 489, 490, and 491 and "yes" on rollcall vote 487.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed and was unable to vote and missed three votes, the vote on S. 1225, S. 1919, and H.R. 4533.

Had I been present, I would have voted in the affirmative in all three cases.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, because of a mechanical malfunction, my vote was incorrectly recorded on Wednesday, October 5, 1994 during the vote on S. 1225. My vote was electronically recorded as a "yea" vote when it should have been "nay".

AUTHORIZING THE TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

The SPEAKER pro tempore (Mr. VISCLOSKY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5155.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and pass the bill, H.R. 5155.

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

A motion to reconsider was laid on the table.

PROMOTING POLITICAL STABILITY IN TAJIKISTAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 302.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE WITH RESPECT TO PROSPECTS FOR PEACE IN NORTHERN IRELAND

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 561.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 561.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONCERNING UNITED STATES SUPPORT FOR THE NEW SOUTH AFRICA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 560.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the resolution, House Resolution 560.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD VIETNAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 278.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 278.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING HUMAN RIGHTS IN VIETNAM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 216, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 216, as amended.

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

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 3485, EARTHQUAKE HAZARDS REDUCTION ACT AUTHORIZATION FOR FISCAL YEARS 1994, 1995, AND 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 3485.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3485.

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

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 2826, PROVIDING FOR INVESTIGATION OF WHEREABOUTS OF UNITED STATES CITIZENS AND OTHERS MISSING FROM CYPRUS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2826.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. ANDREWS] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2826.

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

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 28, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources projects by the Secretary of the Army in accordance with the provisions of section 4 of the Act of March 4, 1913, section 2 of the Act of June 15, 1955, and section 204 of the Flood Control Act of 1970.

Sincerely yours,
NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

There was no objection.

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COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. VISCLOSKY) laid before the House the following communications from the chairman of the Committee on Pubic Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 28, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of two resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize small watershed projects of the Soil Conservation Service in accordance with the provisions of section 2 of the Watershed Protection and Flood Prevention Act (Public Law 83-566).

Sincerely yours,
NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

There was no objection.

SENSE OF CONGRESS REGARDING U.S. POSITION ON DISINSECTION OF AIRCRAFT AT MEETING OF ICAO

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 77) expressing the sense of Congress regarding the U.S. position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. CLINGER. Mr. Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from Minnesota [Mr. OBERSTAR], the chairman, to enable him to explain the purpose of the resolution.

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

Mr. Speaker, Senate Concurrent Resolution 77 expresses the sense of Congress concerning the position of the United States on the disinsection, or spraying, of aircraft, a position to be expressed at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization [ICAO].

The United States stopped spraying aircraft for insects way back in 1979, but 27 other countries still require aircraft to be sprayed prior to landing or by residual long-lasting pesticide treatment. This means flight attendants walk down the aisles spraying pesticide on passengers, or the aircraft is sprayed when it is empty with a long-lasting pesticide whose effects in the cabin can last up to 8 weeks.

In either case, unsuspecting passengers as well as flight attendants suffer the effects of toxic insecticides which can be devastating to their health.

The Department of Transportation has published a list of countries that still require this practice. The Federal Aviation Administration Authorization Act of 1994, passed last August, provides for passenger notification of those countries through customer hot lines under an amendment offered by our colleague, the gentleman from Oregon [Mr. DEFAZIO]. However, a new problem has arisen. The manufacturer of the pesticide now being used has ceased its production. In a matter of months, this pesticide, which at least is registered with the EPA, will no longer be available. Passengers and flight attendants traveling to countries that still require disinsection will be subjected to potentially more dangerous pesticides. We need to stop this worldwide practice as soon as possible, first, because it has little impact on insect pests, and, second, because it has had devastating effects on flight attendants who are routinely exposed to pesticides day in and day out in their workplace, the airliner cabin. And, of course, it has serious effects on passengers with varying degrees of sensitivity to such chemicals.

Mr. Speaker, the resolution before the House urges the U.S. delegation to the spring 1995 ICAO conference to lead the efforts to amend the Chicago Convention on International Civil Aviation to end aircraft disinsection practices. It urges the delegation to make every effort to gain support and cosponsorship of other countries in this amendment.

It is an important measure for the good health of passengers and of flight attendants and all who work onboard aircraft.

I want to express my appreciation to the gentleman from Pennsylvania [Mr. CLINGER], my colleague, who spent a great deal of time helping to craft this language working on this issue of airliner cabin quality. We have had a very successful outcome on a bill that passed the House just recently. This will take us a step further. I also want to thank the gentleman from Oregon [Mr. DEFAZIO] for his hard work and support on this issue, a splendid bipartisan initiative that has brought us to this point.

Mr. CLINGER. Further reserving the right to object, Mr. Speaker, I just want to commend the gentleman from Minnesota, the chairman, for bringing this legislation to the floor. It is an important piece of legislation.

Mr. Speaker, the Aviation Subcommittee held a hearing May 18, 1994, on the issue of cabin air quality of commercial jet aircraft. Testimony provided by several witnesses offered evidence, some anecdotal, of pulmonary illnesses suffered by crew members and passengers thought to be related to the enclosed environment of the commercial jet aircraft.

During our hearing, testimony also revealed that 25 foreign countries—some very popular with U.S. vacationers—require aircraft cabins to be sprayed with insecticides prior to deboarding passengers. Spraying generally occurs while the aircraft is still several minutes away from landing. All passengers and crew have no choice but to inhale the fumes that circulate throughout the cabin until they exit the aircraft.

The effectiveness of killing insects by spraying insecticides inside aircraft is questionable; there is no doubt in my mind, though, that forcing passengers and crew to inhale insecticide fumes is a potentially dangerous practice. Insecticides contain some very exotic chemical compounds that may cause long-term health problems for susceptible individuals.

Senate Concurrent Resolution 77 is a sense-of-the-Congress resolution urging the U.S. delegation at next year's meeting of the International Civil Aviation Organization to recommend abolishing the practice of spraying insecticides inside aircraft. Help insure the health and safety of all airline passengers by supporting this resolution.

Mr. Speaker, I again want to commend the gentleman from Minnesota, the chairman, and the gentleman from Oregon [Mr. DEFAZIO] who introduced this in the House, and urge its speedy resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 77

Whereas the United States has a responsibility to protect the health and safety of United States air travelers in the United States and abroad;

Whereas the United States ended the practice of aircraft cabin disinsection 15 years ago, after determining that the process was ineffective and posed a possible death risk to aircraft passengers.

Whereas 27 countries require disinsection of aircraft cabins by the spraying of an insecticide while passengers are on board the aircraft or by a residual pesticide treatment which is not registered for use in the United States.

Whereas the United States 10,000,000 people fly every year from the United States to countries that require disinsection of aircraft;

Whereas the United States pilots and flight attendants on flights to such countries are repeatedly exposed to the chemicals used in disinsection of aircraft;

Whereas approximately 53,000,000 Americans, more than 20 percent of the population, suffer chronic respiratory problems that put them at special risk to aircraft cabin disinsection procedures;

Whereas no tests have been conducted to determine whether insecticides used for aircraft cabin disinsection are safe for use in unventilated aircraft cabins or for people with chemical sensitivies or breathing conditions;

Whereas there has been a decrease in the number of insecticides registered for aircraft cabin disinsection by the Environmental Protection Agency by reason of the health concerns raised with respect to such insecticides, and there is no indication that insecticides produced in foreign countries which might serve to replace such insecticides present any less threat to health;

Whereas Annex 9 to the Convention on International Civil Aviation, done at Chicago, December 7, 1944, states that "Contracting States shall ensure that their procedures for disinsecting or any other remedial measure are not injurious to the health of passengers and crew and cause the minimum of discomfort to them";

Whereas the Facilitation Division of the International Civil Aviation Organization is scheduled to meet in the Spring of 1995 to discuss changes to the standards set forth in Annex 9 to the Convention; and

Whereas the United States will be a participant at that meeting: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States delegation to the Spring 1995 meeting of the Facilitation Division of the International Civil Aviation Organization—

(1) seek to amend the Convention on International Civil Aviation, done at Chicago, December 7, 1944, to end aircraft disinsection practices that threaten the health of aircraft passengers and crew; and

(2) make every effort to gain the support and cosponsorship of other member nations of the organization of that amendment.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 77, the Senate concurrent resolution just concurred in.

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

There was no objection.

SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2500) to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, but I yield to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture, to explain the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 2500, the Sheep Promotion, Research and Information Act of 1994 will allow our Nation's sheep producers and the sheep products industries to establish a single industry-funded market development and promotion program.

The need for this legislation arises from action taken last year when Congress voted to phase out and eliminate the taxpayer-funded incentive payments made to wool producers under the National Wool Act. An unintended consequence of that policy change is the imminent loss of the mechanism by which the industry has long collected funds from wool producers for its current lamb and wool promotion or checkoff fund.

The checkoff program that would be established by S. 2500 has been developed at the request and in consultation with our Nation's sheep, lamb, and textile industries. The bill would allow for the temporary continued operation of a restructured lamb and wool checkoff program, subject to an industrywide referendum in 1996.

This legislation is similar to the industry self-financed research and promotion programs that now exist for a number of other commodity sectors. S. 2500 would operate at no cost to the Federal Government. The checkoff funds collected on domestic and imported slaughtered lambs and on domestic wool and imported wool products will reimburse the Department of

Agriculture for the costs of the referendum, program administration, and compliance.

Mr. Speaker, I strongly support and commend our Nation's sheep and wool industries for their effort to enhance their economic well-being through the marketplace rather than through direct Government assistance. I urge the House to support their effort and pass S. 2005.

Mr. Speaker, I would also like to thank my colleagues Mr. ROBERTS, Mr. STENHOLM, Mr. GUNDERSON, Mr. ROSE, Mr. SMITH of Oregon, Mr. INSLEE, Mr. COMBEST, Mr. ALLARD, Mr. SKEEN, Mr. THOMAS of Wyoming, Mr. BONILLA, Mr. MCINNIS, Mr. CRAPO, Mr. BARLOW, Mr. HOLDEN, Mr. PENNY, Ms. VUCANOVICH, Mr. VOLKMER, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. EDWARDS of Texas, and Mr. JOHNSON of South Dakota for their support in passing this legislation.

Mr. BONILLA. Mr. Speaker, I am proud to be an original cosponsor of Chairman DE LA GARZA's legislation. This bill, which the other body has already passed, will establish a national checkoff program to provide funds for promotion, research, and information programs that will benefit sheep and wool growers.

The program, if approved in an upfront referendum, would apply to both domestic and imported sheep and sheep products. Referendum approval will require a majority vote by producers, feeders, and importers voting in the referendum or at least two-thirds of the production represented by persons voting in the referendum.

These type of self-help programs are funded and run by producers who benefit from the research and marketing activities. This checkoff is similar to the 18 other commodity groups who have initiated a checkoff. The sheep industry should have an opportunity to vote on a self-help promotion similar to other agricultural industries like cotton, beef, and pork.

As my colleagues recall, this Congress passed a bill last year that phases out the Wool Act over the next 2 years. The death of the act will mean ranchers will be out of work unless they find a new way to do business. I am confident that the people in the sheep industry are determined, strong and hard workers and they will meet this challenge successfully.

This checkoff program is needed because incentive deductions that were included in the Wool Act incentive payments will be phased out by December 31, 1995. This new checkoff program would kick in on January 1, 1996.

This legislation would replace the current checkoff under the Wool Act. If adopted as proposed, the contributions of American growers will remain at the same level as now under the Wool Act.

I want to emphasize that the checkoff imposes no cost to the Government; the sheep industry checkoff reimburses the cost of referendum, administration, and compliance. This new program is needed to promote equity and fairness for American ranchers and help them compete in the global market.

More than 350,000 Americans in small communities exist on income generated by the sheep industry. Wool sales contributed approximately $70 million to rural communities in 1992, and the sheep industry contributes about $2 billion to the GNP.

The sheep industry is a vital cog in my district's economic engine since they own 86 percent of the sheep which produced 86 percent of the wool over the past 2 years in Texas. I am proud of this industry and proud of what they do to help the rural and Texas economy. This program is another tool to assist in building up and maintaining a strong domestic industry.

I want to compliment Chairman DE LA GARZA and Chairman LEAHY on their hard work and willingness to get this legislation passed. Fewer and fewer Members of Congress understand agriculture but these two men have devoted their public careers to advocating quality, sound, and cost-effective agricultural policy. I urge my colleagues to support this bill.

Mr. ROBERTS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2500

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sheep Promotion, Research, and Information Act of 1994".

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) sheep and sheep products are important goods;

(2) the production of sheep and sheep products play a significant role in the economy of the United States in that sheep and sheep products are produced throughout the United States and used by millions of people throughout the United States and foreign countries;

(3) sheep and sheep products must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of sheep products;

(4) the maintenance and expansion of existing markets and development of new markets for sheep and sheep products are vital to the welfare of sheep producers and persons concerned with marketing, using, and producing sheep and sheep products, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of sheep and sheep products;

(5) there exist established State organizations conducting sheep and sheep product promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of sheep and sheep products;

(6) the cooperative development, financing, and implementation of a coordinated national program of sheep and sheep product promotion, research, consumer information, education, and industry information are necessary to maintain and expand existing markets and develop new markets for sheep and sheep products; and

(7) sheep and sheep products move in interstate and foreign commerce, and sheep and sheep products that do not move in such channels of commerce directly burden or affect interstate commerce in sheep and sheep products.

(b) POLICY.—It is the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this Act, of an orderly procedure for developing, financing (through adequate assessments on sheep and sheep products produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, consumer information, education, and industry information designed to—

(1) strengthen the position of the sheep and sheep product industry in the marketplace;

(2) maintain and expand existing domestic and foreign markets and uses for sheep and sheep products; and

(3) develop new markets and uses for sheep and sheep products.

(c) CONSTRUCTION.—Nothing in this Act provides for the control of production, or otherwise limits, the right of any person to produce sheep or sheep products.

SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) BOARD.—The term "Board" means the National Sheep Promotion, Research, and Information Board established under section 5(b).

(2) CARBONIZED WOOL.—The term "carbonized wool" means wool that has been immersed in a bath, usually of mineral acids or acid salts, that destroys vegetable matter in the wool, but does not affect the wool fibers.

(3) CONSUMER INFORMATION.—The term "consumer information" means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, or use of sheep products.

(4) CUSTOMS SERVICE.—The term "Customs Service" means United States Customs Service of the Department of the Treasury.

(5) DEGREASED WOOL.—The term "degreased wool" means wool from which the bulk of impurities has been removed by processing.

(6) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(7) EDUCATION.—The term "education" means activities providing information relating to the sheep industry or sheep products to producers, feeders, importers, consumers, and other persons.

(8) EXECUTIVE COMMITTEE.—The term "Executive Committee" means the Executive Committee established under section 5(g).

(9) EXPORTER.—The term "exporter" means any person who exports domestic live sheep or greasy wool from the United States.

(10) FEEDER.—The term "feeder" means a person who feeds lambs until the lambs reach slaughter weight.

(11) GREASY WOOL.—The term "greasy wool" means wool that has not been washed or otherwise cleaned.

(12) HANDLER.—The term "handler" means any person who purchases and markets greasy wool.

(13) IMPORTER.—The term "importer" means any person who imports sheep or sheep products into the United States.

(14) INDUSTRY INFORMATION.—The term "industry information" means information and programs that will lead to increased efficiency in processing and the development of new markets, marketing strategies, increased marketing efficiency, and activities to enhance the image of sheep or sheep products on a national or international basis.

(15) ORDER.—The term "order" means a sheep and wool promotion, research, education, and information order issued under section 4.

(16) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(17) PROCESSOR.—The term "processor" means any person who slaughters sheep or processes greasy wool into degreased wool.

(18) PRODUCER.—The term "producer" means any person, other than a feeder, who owns or acquires ownership of sheep.

(19) PRODUCER INFORMATION.—The term "producer information" means activities designed to provide producers, feeders, and importers with information relating to production or marketing efficiencies or developments, program activities, or other information that would facilitate an increase in the consumption of sheep or sheep products.

(20) PROMOTION.—The term "promotion" means any action (including paid advertising) to advance the image and desirability of sheep or sheep products to improve the competitive position, and stimulate sales, of sheep products in the domestic and international marketplace.

(21) PULLED WOOL.—The term "pulled wool" means wool that is pulled from the skin of a slaughtered sheep.

(22) QUALIFIED STATE SHEEP BOARD.—The term "qualified State sheep board" means a sheep and wool promotion entity that—

(A) is authorized by State statute or is otherwise organized and operating within a State;

(B) receives voluntary contributions or dues and conducts promotion, research, or consumer information programs with respect to sheep or wool, or both; and

(C) is recognized by the Board as the sheep and wool promotion entity within the State; except that not more than 1 qualified State sheep board shall exist in any State at any 1 time.

(23) RAW WOOL.—The term "raw wool" means greasy wool, pulled wool, degreased wool, or carbonized wool.

(24) RESEARCH.—The term "research" means development projects and studies relating to the production (including the feeding of sheep), processing, distribution, or use of sheep or sheep products to encourage, expand, improve, or make more efficient the marketing of sheep or sheep products.

(25) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(26) SHEEP.—The term "sheep" means ovine animals of any age, including lambs.

(27) SHEEP PRODUCTS.—The term "sheep products" means products produced, in whole or in part, from sheep, including wool and products containing wool fiber.

(28) STATE.—The term "State" means each of the 50 States.

(29) UNIT.—The term "unit" means each State, group of States, or class designation that is represented on the Board.

(30) UNITED STATES.—The term "United States" means the 50 States and the District of Columbia.

(31) WOOL.—The term "wool" means the fiber from the fleece of a sheep.

(32) WOOL PRODUCTS.—The term "wool products" means products produced, in whole or in part, from wool and products containing wool fiber.

SEC. 4. ISSUANCE AND AMENDMENT OF ORDERS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall issue orders under this Act applicable to producers, feeders, importers, handlers, and purchasers of sheep and sheep products. Any order shall be national in scope. Not more than 1 order shall be in effect under this Act at any 1 time.

(b) PROCEDURE.—

(1) PROPOSAL OR REQUEST FOR ISSUANCE.—The Secretary may propose the issuance of an order under this Act, or an association of producers may request the issuance of, and submit a proposal for, an order.

(2) NOTICE AND COMMENT CONCERNING PROPOSED ORDER.—Not later than 60 days after the receipt of a request and proposal for an order under paragraph (1), the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDERS.—After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received, that includes provisions necessary to ensure that the order is in conformity with this Act. The order shall be issued not later than 180 days following publication of the proposed order.

(4) REFERENDUM.—The order shall go into effect only if the order is approved by producers, feeders, and importers in a referendum conducted under section 6.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any order issued under this Act.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued under this Act shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF BOARD.—

(1) IN GENERAL.—The order shall provide for the establishment of, and appointment of members to, a National Sheep Promotion, Research, and Information Board to administer the order. Members of the Board shall be appointed by the Secretary from nominations provided in accordance with this subsection. The cumulative number of seats on the Board shall be 120 and shall be apportioned as follows:

(A) PRODUCERS.—Producers shall be appointed to the Board to represent States, with each State represented by the following number of members:

Alabama	1
Alaska	1
Arizona	1
Arkansas	1
California	5
Colorado	4
Connecticut	1
Delaware	1
Florida	1
Georgia	1
Hawaii	1
Idaho	2
Illinois	1
Indiana	1
Iowa	2
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Maryland	1
Massachusetts	1
Michigan	1
Minnesota	2
Mississippi	1
Missouri	1
Montana	5
Nebraska	1
Nevada	1
New Hampshire	1
New Jersey	1
New Mexico	2
New York	1
North Carolina	1
North Dakota	2
Ohio	1
Oklahoma	1
Oregon	2
Pennsylvania	1
Rhode Island	1
South Carolina	1
South Dakota	4
Tennessee	1
Texas	10
Utah	3
Vermont	1
Virginia	1
Washington	1
West Virginia	1
Wisconsin	1
Wyoming	5

(B) FEEDERS.—The feeder sheep industry shall be represented on the Board by 10 members.

(C) IMPORTERS.—Importers shall be represented on the Board by 25 members.

(D) ALTERNATES.—The order shall provide that a unit represented by only 1 member may have an alternate member appointed to ensure representation at meetings of the Board.

(2) NOMINATIONS.—

(A) PRODUCERS.—The Secretary shall appoint producers to represent units established under paragraph (1)(A) from nominations submitted by eligible organizations certified under subsection (c)(3). An eligible organization may submit only nominations from the membership of the organization for the unit in which the organization is located. To be represented on the Board, each eligible organization shall submit to the Secretary at least 1.5 nominations for each appointment to the Board for which the unit is entitled to representation, as determined under paragraph (1)(A). If a unit is entitled to 1 appointment on the Board, the unit shall submit at least 2 nominations for the appointment.

(B) FEEDERS.—The Secretary shall appoint representatives of the feeder sheep industry to seats established under paragraph (1)(B) from nominations submitted by qualified national organizations that represent the feeder sheep industry. To be represented on the Board, the industry shall provide at least 1.5 nominations for each appointment to the Board for which the feeder sheep industry is entitled to representation, as determined under paragraph (1)(B).

(C) IMPORTERS.—The Secretary shall appoint importers to seats established under paragraph (1)(C) from nominations submitted by qualified organizations that represent importers, as determined by the Secretary. To be represented on the Board, importers shall provide at least 1.5 nominations for each appointment to the Board for which importers are entitled to representation, as determined under paragraph (1)(C).

(c) METHOD FOR OBTAINING NOMINATIONS.—

(1) INITIALLY ESTABLISHED BOARD.—

(A) PRODUCER NOMINATIONS.—The Secretary shall solicit nominations for each seat on the initially established Board to which a unit is entitled to representation from eligible organizations certified under paragraph (3). If no such organization exists in the unit, the Secretary shall solicit nominations for appointments in such manner as the Secretary determines appropriate.

(B) FEEDER AND IMPORTER NOMINATIONS.—The Secretary shall solicit nominations for each seat for which feeders or importers are entitled to representation from organizations that represent feeders and importers, respectively. In determining whether an organization is eligible to submit nominations under this subparagraph, the Secretary shall determine whether—

(i) the active membership of the organization includes a significant number of feeders

or importers in relation to the total membership of the organization;

(ii) there is evidence of stability and permanency of the organization; and

(iii) the organization has a primary and overriding interest in representing the feeder or importer segment of the sheep industry.

(2) SUBSEQUENT APPOINTMENT.—

(A) PRODUCER NOMINATIONS.—The solicitation of nominations for subsequent appointment to the Board from eligible organizations certified under paragraph (3) shall be initiated by the Secretary, with the Board securing the nominations for the Secretary.

(B) FEEDER AND IMPORTER NOMINATIONS.—The solicitation of feeder and importer nominations for seats on the Board shall be made by the Secretary in accordance with paragraph (1)(B).

(3) CERTIFICATION OF ORGANIZATIONS.—

(A) IN GENERAL.—The eligibility of any organization to represent producers, and to participate in the making of nominations to represent producers under this section, shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established by the Secretary under this paragraph. An eligibility determination of the Secretary under this paragraph shall be final.

(B) BASIS FOR CERTIFICATION.—Certification under this paragraph shall be based, in addition to other available information, on a factual report submitted by the organization, that shall contain information considered relevant and specified by the Secretary, including—

(i) the geographic territory covered by the active membership of the organization;

(ii) the nature and size of the active membership of the organization, including the proportion of the total number of active producers represented by the organization;

(iii) evidence of stability and permanency of the organization;

(iv) sources from which the operating funds of the organization are derived;

(v) the functions of the organization; and

(vi) the ability and willingness of the organization to further the aims and objectives of this Act.

(C) PRIMARY CONSIDERATIONS.—A primary consideration in determining the eligibility of an organization under this paragraph shall be whether—

(i) the membership of the organization consists primarily of producers who own a substantial quantity of sheep; and

(ii) an interest of the organization is in the production of sheep.

(d) ADMINISTRATION.—

(1) TERMS.—Each appointment to the Board shall be for a term of 3 years, except that appointments to the initially established Board shall be proportionately for 1-year, 2-year, and 3-year terms. No person may serve more than 2 consecutive 3-year terms, except that an elected officer of the Board shall not be subject to this sentence while the officer holds office.

(2) COMPENSATION.—A Board member shall serve without compensation, but shall be reimbursed for the reasonable expenses of the member incurred in performing the duties of the Board.

(3) MEETINGS.—The order shall provide for at least an annual meeting of the Board and such additional meetings of the Board as may be required.

(e) POWERS AND DUTIES OF THE BOARD.—The order shall define the powers and duties of the Board and shall include the power and duty—

(1) to elect officers of the Board, including a Chairperson, Vice Chairperson, and Secretary;

(2) to administer the order in accordance with the terms and provisions of the order;

(3) to recommend regulations to effectuate the terms and provisions of the order;

(4) to elect members of the Board to serve on the Executive Committee;

(5) to approve or reject budgets submitted by the Executive Committee;

(6) on approval, to submit the budgets to the Secretary for the approval or disapproval of the Secretary;

(7) to contract with entities, if necessary, to carry out plans or projects in accordance with this Act;

(8) to conduct programs of promotion, research, consumer information, education, industry information, and producer information;

(9) to receive, investigate, and report to the Secretary complaints of violations of the order;

(10) to recommend to the Secretary amendments to the order;

(11) to provide the Secretary with prior notice of meetings of the Board to permit the Secretary, or a designated representative, to attend the meetings;

(12) to provide, not less than annually, a report to producers, feeders, and importers accounting for funds expended by the Board and describing programs carried out under this Act, and to make the report available to the public on request;

(13) to establish 7 regions that, to the extent practicable, contain geographically contiguous States and approximately equal numbers of producers and sheep production;

(14) to employ or retain necessary staff; and

(15) to invest funds in accordance with subsection (k).

(f) BUDGETS.—

(1) IN GENERAL.—The order shall provide that the Board shall review budgets submitted by the Executive Committee, on a fiscal year basis, of anticipated expenses and disbursements by the Board, including probable costs of administration and promotion, research, consumer information, education, industry information, and producer information projects. On approval by the Board, the Board shall submit the budget to the Secretary for the approval of the Secretary.

(2) LIMITATION.—No expenditure of funds may be made by the Board unless the expenditure is authorized under a budget or budget amendment approved by the Secretary.

(g) EXECUTIVE COMMITTEE.—

(1) ESTABLISHMENT.—The order shall establish an Executive Committee to administer the terms and provisions of the order, as provided in this subsection, under the direction of the Board and consistent with the policies determined by the Board.

(2) MEMBERSHIP.—The Executive Committee shall be composed of 14 members, of which—

(A) 11 members shall be elected by the Board on an annual basis, of which—

(i) 7 members shall represent producers, with 1 member representing each of the regions established in the order;

(ii) 1 member shall represent feeders; and

(iii) 3 members shall represent importers; and

(B) 3 members shall be the Chairperson, Vice Chairperson, and Secretary of the Board.

(3) POWERS AND DUTIES.—

(A) PLANS OR PROJECTS.—The Executive Committee shall develop plans or projects of promotion, research, consumer information, education, industry information, and producer information, which shall be paid for with assessments collected by the Board. The plans or projects shall not become effective until the plans or projects are approved by the Secretary.

(B) BUDGETS.—The Executive Committee shall be responsible for developing and submitting to the Board, for the approval of the Board, budgets, on a fiscal year basis, of the anticipated expenses and disbursements of the Board, including probable costs of promotion, research, consumer information, education, industry information, and producer information projects. The Board shall approve or disapprove a budget submitted by the Executive Committee, and, if approved, shall submit the budget to the Secretary for the approval of the Secretary.

(4) TERMS.—A term of appointment to the Executive Committee shall be for 1 year.

(5) CHAIRPERSON.—The Chairperson of the Board shall serve as Chairperson of the Executive Committee.

(6) QUORUM.—A quorum of the Executive Committee shall consist of 8 members.

(h) EXPENSES, CONTRACTS, AND AGREEMENTS.—

(1) EXPENSES.—The order shall provide that the Board shall be responsible for all expenses of the Board and the Executive Committee.

(2) CONTRACTS AND AGREEMENTS.—A contract or agreement entered into by the Board under subsection (e)(7) shall provide that—

(A) the contracting party shall develop and submit to the Board a plan or project, together with a budget or budgets that provides estimated costs to be incurred for the plan or project;

(B) the plan or project, and the contract or agreement, shall not become effective until the plan or project has been approved by the Secretary; and

(C) the contracting party shall—

(i) keep accurate records of all of the transactions of the party;

(ii) account for funds received and expended, including staff time, salaries, and expenses expended on behalf of Board activities;

(iii) make periodic reports to the Board of activities conducted; and

(iv) make such other reports as the Board or the Secretary may require.

(i) ASSESSMENTS.—

(1) SHEEP PURCHASES.—

(A) IN GENERAL.—The order shall provide that each person making payment to a producer or feeder for sheep purchased from the producer or feeder shall, in the manner prescribed by the order, collect an assessment from the producer or feeder on each sheep sold by the producer or feeder.

(B) PROCESSING.—Any person purchasing sheep for processing shall collect the assessment from the seller and remit the assessment to the Board in the manner prescribed by the order.

(C) RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph shall be 1 cent per pound of live sheep sold.

(ii) EXCEPTION.—The rate of assessment under this paragraph may be raised or lowered not more than $^{15}/_{100}$ of a cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this paragraph shall not exceed 2.5 cents per pound of live sheep sold.

(2) WOOL PURCHASES.—

(A) IN GENERAL.—The order shall provide that each person making payment to a producer, feeder, or handler of wool for wool purchased from the producer, feeder, or handler shall, in the manner prescribed by the order, collect an assessment on each pound of greasy wool sold.

(B) PROCESSING.—Any person purchasing greasy wool for processing shall collect the assessment and remit the assessment to the Board in the manner prescribed by the order.

(C) RATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph shall be 2 cents per pound of greasy wool.

(ii) EXCEPTION.—The rate of assessment under this paragraph may be raised or lowered not more than 3/10 of a cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this paragraph shall not exceed 4 cents per pound of greasy wool.

(3) DIRECT PROCESSING.—The order shall provide that any person processing or causing to be processed sheep or sheep products of that person's own production and marketing shall—

(A) pay an assessment on the sheep or sheep products at the time of sale at a rate equivalent to the rate provided for in paragraph (1) or (2), as appropriate; and

(B) remit the assessment to the Board in the manner prescribed by the order.

(4) EXPORTS.—The order shall provide that any person exporting live sheep or greasy wool shall—

(A) pay the assessment on the sheep or greasy wool at the time of export at a rate equivalent to the rate provided for in paragraph (1) or (2), as appropriate; and

(B) remit the assessment to the Board in the manner prescribed by the order.

(5) IMPORTS.—

(A) IN GENERAL.—The order shall provide that any person importing sheep or sheep product, and any person importing wool or products containing wool, into the United States shall pay an assessment to the Board in the manner prescribed by the order, except that this paragraph shall not apply to raw wool that is imported into the United States.

(B) COLLECTION.—The Customs Service shall collect the assessment required under this paragraph and remit the assessment to the Secretary for disbursement to the Board.

(C) RATE FOR SHEEP AND SHEEP PRODUCTS.—

(i) IN GENERAL.—Except as provided in subparagraph (B), the rate of assessment under this paragraph for sheep and sheep products shall be—

(I) in the case of a live sheep, 1 cent per pound; and

(II) in the case of a sheep product, the equivalent of 1 cent per pound of live sheep, as determined by the Secretary in consultation with the domestic sheep industry.

(ii) EXCEPTION.—The rate of assessment under this subparagraph may be raised or lowered not more than 1 3/100 cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this subparagraph shall not exceed 2.5 cents per pound.

(D) RATE FOR WOOL AND WOOL PRODUCTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the rate of assessment under this paragraph for wool and products containing wool, shall be 2 cents per pound of degreased wool or the equivalent of degreased wool.

(ii) EXCEPTION.—The rate of assessment under this subparagraph may be raised or lowered not more than 3/10 cent per pound in any 1 year, as recommended by the Executive Committee and approved by the Board and the Secretary, except that the rate of assessment under this subparagraph shall not exceed 4 cents per pound of degreased wool or the equivalent of degreased wool.

(6) QUALIFIED STATE SHEEP BOARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the order shall provide that 20 percent of the total assessments collected by the Board on the marketing of domestic sheep and domestic sheep products in any 1 year from a State shall be returned to the qualified State sheep board of the State.

(B) EXCEPTION.—No qualified State sheep board shall receive less than $2,500 under subparagraph (A) in any year.

(7) DE MINIMIS IMPORTS.—The Secretary may issue regulations that—

(A) exclude certain imported materials or products that contain de minimis content levels of sheep or sheep products; and

(B) waive the assessment due on the materials or products.

(8) USE OF ASSESSMENTS.—

(A) IN GENERAL.—The order shall provide that assessments received by the Board shall be used by the Board for the payment of expenses incurred in administering the order, with authorization for a reasonable reserve.

(B) REIMBURSEMENT OF SECRETARY.—The Secretary shall be reimbursed for costs incurred in implementing and administering the order.

(j) BOOKS AND RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records as the Secretary may prescribe, which shall be available to the Secretary for inspection and audit;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Board.

(2) AUDIT.—The Board shall cause books and records of the Board related to the order to be audited by an independent auditor at the end of each fiscal year. The Board shall submit a report of the audit to the Secretary.

(k) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—The order shall provide that the Board may invest, pending disbursement, funds the Board receives under the order, only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States.

(2) USE OF INCOME.—Income from any investment under paragraph (1) may be used for any purpose for which the invested funds may be used.

(l) PROHIBITION ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing legislation or government action or policy.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) the development and recommendation to the Secretary of amendments to the order; or

(B) the communication to appropriate government officials, in response to a request made by the officials, of information relating to the conduct, implementation, or results of promotion, research, consumer information, education, industry information, or producer information activities under the order.

(3) FALSE OR MISLEADING CLAIMS.—A plan or project conducted under this Act shall not make false or misleading claims on behalf of sheep or sheep products or against a competing product.

(m) BOOKS AND RECORDS.—

(1) IN GENERAL.—The order shall require that each person making payment to a producer, feeder, or handler for sheep or sheep products, each importer and exporter of sheep or sheep products, and each person marketing sheep products of the person's own production to maintain, and make available for inspection, such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order.

(2) USE OF INFORMATION.—

(A) IN GENERAL.—Information from the records or reports shall be made available to the Secretary for the administration or enforcement of this Act, or any order or regulation issued under this Act.

(B) OTHER INFORMATION.—The Secretary shall authorize the use under this Act of information regarding persons paying producers, feeders, importers, handlers, or processors that is accumulated under a law or regulation other than this Act or a regulation issued under this Act.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—Except as otherwise provided in this Act, all information obtained under paragraph (1) or (2) shall be kept confidential by all officers and employees of the Department and of the Board.

(B) DISCLOSURE.—Information referred to in subparagraph (A) may be disclosed only if—

(i) the Secretary considers the information relevant;

(ii) the information is revealed in a judicial proceeding or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party; and

(iii) the information relates to this Act.

(C) GENERAL STATEMENTS.—Nothing in this paragraph prohibits—

(i) the issuance of general statements, based on the reports, of the number of persons subject to an order or statistical data collected from the persons, which statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating any order and a statement of the particular provisions of the order violated by the person.

(D) ADMINISTRATION.—No information obtained under this Act may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this Act or any investigatory or enforcement action necessary for the implementation of this Act.

(E) PENALTY.—Any person who willfully violates this paragraph, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if the person is an officer or employee of the Board or the Department, shall be removed from office.

(n) OTHER TERMS AND CONDITIONS.—The order shall provide such terms and conditions, not inconsistent with this section, as

are necessary to carry out the order, including provisions for the assessment of a penalty for the late payment of an assessment due under the order.

SEC. 6. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) IN GENERAL.—Following the issuance of an order under section 4, the Secretary shall conduct a referendum among producers, feeders, and importers who, during a representative period as determined by the Secretary, have been engaged in the production, feeding, or importation of sheep or sheep products for the purpose of ascertaining whether the order shall go into effect.

(2) APPROVAL OF ORDER.—The order shall become effective only if the Secretary determines that the order has been approved by not less than a majority of the producers, feeders, and importers voting in the referendum or at least ⅔ of the production represented by persons voting in the referendum.

(b) ADDITIONAL REFERENDA.—

(1) IN GENERAL.—After the initial referendum, on the request of a representative group comprising 10 percent or more of the producers, feeders, and importers who, during a representative period as determined by the Secretary, have been engaged in the production, feeding, importation, or processing of sheep or sheep products, the Secretary shall conduct a referendum of producers, feeders, and importers to determine whether the producers, feeders, and importers favor the termination or suspension of the order.

(2) SUSPENSION OR TERMINATION.—If the Secretary determines that suspension or termination of the order is favored by a majority of the producers, feeders, and importers voting in the referendum or at least ⅔ of the production represented by the persons voting in the referendum, the Secretary shall suspend or terminate—

(A) collection of assessments under the order not later than 180 days after the determination; and

(B) the order in an orderly manner as soon as practicable after the determination.

(c) PROCEDURES.—

(1) REIMBURSEMENT—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Board shall reimburse the Secretary for any expenses incurred by the Secretary in connection with the conduct of any referendum under this section.

(B) FEDERAL EMPLOYEE SALARIES.—The Board shall not be required to reimburse the Secretary for the salaries of Federal employees under subparagraph (A) if the Secretary determines that the reimbursement would be overly burdensome and costly.

(2) DATE.—Each referendum under this section shall be conducted on a date established by the Secretary, under a procedure by which producers, feeders, and importers intending to vote in the referendum shall certify that the producers, feeders, and importers were engaged in the production, feeding, or importation of sheep or sheep products during the representative period and, on the same day, shall be provided an opportunity to vote in the referendum.

(3) PLACE.—Referenda under this section shall be conducted at locations determined by the Secretary. Absentee mail ballots shall be furnished by the Secretary on request made in person, by mail, or by telephone.

(4) ALLOCATION OF PRODUCTION.—The Secretary shall determine a method of allocating, by a pro rata percentage of annual projected or actual assessments from importers, the volume of production represented by importers in referenda conducted pursuant to this section.

SEC. 7. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order issued under this Act may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—The petitioner shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition. The ruling shall be final if the ruling is in accordance with law.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States for any district in which a person who is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review the ruling on the petition of the person, if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling by the Secretary under subsection (a)(3).

(2) PROCESS.—Service of process in a proceeding may be conducted on the Secretary by delivering a copy of the complaint to the Secretary, under such rules or regulations as are considered necessary by the Secretary to facilitate the service of process.

(3) REMANDS.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

SEC. 8. ENFORCEMENT.

(a) JURISDICTION.—Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation issued under this Act.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this Act, if the Secretary believes that the administration and enforcement of this Act would be adequately served by providing a suitable written notice or warning to the person who committed the violation or by an administrative action under section 7.

(c) CIVIL PENALTIES AND ORDERS.—

(1) CIVIL PENALTIES.—A person who willfully violates an order or regulation issued by the Secretary under this Act may be assessed by the Secretary—

(A) a civil penalty of not more than $1,000 for each such violation; and

(B) in the case of a willful failure to pay, collect, or remit an assessment as required by the order, an additional penalty equal to the amount of the assessment.

(2) SEPARATE OFFENSE.—Each violation shall be a separate offense.

(3) CEASE-AND-DESIST ORDERS.—In addition to, or in lieu of, the civil penalty, the Secretary may issue an order requiring the person to cease and desist from violating the order or regulation.

(4) NOTICE AND HEARING.—No order assessing a penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary provides notice and an opportunity for a hearing on the record with respect to the violation.

(5) FINALITY.—An order assessing a penalty or a cease-and-desist order issued under this subsection by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the United States court of appeals, as provided in subsection (d), not later than 30 days after the person receives notice of the order.

(d) REVIEW BY COURT OF APPEALS.—

(1) IN GENERAL.—A person against whom an order is issued under subsection (c) may obtain review of the order by—

(A) filing, not later than 30 days after the date of the order, a notice of appeal in—

(i) the United States court of appeals for the circuit in which the person resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously sending a copy of the notice of appeal by certified mail to the Secretary.

(2) RECORD.—The Secretary shall file promptly in the court a certified copy of the record on which the Secretary has determined that the person has committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—A person who fails to obey a valid cease-and-desist order issued by the Secretary under this section, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not more than $500 for each offense. Each day during which the failure continues shall be considered to be a separate violation of the order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay a valid civil penalty imposed under this section by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States for any district in which the person resides or carries on business. In the action, the validity and appropriateness of the order imposing the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 9. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this Act; or

(2) to determine whether any person subject to this Act has engaged, or is about to engage, in any action that constitutes or will constitute a violation of this Act, or of any order or regulation issued under this Act.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—For the purpose of any investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United

States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to require the attendance and testimony of the person or the production of records. The court may issue an order requiring the person to appear before the Secretary to produce records or to give testimony regarding the matter under investigation.

(d) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of the court.

(e) PROCESS.—Process in any case under this section may be served in the judicial district in which the person resides or carries on business or wherever the person may be found.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) CONSTRUCTION.—Nothing in this Act preempts or supersedes any other program relating to sheep promotion, research, or information organized and operated under the laws of the United States or any State.

(b) AMENDMENTS TO ORDERS.—The provisions of this Act applicable to an order shall be applicable to amendments to the order, except that the Secretary is not required to conduct a referendum on a proposed amendment to an order.

SEC. 11. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this Act.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this Act.

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

□ 1900

SENSE OF CONGRESS REGARDING CONSERVATION AND MANAGEMENT MEASURES FOR ATLANTIC BLUEFIN TUNA

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the concurrent resolution (H. Con. Res. 295) to express the sense of the Congress of the United States that the United States should actively seek compliance by all countries with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, this piece of legislation has been cleared on our side, and I yield to the distinguished gentleman from Massachusetts [Mr. STUDDS], our chairman, for an opportunity to explain the legislation if he so desires.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for his cooperation.

Mr. Speaker, House Concurrent Resolution 295 expresses the sense of the Congress that the United States should actively seek compliance by all nations with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas [ICCAT].

During the past two decades, bluefin tuna stocks in the Atlantic Ocean have declined to 20 percent of their pre-1970 levels. Through ICCAT, the United States has assumed a leadership role in the development of conservation and management programs to rebuild bluefin stocks. Significant conservation and management measures have been adopted in the western Atlantic, resulting in substantial quota reductions for U.S. fishermen.

Unfortunately, other nations whose fishermen fish for bluefin have not been as responsible. ICCAT member nations that fish in the eastern Atlantic continue to flaunt the most basic ICCAT guidelines, exceeding target harvest levels and catching millions of undersized fish. In addition, many other countries that are not members of ICCAT also harvest bluefin in violation of ICCAT recommendations.

Last month, a National Academy of Sciences panel concluded that this one-sided conservation program will not rebuild bluefin stocks. It also found that previously reported declines in the abundance of bluefin in the western Atlantic were not supported by the scientific data and that further quota reductions could not be justified.

The United States has consistently demonstrated its commitment to the recovery of Atlantic bluefin. Now it is time for other nations to do the same. The results of the National Academy review confirm this. This resolution directs the United States to encourage all nations harvesting bluefin to adopt bluefin conservation programs comparable to the U.S. program. It also states that the United States should not even consider further quota reductions until foreign fishermen have done their fair share.

The current ICCAT program for bluefin, which focuses conservation efforts strictly in the western Atlantic, where only 12 percent of the bluefin harvest occurs, is unfair to U.S. fishermen and will not restore bluefin stocks. Instead all nations must play by the same rules. It is time for our Government to assume a leadership role on this issue comparable to the leadership position we have taken in the conservation of this magnificent fish.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 295

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas in 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that two stocks of the fish existed; a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter referred to as the 45 degree line), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25 percent quota reduction since 1991 with an additional 40 percent quota reduction scheduled for 1995;

Whereas the United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line;

Whereas many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line;

Whereas a recent National Academy of Sciences (NAS) review of the scientific data used by the Commission concluded that the available data is consistent with a one stock management strategy for bluefin tuna in the North Atlantic;

Whereas the NAS review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50 percent decline in abundance reported by the Commission;

Whereas the continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the Commission's recommendations being implemented west of the line to rebuild Atlantic bluefin tuna; and

Whereas, in order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission) should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line until the impacts of recent conservation measures can be determined, and until all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line share equally in conservation and rebuilding efforts for the Atlantic bluefin tuna resources;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which did not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations authorizing the use of discretionary trade actions as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STUDDS: Strike out all after the resolving clause and insert:

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission) should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line and insist that all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line implement comparable conservation and rebuilding programs for the Atlantic bluefin tuna resource;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in Section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which do not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations authorizing the use of discretionary trade actions as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. STUDDS).

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

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. STUDDS: Amend the preamble to read as follows:

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the Commission), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas in 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that two stocks of the fish existed: a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter referred to as the 45 degree line), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25% quota reduction since 1991 with an additional 40% quota reduction scheduled for 1995;

Whereas the United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line;

Whereas many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line;

Whereas a recent National Academy of Sciences (NAS) review of the scientific data used by the Commission concluded that the available data is consistent with a one stock management strategy for bluefin tuna in the North Atlantic;

Whereas the NAS review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50% decline in abundance reported by the Commission;

Whereas the continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the Commission's recommendations being implemented west of the line to rebuild Atlantic bluefin tuna;

Whereas, in order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

CONSUMER REPORTING REFORM ACT OF 1994, CREDIT REPAIR ORGANIZATIONS, TRUTH IN LENDING ACT, AND DISASTER RELIEF

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5178) to amend the Fair Credit Reporting Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5178

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

Sec. 101. Short title.

Sec. 102. Definitions.
Sec. 103. Furnishing consumer reports; use for employment purposes.
Sec. 104. Amendments relating to use of consumer reports for prescreening; prohibition on unauthorized or uncertified use of information.
Sec. 105. Consumer consent required to furnish consumer report containing medical information.
Sec. 106. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 107. Amendments relating to compliance procedures.
Sec. 108. Amendments relating to consumer disclosures.
Sec. 109. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 110. Amendment relating to charges for disclosure.
Sec. 111. Amendments relating to duties of users of consumer reports and duties of affiliates sharing certain information.
Sec. 112. Amendments relating to civil liability.
Sec. 113. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 114. Investigative consumer reports.
Sec. 115. Increased criminal penalties for obtaining information under false pretenses.
Sec. 116. Administrative enforcement.
Sec. 117. State enforcement of Fair Credit Reporting Act.
Sec. 118. Federal Reserve Board authority.
Sec. 119. Preemption of State law.
Sec. 120. Action by FTC and Federal Reserve Board.
Sec. 121. Amendment to Fair Debt Collection Practices Act.
Sec. 122. Furnishing consumer reports for purposes relating to child support.
Sec. 123. Disclosure of information and consumer reports to FBI for counterintelligence purposes.
Sec. 124. Effective dates.
Sec. 125. Relationship to other law.
Sec. 126. Sense of Senate.
Sec. 127. Technical correction to Depository Institutions Management Interlocks Act.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE III—TRUTH IN LENDING ACT

Sec. 301. Treatment of delivery fees and intangibles taxes.
Sec. 302. Limitations on liability.

TITLE IV—DISASTER RELIEF

Sec. 401. Depository institutions disaster relief.

TITLE I—AMENDMENTS TO FAIR CREDIT REPORTING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Consumer Reporting Reform Act of 1994".

SEC. 102. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k)(1) The term 'adverse action' means the following:

"(A) A denial or revocation of credit, a denial of an application for an increase of an existing credit limit, an unfavorable change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested; except that the term 'adverse action' does not include—

"(i) a refusal to extend additional credit under an existing credit arrangement if the applicant is delinquent or otherwise in default as to that account, or

"(ii) a refusal or failure to authorize an account transaction at a point of sale which would exceed a previously established credit limit.

"(B) A denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(C) A denial of employment or any other decision for employment purposes which adversely affects any current or prospective employee.

"(D) A denial or cancellation of, an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(E) An action taken or determination made—

"(i) in connection with an application which was made by, or a transaction which was initiated by, any consumer, or in connection with a review of account information under section 604(a)(3)(E)(ii); and

"(ii) which is adverse to the interest of the consumer.

"(2) For purposes of any determination of whether an action is an adverse action under paragraph (1)(A), all appropriate final findings, decisions, commentary, and orders issued under section 701(d)(6) of the Equal Credit Opportunity Act by the Board of Governors of the Federal Reserve System or any court shall apply.".

(b) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (k) (as added by subsection (a) of this section) the following:

"(l) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if the consumer is determined, based on information in a consumer report on the consumer, to meet the specific criteria used to select the consumer for the offer, except that the offer may be further conditioned solely on any combination of the following:

"(1) The consumer being determined, based on information in the consumer's application for the credit, to meet specific criteria bearing on creditworthiness that are established—

"(A) before selection of the consumer for the offer; and

"(B) for the purpose of determining whether to extend credit pursuant to the offer.

"(2) Verification—

"(A) that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the consumer's application for the credit, or other information bearing on the creditworthiness of the consumer; or

"(B) of the information in the consumer's application for the credit, to determine that the consumer meets the specific criteria bearing on creditworthiness.

"(3) The consumer furnishing any collateral that is a requirement for the extension of the credit that was—

"(A) established before selection of the consumer for the offer of credit; and

"(B) described to the consumer in the offer of credit.".

(c) CREDIT TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (l) (as added by subsection (b) of this section) the following:

"(m) The term 'credit transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(d) STATE.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (m) (as added by subsection (c) of this section) the following:

"(n) The term 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.".

(e) EXCLUSIONS FROM DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence in clause (A)—

(1) by inserting "(i)" after "(A)";

(2) by inserting before the semicolon at the end the following: ", (ii) any communication of that information among persons related by common ownership or affiliated by corporate control, or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by corporate control if it is clearly and conspicuously disclosed that the information may be communicated among such persons and the consumer is given the opportunity, prior to the time that the information is initially communicated, to direct that such information not be communicated among such persons";

(3) in clause (B) by striking "or" after the semicolon at the end;

(4) in clause (C) by striking the period and inserting a semicolon; and

(5) by adding at the end the following: "or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit transaction which is not initiated by the consumer, or an insurance transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(4)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction, or with respect to existing customers, the consumer has not directed in writing that the report may not be used for the transaction, in accordance with section 615(d)(4)(C).".

(f) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)) is further amended—

(1) in subsection (d), as amended by subsection (e) of this section, by adding at the end the following: "The term also does not include a communication described in subsection (o).''; and

(2) by adding at the end the following:

"(o) A communication is described in this subsection if it is a communication—

"(1) that, but for the 3rd sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer, or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in paragraph (2) (A) or (B);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, within 3 business days after the receipt of the consent by that person;

"(B) the person that makes the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person that makes the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, within 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer that is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

(g) CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON A NATIONWIDE BASIS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is further amended by adding after subsection (o) (as added by subsection (f) of this section) the following:

"(p) The term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

"(1) Public record information.

"(2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.".

(h) CLERICAL AMENDMENT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the first sentence—

(1) by inserting "(1)" after "in whole or in part for"; and

(2) by striking "(1)" before "credit or insurance".

SEC. 103. FURNISHING CONSUMER REPORTS; USE FOR EMPLOYMENT PURPOSES.

(a) FURNISHING CONSUMER REPORTS FOR BUSINESS TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A consumer reporting agency"; and

(2) in subsection (a)(3) (as designated by paragraph (1) of this subsection) by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information—

"(i) in connection with a business transaction that is initiated by the consumer; or

"(ii) to review an account to determine whether the consumer continues to meet the terms of the account.".

(b) FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only if—

"(A) the person who obtains such report from the agency certifies to the agency that—

"(i) the person has complied with paragraph (2) with respect to the consumer report, and the person will comply with paragraph (3) with respect to the consumer report if paragraph (3) becomes applicable; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURE TO CONSUMER.—A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer unless—

"(A) a clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and

"(B) the consumer has authorized in writing the procurement of the report by that person.

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description in writing of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable period (not required to exceed 5 business days following receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer and notice in writing of the opportunity for the consumer to respond in that period, except that such an opportunity to respond and notice are not required if the person takes the adverse action based on a reasonable belief that the consumer has engaged in fraudulent or criminal activity that is related to, or that could affect, the consumer's employment.

"(4) LIMITATION ON PURPOSES.—Subject to paragraph (1), a consumer reporting agency may furnish information bearing on the creditworthiness of a consumer, and a person may use such information, for employment purposes that do not relate to employment of an individual in an executive or administrative position, only if—

"(A) the employment requires or is expected to require a security clearance issued by an agency of the United States or any State as a condition for employment;

"(B) the employment requires or is expected to require the individual to be covered by a fidelity bond; or

"(C) the employment requires or is expected to require the individual, on a regular basis and as part of the normal duties of employment—

"(i) to handle or otherwise have access to substantial amounts of cash or other things of value of the employer: or

"(ii) to engage in any conduct or activity with respect to which the employee has a fiduciary duty.

"(5) EXECUTIVE OR ADMINISTRATIVE POSITION DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (4), the term 'executive or administrative position' means any position—

"(i) for which compensation is on a salary basis and not an hourly basis; and

"(ii) having policy making, managerial, professional, or supervisory responsibilities.

"(B) APPLICATION OF EXISTING FINDINGS, ETC.—For purposes of determining under subparagraph (A)(ii) whether a position has policy making, managerial, professional, or supervisory responsibilities, all appropriate final administrative and judicial findings, decisions, commentary, and orders issued under the Federal Election Campaign Act of 1971, or the regulations issued under that Act, shall apply.".

SEC. 104. AMENDMENTS RELATING TO USE OF CONSUMER REPORTS FOR PRESCREENING; PROHIBITION ON UNAUTHORIZED OR UNCERTIFIED USE OF INFORMATION.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 103, is further amended—

(1) in subsection (a) by striking "A consumer reporting agency" and inserting "Subject to subsection (c), any consumer reporting agency"; and

(2) by adding after subsection (b) (as added by section 103(b)) the following new subsections:

"(c) FURNISHING REPORTS IN CONNECTION WITH CREDIT TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) in connection with any credit transaction which is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit;

"(ii) the consumer reporting agency has complied with subsection (d); and

"(iii) there is not in effect an election by the consumer, made in accordance with subsection (d), to have the consumer's name and address excluded from lists of names provided by the agency pursuant to this paragraph.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(5), a consumer reporting agency shall not furnish to any person a record of inquiries in connection with credit transactions which are not initiated by a consumer.

"(d) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have the consumer's name and address excluded from any list provided by a consumer reporting agency in connection with a credit transaction which is not initiated by the consumer, by notifying the agency in accordance with paragraph (2) that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit transaction which is not initiated by the consumer.

"(2) MANNER OF NOTIFICATION.—A consumer shall notify a consumer reporting agency under paragraph (1)—

"(A) through the notification system maintained by the agency under paragraph (5), or

"(B) by submitting to the agency a signed notice of election form issued by the agency for purposes of this subparagraph.

"(3) RESPONSE OF AGENCY AFTER NOTIFICATION THROUGH SYSTEM.—Upon receipt of notification of the election of a consumer under paragraph (1) through the notification system maintained by the agency under paragraph (5), a consumer reporting agency shall—

"(A) inform the consumer that the election is effective only for a 2-year period if the consumer does not submit to the agency a signed notice of election form issued by the agency for purposes of paragraph (2)(B); and

"(B) provide to the consumer such a form if requested by the consumer, by not later than 5 business days after receiving the notification through the system in the case of a request made at the time the consumer provides notification through the system.

"(4) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date the consumer notifies the agency in accordance with paragraph (2);

"(B) shall be effective with respect to a consumer reporting agency—

"(i) subject to subparagraph (C), for the 2-year period beginning on the date the consumer notifies the agency of the election, in the case of an election for which a consumer notifies the agency only in accordance with paragraph (2)(A); or

"(ii) until the consumer notifies the agency under subparagraph (C), in the case of an election for which a consumer notifies the agency in accordance with paragraph (2)(B);

"(C) shall not be effective after the date on which the consumer notifies the agency, through the notification system established by the agency under paragraph (5), that the election is no longer effective; and

"(D) shall be effective with respect to each affiliate of the agency.

"(5) NOTIFICATION SYSTEM, GENERALLY.—Each consumer reporting agency which furnishes a consumer report in connection with any credit transaction which is not initiated by a consumer, shall—

"(A) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency for such a transaction; and

"(B) publish by not later than 365 days after the date of the enactment of the Consumer Reporting Reform Act of 1994, and at least annually thereafter, in a publication of general circulation in the area served by the agency—

"(i) a notification that information in consumer files maintained by the agency may be used in connection with such transactions; and

"(ii) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under subparagraph (A).

Establishment and maintenance of a notification system (including a toll-free telephone number) and publication by a consumer reporting agency on its own behalf and on behalf of any of its affiliates in accordance with this paragraph is deemed to be compliance with this paragraph by each of those affiliates.

"(6) NOTIFICATION SYSTEM BY AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system for purposes of paragraph (5) jointly with other such consumer reporting agencies.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

"(e) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report through a general or specific certification.".

SEC. 105. CONSUMER CONSENT REQUIRED TO FURNISH CONSUMER REPORT CONTAINING MEDICAL INFORMATION.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by sections 103 and 104, is further amended by adding at the end the following:

"(f) FURNISHING REPORTS CONTAINING MEDICAL INFORMATION.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit transaction, a consumer report which contains medical information about a consumer, unless the consumer consents to the furnishing of the report.".

SEC. 106. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL LARGE-DOLLAR EXCEPTIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a) by striking "(a) Except as authorized under subsection (b), no" and inserting

"(a) INFORMATION EXCLUDED FROM CONSUMER REPORTS.—No"; and

(2) by striking subsection (b).

(b) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(b) RUNNING OF REPORTING PERIOD.—(1) The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a 3d party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.

"(2) Paragraph (1) applies only to items of information added to a consumer report on or after the date that is 455 days after the date of the enactment of the Consumer Reporting Reform Act of 1994.".

(c) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (b) (as added by subsection (b) of this section) the following new subsection:

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency which furnishes a consumer report which contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(d) INDICATION OF CLOSURE OF ACCOUNT; INDICATION OF DISPUTE BY CONSUMER.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding after subsection (c) (as added by subsection (c) of this section) the following new subsections:

"(d) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.

"(e) INDICATION OF DISPUTE BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 623(a)(3) that information regarding a consumer that was furnished to the agency is disputed by the consumer, the agency shall indicate that fact in each consumer report that includes the disputed information.".

(e) NOTATION ON CONSUMER REPORT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) CERTAIN ACCOUNT INFORMATION.—A consumer reporting agency, upon the written request of a consumer, and subject to the submission of appropriate documentation by the consumer, shall include with any information regarding a failure of the consumer to make any payment on an account of the consumer, a statement (in such form as the Federal Trade Commission shall prescribe) that during the period when the account in question became due, the consumer was receiving assistance pursuant to a declaration

of a disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or unemployment compensation under the laws of any State (or, but for the exhaustion of benefits, would be entitled to receive such compensation).".

(f) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**Obsolete information**" and inserting "**Requirements relating to information contained in consumer reports**".

(2) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 107. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken, or is contemplated, by the user based in whole or in part on the report.".

(b) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (c) (as added by subsection (a) of this section) the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—

"(1) NOTICE REQUIREMENT.—A consumer reporting agency shall provide to any person—

"(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this title.

"(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under paragraph (1).".

(c) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency which originally furnishes the report—

"(A) the identity of the end-user of the report (or information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the end-user of the report (or information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person which procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by requiring that each person to which the report (or information) is resold and which resells or provides the report (or information) to any other person—

"(i) identifies each end user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 108. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended to read as follows:

"(3)(A) Identification of each person (including each end-user identified under section 607(e)(1)) who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; or

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) DISCLOSURE OF PERMISSIBLE PURPOSES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following:

"(4) The permissible purpose under section 604, by category, for which each person identified under paragraph (3) procured a consumer report.".

(d) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding after paragraph (4) (as added by subsection (c) of this section) the following:

"(5) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit transaction which was not initiated by the consumer.".

(e) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, a toll-free telephone number established by the agency at which personnel are accessible to consumers during normal business hours.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

"(D) a statement that the consumer may have additional rights under State law and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general to learn of those rights; and

"(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(f) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) IN GENERAL.—

"(1) PROPER IDENTIFICATION.—A consumer reporting agency shall require, as a condition of making the disclosures required under section 609, that the consumer furnish proper identification.

"(2) DISCLOSURE IN WRITING.—Except as provided in subsection (b), the disclosures required to be made under section 609 shall be provided under that section in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—If authorized by a consumer, a consumer reporting agency may make the disclosures required under 609—

"(A) other than in writing; and

"(B) in such form as may be—

"(i) specified by the consumer in accordance with paragraph (2); and

"(ii) available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures

required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681h(a)) is amended in the matter preceding paragraph (1) by striking "and proper identification of any consumer" and inserting "and subject to section 610(a)(1)".

(B) Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**and form**" after "**Conditions**".

(C) The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 109. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATIONS OF DISPUTED INFORMATION.—

"(1) REINVESTIGATION REQUIRED.—

"(A) IN GENERAL.—If the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(B) EXTENSION OF PERIOD TO REINVESTIGATE.—Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended for up to, but for no more than, 15 additional days if the consumer reporting agency receives information from the consumer within that 30-day period that is relevant to the reinvestigation.

"(C) LIMITATIONS ON EXTENSION OF PERIOD TO REINVESTIGATE.—Subparagraph (B) shall not apply to any reinvestigation in which, in the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or the consumer reporting agency determines that the information cannot be verified.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—

"(A) IN GENERAL.—Before the end of the 5-business-day period beginning on the date a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall provide notification of the dispute to any person that provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include all relevant information regarding the dispute that the agency has received from the consumer.

"(B) PROVISION OF OTHER INFORMATION FROM CONSUMER.—The consumer reporting agency shall promptly provide to the person that provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

"(B) NOTICE OF DETERMINATION.—Upon making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within 5 business days of such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

"(i) the reasons for the determination under subparagraph (A); and

"(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1)(A) with respect to such disputed information.

"(5) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, after any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or incomplete or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file. The information deleted shall consist solely of the information that was disputed by the consumer and shall not include any portion of the same item that was not disputed.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file by the consumer reporting agency unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file, the consumer reporting agency shall notify the consumer of the reinsertion in writing within 5 business days after the reinsertion or, if authorized by the consumer for that purpose, by any other means available to the agency.

"(iii) ADDITIONAL INFORMATION.—As part of or in addition to the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing within 5 business days after the date of the reinsertion—

"(I) a statement that the disputed information has been reinserted;

"(II) the name, business address, and telephone number of any furnisher of information contacted, or of any furnisher of information which contacted the consumer reporting agency, in connection with the reinsertion of such information; and

"(III) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(1)).

"(D) FREE CONSUMER REPORT DURING 12-MONTH PERIOD AFTER DELETION OF INFORMATION.—Upon the request of a consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer at least once during the 12-month period after the consumer receives a notification under paragraph (6) or paragraph (8) of the deletion of information that is found to be inaccurate or cannot be verified.

"(E) AUTOMATED REINVESTIGATION SYSTEM.—

"(i) IN GENERAL.—Any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall implement an automated system through which furnishers of information to that consumer reporting agency may report the results of a reinvestigation that finds incomplete or inaccurate information in a consumer's file to other such consumer reporting agencies.

"(ii) NATIONWIDE CONSUMER REPORTING AGENCIES.—A consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall report the results of a reinvestigation initiated by a consumer under section 611 that finds in the consumer's file information that is incomplete or inaccurate or information that cannot be verified, to any other consumer reporting agency that compiles and maintains files on consumers on a nationwide basis and—

"(I) to which a consumer report on the consumer was provided within the preceding 2-year period for purposes of resale by that other agency; or

"(II) to which a consumer report on the consumer was provided within the preceding 7-year period for purposes of merging that report to that other agency's proprietary files.

"(iii) ACTION REQUIRED UPON RECEIPT OF REPORT.—If a consumer reporting agency receives a report under clause (ii), the agency shall—

"(I) change the data in its files in accordance with the report;

"(II) delete data from its proprietary files in accordance with the report; or

"(III) reinvestigate the disputed data that is the subject of the report in accordance with section 611, with the source of that data.

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall provide written notice to a consumer of the results of a reinvestigation under this subsection within 5 business days after the completion of the reinvestigation, by mail or, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a

consumer reporting agency shall provide to a consumer in writing within the 5-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a notice that the consumer has the right to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.

"(8) EXPEDITED DISPUTE RESOLUTION.—If a dispute regarding an item of information in a consumer's file at a consumer reporting agency is resolved in accordance with paragraph (5)(A) by the deletion of the disputed information by not later than 3 business days after the date on which the agency receives notice of the dispute from the consumer in accordance with paragraph (1)(A), then the agency shall not be required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the agency—

"(A) provides prompt notice of the deletion to the consumer by telephone;

"(B) includes in that notice, or in a written notice that accompanies a confirmation and consumer report provided in accordance with subparagraph (C), a statement of the consumer's right to request under subsection (d) that the agency furnish notifications under that subsection; and

"(C) provides written confirmation of the deletion and a copy of a consumer report on the consumer which is based on the consumer's file after the deletion, within 5 business days after making the deletion.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 110. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§ 612. Charges for certain disclosures

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—Except as provided in subsections (b), (c), (d), and (e), a consumer reporting agency may impose a reasonable charge on a consumer—

"(1) for making a disclosure to the consumer pursuant to section 609, which—

"(A) shall not exceed $8; and

"(B) shall be indicated to the consumer prior to making disclosure; and

"(2) for furnishing pursuant to section 611(d), following a reinvestigation under section 611(a), a statement, codification, or summary to a person designated by the consumer under that section after the 30-day period beginning on the date of notification of the consumer under section 611(a)(6) or (8) with respect to the reinvestigation, which—

"(A) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(B) shall be indicated to the consumer prior to furnishing such information.

"(b) FREE CONSUMER REPORT AFTER ADVERSE NOTICE TO CONSUMER.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer if, within 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609.

"(c) FREE CONSUMER REPORT UNDER CERTAIN OTHER CIRCUMSTANCES.—Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 609 without charge to that consumer if the consumer certifies in writing that the consumer—

"(1) is unemployed and intends to apply for employment in the 60-day period beginning on the date the certification is made;

"(2) is a recipient of public welfare assistance; or

"(3) has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

"(d) OTHER CHARGES PROHIBITED.—A consumer reporting agency shall not impose any charge on a consumer for providing any notification required by this Act or making any disclosure required by this Act, except as authorized by subsection (a).

"(e) ANNUAL CONSUMER REPORT UPON REQUEST AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once in any 12-month period, at the charge specified in paragraph (2).

"(2) CHARGE SPECIFIED.—The charge for disclosures under paragraph (1) shall be an amount that does not exceed the lesser of—

"(A) the total cost incurred by the consumer reporting agency in making the disclosures; or

"(B) $3.".

SEC. 111. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS AND DUTIES OF AFFILIATES SHARING CERTAIN INFORMATION.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer which is based in whole or in part on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer in writing—

"(A) the name, address, and telephone number of the consumer reporting agency (including a toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis) which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer the specific reasons why the adverse action was taken; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer from the consumer reporting agency referred to in paragraph (2), which notice shall include an indication of the 60-day period under that section for obtaining such a copy; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) DUTIES OF USERS WHO MAKE CERTAIN CREDIT SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report on any consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit shall provide with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit may not be extended if, after the consumer responds to the offer, the consumer does not meet the criteria used to select the consumer for the offer or any applicable criteria bearing on creditworthiness or does not furnish any required collateral;

"(D) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency from being used in connection with any credit transaction which is not initiated by the consumer; and

"(E) the consumer may exercise the right referred to in subparagraph (D) by notifying a notification system established under section 604(d).

"(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER.—A statement under paragraph (1) shall include the address and toll-free telephone number of the appropriate notification system established under section 604(d).

"(3) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit to a consumer under a credit transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, all criteria bearing on creditworthiness that are the basis for determining whether or not to extend credit pursuant to the offer, and any requirement for the furnishing of collateral as a condition of the extension of credit, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.

"(4) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the

consumer to whom the report relates, before the report is provided to the person using the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is—

"(i) consented to by the consumer in writing, or

"(ii) with respect to existing customers, the consumer has been afforded the opportunity to direct in writing that the report may not be provided to or used by persons who are affiliated in the manner described in subparagraph (A) and has not done so.

"(5) AUTHORITY OF FEDERAL AGENCIES REGARDING UNFAIR OR DECEPTIVE ACTS OR PRACTICES NOT AFFECTED.—This title is not intended to affect the authority of any Federal agency to enforce a prohibition against unfair or deceptive acts or practices, including the making of false or misleading statements in connection with credit transactions not initiated by the consumer.".

(c) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding after subsection (d), as added by subsection (b) of this section, the following new subsection:

"(e) DUTIES OF PERSON TAKING CERTAIN ACTIONS BASED ON INFORMATION PROVIDED BY AFFILIATE.—

"(1) DUTIES, GENERALLY.—If a person takes an action described in paragraph (2) with respect to a consumer based in whole or in part on information described in paragraph (3), the person shall—

"(A) notify the consumer in writing of the action, including a statement that the consumer may obtain the information in accordance with subparagraph (B) and may contact the toll-free telephone number required by subparagraph (C);

"(B) upon a written request from the consumer received within 60 days after transmittal of the notice required by subparagraph (A), disclose to the consumer in writing the nature of the information upon which the action is based by not later than 30 days after receipt of the request; and

"(C) make available a toll-free telephone number at which personnel are available to communicate with the consumer regarding the action during normal business hours.

"(2) ACTION DESCRIBED.—An action referred to in paragraph (1) is—

"(A) an adverse action described in section 603(k)(1)(A) taken in connection with a transaction initiated by the consumer, or any adverse action described in section 603(k)(1)(B) or (C);

"(B) a denial of any other transaction initiated by the consumer for personal, family, or household purposes; or

"(C) an increase in any charge for a transaction described in subparagraph (B).

"(3) INFORMATION DESCRIBED.—Information referred to in paragraph (1)—

"(A) except as provided in subparagraph (B), is information that—

"(i) is furnished to the person taking the action by a person related by common ownership or affiliated by common corporate control to the person taking the action; and

"(ii) bears on the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; and

"(B) does not include—

"(i) information solely as to transactions or experiences between the consumer and the person furnishing the information; or

"(ii) information in a consumer report.".

(d) CONFORMING AMENDMENT.—Section 615(c) of the Fair Credit Reporting Act (15 U.S.C. 1681m(c)) is amended by striking "subsections (a) and (b)" and inserting "this section".

SEC. 112. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE, GENERALLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(b) MINIMUM CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.—Section 616(1) of the Fair Credit Reporting Act (15 U.S.C. 1681n(1)) is amended to read as follows:

"(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of no less than $100 and no more than $1,000; or

"(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or $1,000, whichever is greater;".

(c) CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by striking "Any consumer reporting agency or user of information which" and inserting "(a) IN GENERAL.—Any person who".

(d) ATTORNEY'S FEES.—

(1) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

(2) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended by adding at the end the following:

"(b) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.".

SEC. 113. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 623 as section 624 and inserting after section 622 the following new section:

"§ 623. Responsibilities of furnishers of information to consumer reporting agencies

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) PROHIBITIONS.—A person shall not furnish any information to any consumer reporting agency if the person knows or should have known the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

"(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

"(3) DUTY TO PROVIDE NOTICE OF DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly and in the ordinary course of business furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the voluntary closure of the account by the consumer, in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—

"(1) IN GENERAL.—After receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(A) complete an investigation with respect to the disputed information;

"(B) review all relevant information provided by the consumer reporting agency pursuant to section 611(a)(2);

"(C) report the results of the investigation to the consumer reporting agency; and

"(D) if the investigation finds that the information is incomplete or inaccurate, report those results to all other consumer reporting agencies to which the person furnished the information and that compile and maintain files on consumers on a nationwide basis.

"(2) DEADLINE.—A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the end of the period under section 611(a)(1) within which the consumer reporting agency is required to complete actions required by that section regarding that information.

"(c) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with subsection (a), except as provided in section 621(c)(1)(B).

"(d) LIMITATION ON ENFORCEMENT.—Subsection (a) may be enforced exclusively under section 621 by the Federal agencies and officials and the State officials identified in that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 623 and inserting the following:

"*623. Responsibilities of furnishers of information to consumer reporting agencies.*

"*624. Relation to State laws.*".

SEC. 114. INVESTIGATIVE CONSUMER REPORTS.

Section 606 of the Fair Credit Reporting Act (15 U.S.C. 1681d) is amended—

(1) in subsection (a)(1) by striking "or" after the semicolon at the end and inserting "and";

(2) by striking subsection (a)(2) and inserting the following:

"(2) the person certifies or has certified to the consumer reporting agency that—

"(A) the person has made the disclosures to the consumer required by paragraph (1); and

"(B) the person will comply with subsection (b).";

(3) in subsection (b) by striking "shall" the second place it appears; and

(4) by adding at the end the following:

"(d) PROHIBITIONS.—

"(1) CERTIFICATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report unless the agency has received a certification under subsection (a)(2) from the person who requested the report.

"(2) INQUIRIES.—A consumer reporting agency shall not make an inquiry for the purpose of preparing an investigative consumer report on a consumer for employment purposes if the making of the inquiry by an employer or prospective employer of the consumer would violate any applicable Federal or State equal employment opportunity law or regulation.

"(3) CERTAIN PUBLIC RECORD INFORMATION.—Except as otherwise provided in section 613, a consumer reporting agency shall not furnish an investigative consumer report which includes information which is a matter of public record and which relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information within the 30-day period ending on the date the report is furnished.

"(4) CERTAIN ADVERSE INFORMATION.—A consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of such item of information, unless—

"(A) the agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information; or

"(B) the person interviewed is the best possible source of the information.".

SEC. 115. INCREASED CRIMINAL PENALTIES FOR OBTAINING INFORMATION UNDER FALSE PRETENSES.

(a) OBTAINING INFORMATION UNDER FALSE PRETENSES.—Section 619 of the Fair Credit Reporting Act (15 U.S.C. 1681q) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

(b) UNAUTHORIZED DISCLOSURES BY OFFICERS OR EMPLOYEES.—Section 620 of the Fair Credit Reporting Act (15 U.S.C. 1681r) is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "fined under title 18, United States Code, imprisoned for not more than 2 years, or both".

SEC. 116. ADMINISTRATIVE ENFORCEMENT.

(a) AVAILABLE ENFORCEMENT POWERS.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a))—

(1) is amended in the second sentence by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective";

(2) as amended by paragraph (1), is further amended by inserting before the 3rd period the following: ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule"; and

(3) as amended by paragraph (1), is further amended by adding after the 3rd period the following: "Notwithstanding the preceding sentence, a court may not impose any civil penalty on a person for a violation of section 623(a)(1) unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.".

(b) AGENCIES RESPONSIBLE FOR ENFORCEMENT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (a), by inserting "ENFORCEMENT BY FEDERAL TRADE COMMISSION.—" before "Compliance with the requirements"; and

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting the following:

"(b) ENFORCEMENT BY OTHER AGENCIES.—Compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information who are subject to section 615(e) shall be enforced under—".

SEC. 117. STATE ENFORCEMENT OF FAIR CREDIT REPORTING ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

"(B) subject to paragraph (5), may bring an action on behalf of its residents to recover—

"(i) damages for which the person is liable to such residents under sections 616 and 617 as a result of the violation;

"(ii) in the case of a violation of section 623(a), damages for which the person would, but for section 623(c), be liable to such residents as a result of the violation; or

"(iii) damages of not more than $1,000 for each willful or negligent violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF FEDERAL REGULATORS.—The State shall serve prior written notice of any such action upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, (C) to remove the action to the appropriate United States district court, and (D) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—Whenever the Federal Trade Commission or the appropriate Federal regulator has instituted a civil action or an administrative action under section 8 of the Federal Deposit Insurance Act for a violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission or the appropriate Federal regulator for any violation of this title that is alleged in that complaint.

"(5) LIMITATIONS ON STATE ACTIONS FOR VIOLATION OF SECTION 621(a)(1).—

"(A) VIOLATION OF INJUNCTION REQUIRED.—A State may not bring an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), unless—

"(i) the person has been enjoined from committing the violation, in an action brought by the State under paragraph (1)(A); and

"(ii) the person has violated the injunction.

"(B) LIMITATION ON DAMAGES RECOVERABLE.—In an action against a person under paragraph (1)(B) for a violation of section 623(a)(1), a State may not recover any damages incurred before the date of the violation of an injunction on which the action is based.".

SEC. 118. FEDERAL RESERVE BOARD AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (d) (as redesignated by section 117) the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System

may issue interpretations of any provision of this title as it may apply to any persons identified under paragraph (1), (2), and (3) of subsection (b), or to the holding companies and affiliates of such persons, in consultation with Federal agencies identified in paragraphs (1), (2), and (3) of subsection (b).".

SEC. 119. PREEMPTION OF STATE LAW.

Section 624 of the Fair Credit Reporting Act, as redesignated by section 113(a) of this Act, is further amended—

(1) by striking "This title" and inserting "(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title"; and

(2) by adding at the end the following:

"(b) GENERAL EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State—

"(1) with respect to any subject matter regulated under—

"(A) subsection (c) or (d) of section 604, relating to the prescreening of consumer reports;

"(B) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(C) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(D) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit;

"(E) section 605, relating to obsolete information, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; or

"(F) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency, except that this subparagraph does not apply to any State law in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994;

"(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control, except that this paragraph does not apply to section 2480e (a) and (c)(1) of title 9, Vermont Statutes Annotated (as in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994); or

"(3) with respect to the form and content of any disclosure required to be made under section 609(c).

"(c) DEFINITION OF FIRM OFFER OF CREDIT.—Notwithstanding any definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(d) LIMITATIONS.—Subsections (b) and (c)—

"(1) do not affect any settlement, agreement, or consent judgment between any State Attorney General and any consumer reporting agency in effect on the date of the enactment of the Consumer Reporting Reform Act of 1994; and

"(2) do not apply to any provision of State law (including any provision of a State constitution) that—

"(A) is enacted after January 1, 2003;

"(B) states explicitly that the provision is intended to supplement this Act; and

"(C) gives greater protection to consumers than is provided under this Act.".

SEC. 120. ACTION BY FTC AND FEDERAL RESERVE BOARD.

(a) MODIFICATION OF REQUIREMENTS BY FTC AND FEDERAL RESERVE BOARD AUTHORIZED.—

(1) IN GENERAL.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), is further amended by adding after subsection (e) (as added by section 118 of this Act) the following new subsection:

"(f) MODIFICATION OF REQUIREMENTS BY FTC AUTHORIZED.—

"(1) IN GENERAL.—If the Federal Trade Commission considers such action necessary for the protection of consumers, the Commission may, after consultation with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose, with respect to consumer reporting agencies and all other persons subject to this title other than any person described in paragraph (1), (2), or (3) of subsection (b), requirements—

"(A) that are more stringent than those imposed under—

"(i) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report;

"(iii) section 615(d), relating to the duties of persons who use a consumer report on a consumer in connection with any credit transaction which is not initiated by the consumer and that consists of a firm offer of credit; or

"(iv) section 623(b)(2), relating to the time by which a person must take any action required under section 623(b)(1) with respect to an investigation of information furnished by the person to a consumer reporting agency; and

"(B) with respect to the form and content of any disclosure required to be made under section 609(c).

"(2) FEDERAL RESERVE BOARD AUTHORITY.—If the Board of Governors of the Federal Reserve System determines such action to be necessary for the protection of consumers, the Board may prescribe regulations imposing on persons described in paragraph (1), (2), or (3) of subsection (b), or to the holding companies and affiliates of such persons, any requirement described in paragraph (1) of this subsection.".

(2) CLERICAL AMENDMENTS.—

(A) The heading for section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended to read as follows:

"§ 621. Administrative enforcement and authorities; State actions".

(B) The table of contents at the beginning of the Fair Credit Reporting Act is amended by striking the item relating to section 621 and inserting the following new item:

"621. Administrative enforcement and authorities; State actions.".

(b) DEADLINE TO PRESCRIBE MATTERS.—The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by that Commission, before the end of the 300-day period beginning on the date of the enactment of this Act.

SEC. 121. AMENDMENT TO FAIR DEBT COLLECTION PRACTICES ACT.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e), relating to certain practices constituting prohibited representations, is amended to read as follows:

"(11) The failure to disclose clearly, in any written communication made to collect a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, except that this paragraph does not apply to a communication—

"(A) to acquire location information in accordance with section 804;

"(B) made solely to acknowledge receipt of monies or payments; or

"(C) that consists solely of information requested by the consumer or the consumer's attorney.".

SEC. 122. FURNISHING CONSUMER REPORTS FOR CERTAIN PURPOSES RELATING TO CHILD SUPPORT.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended in subsection (a) (as designated by section 103(a)(1) of this Act) by adding at the end the following:

"(4) In response to a request by the head of a department, agency, or office of any State or any political subdivision of any State that is responsible under law for enforcing child support orders (or an official authorized by the head of any such department, agency, or office), if the person making the request certifies to the consumer reporting agency that—

"(A) the consumer report is needed to establish an individual's capacity to make child support payments, or to determine the appropriate level of such payments;

"(B) the person has provided at least 10 days prior written notice to the consumer whose report is requested, by certified or registered mail to the last known address of the consumer, that the report will be requested; and

"(C) the consumer report obtained pursuant to this paragraph will be kept confidential, will be used solely for establishing child support payment obligations, and will not be used in connection with any other civil, administrative, or criminal proceeding or for any other purpose.".

SEC. 123. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 624, as redesignated by section 113(a) of this Act, the following new section:

"§ 625. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make

such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.), as amended by section 114(b) of this Act, is further amended by adding after the item relating to section 624 the following:

"625. Disclosures to FBI for counterintelligence purposes.".

(c) REPEAL OF PROVISIONS.—The following provisions of the Fair Credit Reporting Act, as amended by this section, are repealed:

(1) Section 625.

(2) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 625.

SEC. 124. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments and repeals made by this title shall take effect 365 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The amendment made by section 121 shall take effect 90 days after the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) of section 123 shall take effect on the date of the enactment of this Act.

(3) Subsection (c) of section 123 shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 125. RELATIONSHIP TO OTHER LAW.

Nothing in this title or the amendments made by this Act shall be considered to supersede or otherwise affect section 2721 of title 18, United States Code, with respect to motor vehicle records for surveys, marketing, or solicitations.

SEC. 126. SENSE OF SENATE.

It is the sense of the Senate that—

(1) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(2) the Federal Trade Commission after consultation with the appropriate Federal banking agencies shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial

institutions in deciding whether an applicant should be granted credit.

SEC. 127. TECHNICAL CORRECTION TO DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT.

Section 209(c)(1)(C) of the Depository Institution Management Interlocks Act (12 U.S.C. 3207(c)(1)(C), as added by section 338(b) of the Riegle Community Development and Regulatory Improvement Act of 1994) is amended by inserting "or institutions" after "newly chartered institutions".

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"*Sec.*
"*401. Short title.*
"*402. Findings and purposes.*
"*403. Definitions.*
"*404. Prohibited practices.*
"*405. Disclosures.*
"*406. Credit repair organizations contracts.*
"*407. Right to cancel contract.*
"*408. Noncompliance with this title.*
"*409. Civil liability.*
"*410. Administrative enforcement.*
"*411. Statute of limitations.*
"*412. Relation to State law.*
"*413. Effective date.*

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are as follows:

"(1) To ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services.

"(2) To protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title—

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating; or

"(ii) providing advice or assistance to any consumer with regard to any activity or service described in clause (i); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(ii) any attorney-at-law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered which are within the scope of regulations applicable to members of such bar or such licensees; or

"(iii) any creditor (as defined in section 103 of the Truth in Lending Act), with respect to any consumer, to the extent the creditor is assisting the consumer to restructure any debt owed by the consumer to the creditor.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES.

"(a) IN GENERAL.—No person may—

"(1) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(2) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(4) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"(b) PAYMENT IN ADVANCE.—No credit repair organization may charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Any credit repair organization shall provide any consumer with the following written statement before any contract or agreement between the consumer and the credit repair organization is executed:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. You are entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment in the next 60 days, if you are a recipient of public welfare assistance, or if you have reason to believe that there is inaccurate information in your credit report due to fraud.

"'You have a right to sue a credit repair organization that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair organizations.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that the information they report is accurate. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate or incomplete information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If the credit bureau's reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include a summary of your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

The Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is signed by the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—No services may be provided by any credit repair organization for any consumer—

"(1) unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer; or

"(2) before the end of the 3-business-day period beginning on the date the contract is signed.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees of performance; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the 3rd business day which begins after the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day which begins after the date the contract is signed by you.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [name of credit repair organization] at [address of credit repair organization] before midnight on [date]

"'I hereby cancel this transaction,

[date]

[purchaser's signature].'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any person to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any person who fails to comply with any provision of this title with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ACTION FOR VIOLATIONS.—

"(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this title, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 409 as a result of the violation; and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(2) RIGHTS OF COMMISSION.—

"(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

"(B) INTERVENTION.—The Commission shall have the right—

"(i) to intervene in any action referred to in subparagraph (A);

"(ii) upon so intervening, to be heard on all matters arising in the action; and

"(iii) to file petitions for appeal.

"(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for violation of this title, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this title that is alleged in that complaint.

"SEC. 411. STATUTE OF LIMITATIONS.

"Any action to enforce any liability under this title may be brought before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this title,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 412. RELATION TO STATE LAW.

"This title shall not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with any law of any State except to the extent that such law is inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"SEC. 413. EFFECTIVE DATE.

"This title shall apply after the end of the 6-month period beginning on the date of the enactment of the Credit Repair Organizations Act, except with respect to contracts entered into by a credit repair organization before the end of such period.".

TITLE III—TRUTH IN LENDING ACT

SEC. 301. TREATMENT OF DELIVERY FEES AND INTANGIBLES TAXES.

(a) IN GENERAL.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following new paragraph:

"(6) Taxes levied on security instruments or on documents evidencing indebtedness if such taxes must be paid as a precondition to recording the instrument securing the evidence of indebtedness.".

(b) EXCLUDED FEES.—Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605(e)) is amended by inserting ", if bona fide and reasonable" before the colon.

(c) FEES FOR DELIVERY CHARGES.—Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605(e)) is amended by adding at the end the following new paragraph:

"(7) Fees for delivery charges imposed by third parties (including settlement agents, attorneys, and escrow and title companies) if the creditor does not retain the charges and the fees do not exceed $20 per delivery, or $50 per consumer transaction.".

(d) APPLICABILITY.—The amendments made by this section shall apply to all consumer credit transactions consummated on or after February 1, 1995.

SEC. 302. LIMITATIONS ON LIABILITY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 139. CERTAIN LIMITATIONS ON LIABILITY.

"(a) IN GENERAL.—For transactions consummated prior to February 1, 1995, a creditor or assignee shall have no civil or criminal liability under this title, nor shall a consumer have extended rescission rights under section 125, due to a creditor's improper disclosure of—

"(1) delivery charges actually and reasonably imposed by the creditor, or any delivery charges imposed by third parties (including settlement agents, attorneys, and escrow and title companies), if the creditor does not retain the charges; or

"(2) taxes levied on security instruments or documents evidencing indebtedness.

"(b) APPLICABILITY.—Subsection (a) does not apply to—

"(1) any individual action or counterclaim brought under this title filed prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes;

"(2) any class action brought under this title in which a class was certified prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes;

"(3) the named individual plaintiffs in any class action filed under this title prior to October 1, 1994, that alleged (prior to such date) improper disclosure of delivery charges or taxes; or

"(4) any consumer credit transaction in which a notice of rescission was sent to the creditor prior to October 1, 1994.".

(b) AMENDMENT TO THE TABLE OF SECTIONS.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 138 the following:

"139. Certain limitations on liability.".

TITLE IV—DISASTER RELIEF

SEC. 401. DEPOSITORY INSTITUTIONS DISASTER RELIEF.

(a) TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.—

(1) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(2) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in paragraph (1) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(3) TIME LIMIT ON EXCEPTIONS.—Any exception made under this subsection shall expire not later than July 1, 1995.

(4) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(A) describes any exception made under this subsection; and

(B) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) DEPOSIT OF INSURANCE PROCEEDS.—

(1) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(A) the institution—

(i) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, on the day before the date of any such determination;

(ii) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(iii) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(iv) has an acceptable plan for managing the increase in its total assets and total deposits; and

(B) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(2) TIME LIMIT ON EXCEPTIONS.—Any exception made under this subsection shall expire not later than July 1, 1995.

(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(B) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(C) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(D) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in paragraph (1)(A)(i), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

(c) BANKING AGENCY PUBLICATION REQUIREMENTS.—

(1) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after July 1, 1994, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto, if the agency determines that the action would facilitate recovery from the major disaster:

(A) PROCEDURE.—Exercising the agency's authority under provisions of law other than this subsection without complying with—

(i) any requirement of section 553 of title 5, United States Code; or

(ii) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(B) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(i) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(ii) any similar publication requirement.

(2) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(A) describes any action taken under this subsection; and

(B) explains the need for the action.

(3) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this subsection, the term "qualifying regulatory agency" means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Comptroller of the Currency;

(C) the Director of the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Financial Institutions Examination Council;

(F) the National Credit Union Administration; and

(G) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(4) EXPIRATION.—Any exception made under this subsection shall expire not later than July 1, 1995.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1994 flooding in Georgia, Alabama, and Florida resulting from Tropical Storm Alberto.

(e) OTHER AUTHORITY NOT AFFECTED.—No provision of this section shall be construed as limiting the authority of any department or agency under any other provision of law.

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

FBI COUNTERINTELLIGENCE ACT OF 1994

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5143) to amend the Fair Credit Reporting Act to provide for disclosures by consumer reporting agencies to the Federal Bureau of Investigation for counterintelligence purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise in support of H.R. 5143, which this Member introduced. This Member would like to thank the distinguished gentleman from Texas [Mr. GONZALEZ], the chairman of the House Banking Committee, and the distinguished gentleman from Iowa [Mr. LEACH], the ranking member of the House Banking Committee, for bringing this measure to the House floor. This Member also extends his appreciation to the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Banking Subcommittee on Consumer Credit and Insurance, and the gentleman from California [Mr. MCCANDLESS], the ranking member of this subcommittee, for their support for this legislation. Appreciation is further extended to the distinguished gentleman from Kansas [Mr. GLICKMAN], the chairman of the House Select Committee on Intelligence, and the gentleman from Texas [Mr. COMBEST], the ranking member of the House Select Committee on Intelligence, for their assistance and cooperation in the negotiations regarding this measure.

Last week the House passed S. 783, the consumer reporting reform, by voice vote under suspension of the rules. A provision in the House-passed version of S. 783 authorizes the FBI to obtain credit reports for counterintelligence purposes. This Member appreciates the timely consideration of this measure on the House floor, as there is a possibility that the Senate will not take up the House-version of S. 783 prior to adjournment. Furthermore there is a need for the FBI to have this authority as this legislation will enable the FBI to conduct counterintelligence investigations in a more efficient manner while retaining important individual privacy interests.

H.R. 5143 permits the FBI to obtain limited information concerning a consumer if its Director determines that there are specific and articulable facts that show that such information is necessary for an authorized counterintelligence investigation. This limited information includes the names and addresses of all financial institutions at which a consumer maintains or has maintained an account, and identifying information respecting a consumer—limited to name, address, former addresses, places of employment, or former places of employment. In addition, the bill specifies that the FBI may obtain a consumer report on a consumer if the Director of the FBI obtains a court order that certifies that there are specific and articulable facts that show that such information is necessary for an authorized counterintelligence investigation.

Mr. Speaker, this Member would again like to thank Chairman GONZALEZ, Ranking Member LEACH, Chairman GLICKMAN, and Ranking Member COMBEST for their support and for the assistance their staffs gave me in preparing this legislation. This Member urges his colleagues to support this measure. It is clear from the Aldrich Ames espionage case that this legislation is needed.

The Clerk read the bill as follows:

H.R. 5143

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "FBI Counterintelligence Act of 1994".

SEC. 2. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

"§ 624. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent

of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to the Department of Justice as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following:

"624. Disclosures to FBI for counterintelligence purposes.".

(c) REPEAL OF PROVISIONS.—

(1) REPEAL.—The following provisions of the Fair Credit Reporting Act, as added by this section, are repealed:

(A) Section 624.

(B) In the table of contents at the beginning of the Fair Credit Reporting Act, the item relating to section 624.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 3. LIMITATION ON APPLICATION OF SECTION 2 AND REPEAL OF ANY AMENDMENTS MADE.

Section 2 shall not have any legal effect after the date of the enactment of the Consumer Reporting Reform Act of 1994. Any provisions of the Fair Credit Reporting Act that were added to that Act by the amendments made by section 2 of this Act are repealed effective on the date of the enactment of the Consumer Reporting Reform Act of 1994.

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

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 21, CALIFORNIA DESERT PROTECTION ACT

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 103-839) on the resolution (H. Res. 568) waiving points of order against the conference report to accompany the bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, which was referred to the House Calendar and ordered to be printed.

OCEAN POLLUTION REDUCTION ACT

Mr. FILNER. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 5176) to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. HORN. Mr. Speaker, reserving the right to object, I will not object, and I yield to the gentleman from California [Mr. FILNER] for an explanation of the bill.

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

Mr. Speaker, this legislation would simply allow the city of San Diego to make an application under section 301(h) of the Clean Water Act section. The application would require the city to maintain current treatment levels, so that we ensure adequate protection of the marine environment. In addition, by continuing the city's commitment toward water reclamation, it would actually decrease the amount of solids dumped into the ocean.

This is legislation that is strongly supported by the city of San Diego and our local environmental organizations. It is cost-effective environmental protection based on good science. A Federal judge was almost begged for such legislative action.

This legislation would not be here today without a true bipartisan effort: chairman of the House Committee on Public Works and Transportation, NORM MINETA; chairman of the Committee on Merchant Marine and Fisheries, GERRY STUDDS; ranking minority member of the Committee on Merchant Marine and Fisheries, JACK FIELDS, and ranking minority member of the Public Works and Transportation Committee, BUD SHUSTER; as well as chairman of the Subcommittee on Water Resources and Environment, DOUG APPLEGATE, and ranking minority member of the Subcommittee on Water Resources, SHERWOOD BOEHLERT.

I thank these colleagues for being knowledgeable and concerned about the situation in San Diego.

I would also like to thank my two San Diego colleagues, Ms. SCHENK and Mr. CUNNINGHAM for their support. Ms. SCHENK has been extremely instrumental in the development of this bill, and I would like to thank her for all of her hard work, her leadership, and her dedication in helping to bring this legislation before us today.

Finally, I would also like to thank the committee staff, both minority and majority, for all of their hard work on this bill.

Mr. HORN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from California [Ms. SCHENK] for her comments.

Ms. SCHENK. Mr. Speaker, I thank the gentleman for yielding.

First I want to commend my colleague from San Diego, BOB FILNER, for his diligent work on behalf of San Diego's wastewater treatment problems. It has been an honor to work with him as a team. It is a pleasure when we can, as we do tonight, take a giant step toward resolving these problems.

In addition, I want to express my appreciation to chairman STUDDS of the Merchant Marine and Fisheries Committee, my committee, and our committee's ranking member JACK FIELDS for their advice and assistance on this bill. I want to also express my deepest gratitude to Chairman MINETA and Mr. SHUSTER for their help and unfailing support.

I also want to recognize the help we have received from the staffs of our two committees, who have toiled with us to achieve legislation on which we can all agree.

San Diego is faced with a serious dilemma because of the secondary treatment standards in the Clean Water Act: If the city is forced to meet the secondary standards under present law, they will have to implement a wastewater treatment plan that will result in less desirable environmental impacts and will cost rate payers $1 billion more than if we implement an alternative plan which incorporates a combination of advanced primary treatment and wastewater reclamation and reuse.

At my request, the Environment and Natural Resources Subcommittee held a hearing on the issue in San Diego last July. We heard testimony that San Diego's solution will not weaken the Clean Water Act's standards and is in conformance with the findings of the National Research Council's 1993 study on "Managing Wastewater in Coastal Urban Areas."

The purpose of the legislation before us this evening is merely to give San Diego an opportunity to apply for a waiver under section 301(h) of the Clean Water Act. That waiver, if granted, would allow the city to implement an environmentally progressive wastewater treatment program and save our taxpayers billions of dollars! This is an important step in the right direction, and I want to thank again all those who have helped make it possible.

Mr. HORN. Mr. Speaker, under my reservation of objection I want to say that this does assure environmental protection. It is simply providing for the possibility of an exemption. This legislation allows the EPA to grant that exemption. They have to apply to EPA, and that requires the commitment to a wastewater program, and it requires meeting certain minimum levels of treatment.

This has been cleared with the Republican leadership on the Committee on Public Works and Transportation, and I hope we will approve it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of this bill that will amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

The intent of this legislation is to allow San Diego to treat its sewage in a cost-effective, as well as environmentally safe, manner.

Current law requires every city, no matter its environmental conditions, to handle sewage at the secondary level. However, study after study has concluded that sewage treated at advanced primary levels and released into ocean depths greater than 300 feet does not harm the environment. With this in mind, it seems senseless to appropriate billions of dollars to upgrade a system to secondary treatment when our ocean waters are protected at the primary levels.

I am encouraged that this bill would allow the city of San Diego to apply for a modification of the requirements regarding biological oxygen demand and total suspended solids in the effluent discharged into marine waters. This bill will ensure that such modifications will not alter the balance of our marine life and viability.

As a member of the Merchant Marine and Fisheries Committee, I have immense concerns for the proper treatment of our waters. San Diego is unique in its ability to discharge of its waste into deep waters. We are unlike so many cities that must discharge into lakes and rivers.

Mr. Speaker, I believe this is a matter of common sense. Under current law, San Diego would be required to waste money to alter a system that has proven successful.

The Clerk read the bill, as follows:

H.R. 5176

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Pollution Reduction Act".

SEC. 2. SAN DIEGO OCEAN DISCHARGE AND WASTE WATER RECLAMATION.

Section 301(j) of the Federal Water Pollution Control Act (33 U.S.C. 1311(j)) is amended—

(1) in paragraph (1)(A) by inserting before the semicolon at the end the following: ", and except as provided in paragraph (5)"; and

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

"(5) EXTENSION OF APPLICATION DEADLINE.—

"(A) IN GENERAL.—In the 180-day period beginning on the date of the enactment of this paragraph, the city of San Diego, California, may apply for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) with respect to biological oxygen demand and total suspended solids in the effluent discharged into marine waters.

"(B) APPLICATION.—An application under this paragraph shall include a commitment by the applicant to implement a waste water reclamation program that, at a minimum, will—

"(i) achieve a system capacity of 45,000,000 gallons of reclaimed waste water per day by January 1, 2010;

"(ii) result in a reduction in the quantity of suspended solids discharged by the applicant into the marine environment during the period of the modification.

"(C) ADDITIONAL CONDITIONS.—The Administrator may not grant a modification pursuant to an application submitted under this paragraph unless the Administrator determines that such modification will result in removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of total suspended solids (on a monthly average) in the discharge to which the application applies.

"(D) PRELIMINARY DECISION DEADLINE.—The Administrator shall announce a preliminary decision on an application submitted under this paragraph not later than 1 year after the date the application is submitted.".

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4129

Mr. BAESLER. Mr. Speaker, I ask unanimous consent to remove my name from the list of cosponsors on the bill, H.R. 4129.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 455, PAYMENTS IN LIEU OF TAXES ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against

consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1910

The SPEAKER pro tempore (Mr. VISCLOSKY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 565 provides for the consideration of S. 455, the Payment in Lieu of Taxes Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Natural Resources Committee.

All points of order are waived against consideration of the bill. The bill is considered as read.

The rule makes in order only those amendments printed in the report to accompany the rule, to be considered in the order and manner specified in the report. Each amendment is debatable for 20 minutes.

The amendments are considered as read, are not subject to amendment, and are not subject to a demand for a division of the question. All points of order are waived against the amendments in the report.

Finally, the rule provides one motion to recommit with or without instructions.

The Payment in Lieu of Taxes Program was originally established in 1976 to compensate local governments for property tax revenues which are foregone due to the tax exempt status of land owned by the Federal Government.

The Bureau of Land Management administrators the program and is responsible for setting the payment formula which is based on acreage, population and any other Federal payments received due to federally owned land.

For the past 15 years the Payment in Lieu of Taxes Program has been funded at the same level. S. 455 would gradually increase the program's authorization over the next 5 years. After the fifth year, the program would be adjusted annually for inflation.

Mr. Speaker, I urge my colleagues to adopt the resolution so the House can debate the merits of this legislation.

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

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

Mr. Speaker, I thank my colleague from Tennessee [Mr. GORDON] for yielding and I ask unanimous consent to revise and extend my remarks and to insert extraneous materials into the record following my statement.

Mr. Speaker, I strongly support enactment of this bill to increase the Federal payment in lieu of taxes. The Federal Government owns over 760 million acres of land in the United States—land which would otherwise generate property taxes for local government use. In my home State of Tennessee, approximately 1.16 million acres are owned by the Forest Service, the Park Service and the Corps of Engineers. Over 40 percent of this land, almost 471,600 acres, is located in my district in east Tennessee, which I am proud to say is the home of the Great Smoky Mountains National Park, the Cherokee National Forest and other forest lands.

Currently the Federal Government pays only 75 cents per acre owned to the local governments—this amount has not been raised since the program began in 1976, and the Federal Government should pay a fair price for this loss in revenue. I have been a supporter of legislation to increase the payment in lieu of taxes for several years, and I am glad to see this measure finally considered by the House.

However, I must oppose this restrictive rule and I urge my colleagues to vote against it. There is no justifiable reason that we should not have an open rule for the consideration of this bill.

I can accept the blanket waiver. I could accept a reprinting requirement or a time limitation. Only one amendment was offered during markup by the National Resources Committee. That amendment is made in order under this rule, along with one other amendment.

Under an open rule, we might see another two or three amendments offered—I may or may not support any particular amendment, but I support each Member's right to offer amendments and I think we have sufficient time to deal with this bill under an open rule on the House floor.

Again, I urge my colleagues to vote against this rule and send a message to the Rules Committee that we deserve the opportunity to participate in a fair and open legislative process in the House of Representatives.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	102	31	30	71	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2. 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4, R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8. 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A.	
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A.	
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A.	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield 2 minute to the gentleman from Florida [Mr. GOSS], a valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, as a former mayor and county commissioner who has struggled with making ends meet at the local level, and as a cosponsor of the House version of S. 455, I am pleased that this bill is coming to the floor today. I do wish that the chairman of the Natural Resources Committee had acted sooner on this legislation, so that we could have this debate under a genuine open rule. However, with perhaps fewer than 3 days remaining in the 103d Congress, we need to move quickly on this important bill. Senate 455 seeks to address a federally imposed catch-22: On the one hand a local government is required to meet

environmental, educational, and other Federal standards; on the other, it loses the revenue needed to meet these requirements if the Federal Government owns land within its jurisdiction because the Federal Government does not pay property taxes. For example, I represent three counties in southwest Florida—all have Federal lands within their borders. The 728,866 acres of Big Cypress National Preserve alone are almost entirely contained within Collier County—the county cannot collect property taxes on any of this land. While the original 1976 legislation offset these losses to a small degree, the funding authorization has never been adjusted—meaning that fewer and fewer real dollars are available every year for this program. Today, PILT payments are worth less than half of their original amount. S. 455 would immediately adjust the authorized levels for PILT payments and provide that these levels are automatically adjusted in the future.

Mr. Speaker, while I do not like this rule, I urge my colleagues to support the bill, because, under the circumstances, we have run out of time, and I do not think it is the fault of the sponsors of this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise in strong support of the rule and the passage of S. 455, the bill to increase Payments in Lieu of Taxes to Local Governments.

Mr. Speaker, if we are going to ask rural America to provide wildlife habitat, natural resource protection, and recreational opportunities, we have to protect these rural communities and their local economies. Basic fairness dictates that we make sure that these rural communities receive fair and just compensation for their loss of tax revenue.

The Payments in Lieu of Taxes Act of 1976 was put in place to compensate local government for the taxable revenues they forego by having tax-exempt Federal lands within their boundaries. Unfortunately, PILT has not been adjusted for inflation, leaving the program with spending power that is less than half of what it was in 1976.

This bill revises the per-acre formulas and population caps used to calculate payments in lieu of taxes to compensate these local communities for the loss value due to inflation and other factors since 1976. There is no question that the PILT program is a successful program, but it is time to bring the programs' budget into the 1990's.

Those of us who keep in close contact with our local elected officials know that the demands on local government have increased enormously over the last 18 years. In my county of Colusa, where many State and Federal wildlife refuges are located, this situation has become a terrible fiscal burden. PILT funds are used for critical services like road repairs and maintenance, emergency services, law enforcement, fire protection, health, education, and social services. In short, PILT payments are vital to the continued health of rural communities across the Nation.

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The Federal Government owns millions of acres of land in California. PILT payments are a critical tool for making up for the foregone revenues resulting from the Federal tax-exempt status of Federal lands.

With our current State budget crisis, it is absolutely essential we not short the counties any more than they have been shorted by those at the State level.

Time is short in this session for passage of this measure. That is why we are being asked to approve the Senate measure. I am proud to be a cosponsor of H.R. 1181 by my friend Mr. PAT WILLIAMS of Montana, the House version of the PILT reform legislation, but I realize the urgency of the situation and the need to provide some immediate relief for rural America. This bill passed the other body by a vote of 78 to 20 and enjoys broad, bipartisan support in both Houses.

So I ask my colleagues to put aside their concerns and differences and support the basic essence of what was in the Williams bill, support the Senate bill so that we can take action before we leave on Friday. It is absolutely essential to the small rural counties and communities of our country.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of S. 455 and of the rule and encourage all Members of the House to support this vital piece of legislation. It seems to me what we are talking here is fairness and equity. We are talking about States that have anywhere from 50 to 75 percent of their State surface owned by the Federal Government. These are payments in lieu of taxes that offset some of the losses that communities and counties have as a result of that kind of ownership.

This is an update. The bill has been in effect since 1976. Great increases in cost have occurred to the counties. This is something to make that more fair and equitable.

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

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a companion bill from the Senate of legislation which I have introduced and had a good many of my colleagues cosponsor.

I first introduced this two Congresses ago, that is to say this is the third Congress that the House has had the bill before it.

I urge my colleagues to support this modified open rule so that we can get on with the consideration, with full consideration of the bill, payments in lieu of taxes, or PILT.

Mr. Speaker, PILT was first enacted in 1976, and county commissioners in this country have had not 1 penny of inflationary increase in those Federal dollars since the bill was first passed.

Consequently, the program's value has been cut in half during those years because inflation has gone on but PILT payments have not kept up with it, not only not kept up with it, they have not increased a penny because of inflation.

The other body passed the bill, as the gentleman from California [Mr. FAZIO] just noted, it passed the other body; that is, this bill passed the other body last April or this April by a vote of 78 to 20. It passed the Senate committee by a vote of 18 to 2.

This bill passed our committee, the Committee on Natural Resources, I guess now about a week ago, by a bipartisan vote of 31 to 10.

So this bill would provide your counties—if you come from any State in this Union, with the exception of Rhode Island—your counties get money under PILT. This bill would phase in an inflationary increase for your counties and your State during 5 years beginning next year end ending in 2001.

Of course, like all authorizations, increased funding for PILT will have to be weighted in the House and Senate Committees on Appropriation each year. They have to make tough choices, constantly, year after year. But if this authorization does not increase, the Appropriations Committee will have no choice but to not give your counties inflationary increases.

Finally, let me tell you how PILT monies are used by your counties. I think the Members of this House know this. They are used for road repair and maintenance, for emergency services, search and rescue and ambulance services on Federal lands; they are used for law enforcement, for fire protection. They are used for America's school children. They are used for health and human services. PILT monies are used for solid waste management.

Let me, in closing, tell you what some folks have said to us about PILT.

Mr. Speaker, the National Association of Counties executive director had this to say:

The National Association of Counties, representing the Nation's 3,000 counties, fully supports this legislation and opposes any attempt to amend the measure when it reaches the floor of the House.

The director of the American Trucking Association has written this to us:

We urge the Members of Congress to support S. 455 without amendment.

The director of legislation for the American Federation of State, Counties and Municipal Employees, Mr. Chuck Lovelace, has written this to us:

On behalf of the 1,300,000 members of the American Federation of State, County and Municipal Employees, I strongly urge you to support S. 455, payments in lieu of taxes legislation, and oppose all amendments.

The mayor of Newark, who is the president of the National League of Cities, Mayor James, wrote us this:

Amendments to this legislation at this late date could doom this legislation. Congress has had a version of this legislation before it for more than 5 years. There has been plenty of time to make changes in the bill. Please support S. 455.

Finally, the former Governor of the State of Arkansas, back in 1991, now President Clinton, said this:

Achieving an appropriate and inflation-adjusted level of funding under the PILT program should be a priority among all the States involved.

I urge my colleagues to support this good modified open rule. And tomorrow when we finally vote on the bill, I urge you to oppose amendments and support this bill as the only way to get this needed inflationary increases to your counties.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, in 1976 I think people realized that the great areas that are owned by the Federal Government, that someone had to compensate them. As the gentleman from Montana pointed out, 49 States receive PILT payments.

I would like to tell you a little bit about out in my area. Seventy-three percent of the State that I represent is owned by the Federal Government. As you get down into the southern Utah area, you see areas like little old Garfield County, which is 93 percent owned by the Federal Government. What a lot of folks do not realize is that Garfield County has Bryce Canyon in it, it has part of Canyon Land, part of Zion. So people come from all over America because they want to see this gorgeous, beautiful area.

What do they bring in? They bring in garbage, they bring in a lot of people and create all kinds of problems. They go hiking up the canyon, and some, a 14-year-old boy, invariably falls and breaks his leg and he is up there so far no one can get at him.

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And so who do they turn to to come and get him? They do not turn to BLM, they do not turn to the Park Service, they do not turn to the Forest Service. They ask Garfield County to do it. So, Garfield County has to come out, send their sheriff out there, spend some time, and before long all they are doing is taking care of this impact of the people that are coming there.

The same time this body comes along, gives them wilderness areas, endangered species, all of these unfunded mandates that they are putting on them, and yet since 1976 these thousands of little counties have not had an increase.

It is most reasonable thing we have come up with in a long time, is to give them the opportunity to at least keep up with the cost of living and have some index to increase the money that is brought in.

Now, Mr. Speaker, we all know that this bill is not perfect. We all know it has got some problems with it, and everybody in this House would correct it somewhere, if they could. But that clock up there keeps spinning around. In a few more days someone is going to stand up and adjourn sine die, and it is all over. We strike the enacting clause on anything. If we ever had an opportunity now to help the people in these 49 States, and especially the West, now is the time to do it.

It really bothers me somewhat when I see people from all over the areas tell the folks in Utah, Nevada, California, Idaho, Montana, Wyoming how to run their show, but they do not want to do anything about it. They put bills in and never even seen our country. Now, if they are going to do that, let us ask them how they got their ground. Somebody came in and gave it to them before they had it. I say, "If you lived in Oklahoma, if you had the fastest horse, you got it," and now we are trying to just exist, and it will not come up and pay the amount of money to help us out when they own the ground. Now, if they wanted to fight their fires, they want us to rescue their people, they want us to take care of it, step up to the plate.

Mr. Speaker, that is all we are asking them to do, and I think it is a very reasonable piece of legislation, and I would strictly urge everyone to vote yes on this rule and also for the bill.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this closed rule, and I rise in opposition to the bill, S. 455.

Now, Mr. Speaker, I must say that I am responsible for part of the problem in terms of the timing of this bill. I, we, had held up consideration of it based on many of the faults and problems that were demonstrated during the hearings with this bill that we held in the last two Congresses. Earlier this year we had a hearing. I pointed out that the public lands, the public lands council commission that was designated in the 1970's, pointed out—in the 1980's pointed out what the problems were with the bill, that there are 11 different programs that raised revenue off the Federal lands for mining, and timber and other programs that return revenues to local and State government, and this bill, notwithstanding the fact that you raise such revenue, notwithstanding the fact that such revenue goes back, and many counties receive significant amounts of money from that source, makes no differential between those counties that raised small amounts of money and those that raised large amounts of money. This bill, there is no response to that on the part of the sponsors.

Finally, of course, as the time is slipping away, we tried to provide for a temporary increase for 2 years that would put the counties and put the local governments that have these large public lands within their areas, their States, in the same position that this bill would. That amendment is permitted under the rule with only 20 minutes of debate. It is permitted under the rule, but the difference in my amendment is that it would be a temporary increase for 2 years to alleviate or to address the problem, whether we come back and take another look at that particular proposal. But we cannot do that, we cannot adopt that amendment, the advocates of this say, because it might go back to the Senate, and we know what happens in the Senate. In the Senate we got a single Senator that can veto a bill. It is a new power. It is one they invented and arrogated unto themselves.

Mr. Speaker, that is not in the rules of the House or the Senate. That is not in the Constitution. But that is the way they intend to operate. Nevertheless it seems like we are sending many things back, but for some reason this bill cannot go back. We cannot adopt the amendment that is going to be proposed that would limit the cost-of-living increase, the inflation adjustment, in this that would go on forever in perpetuity. We cannot address that because it might go back to the Senate, and one Senator might object. Again, Mr. Speaker, with the newfound rules that have locked the Senate into a position where it cannot do anything that some Members in this House, apparently, or others, do not want them to do.

Mr. Speaker, I have sought to offer additional amendments. We are not trying to delay the bill. We thought when the bill came out of committee that we would have a fair opportunity on the floor because we know in the committee with the Members from the West, the Members that are the big beneficiaries of this bill, could not, would not, listen to reason or accept amendments. They were operating

under this goal of get it out at all expense and pass it without any modifications. We thought we would have a shot on the floor, but the third amendment we wanted to offer is, I thought, was a reasonable one, would not have delayed the bill. It simply would have said that we would not have had to pay payment in lieu of taxes on Federal lands that have been given to the State and sold to the private sector. This bill provides that we will continue to pay payment in lieu of taxes on lands that are private, lands that already are paying property tax.

Do we need an adjustment? The President says we need an adjustment. Did he mean that we need a 150 percent increase? As my colleagues know, it is not the 1970's anymore, Mr. Speaker. Today we have got a $4.4 trillion deficit. In the 1970's we had revenue sharing, we had other programs, were helping other municipalities and individuals across this country. It is not the 1970's anymore. This bill will increase spending by a half a billion dollars in just the first 4 years of the existence of this particular bill.

Mr. Speaker, I suggest this rule, because of its restrictions—I expect this bill because of—because of those shortfalls this bill should be defeated. This bill deserves to be closely analyzed and reviewed by the House.

As my colleagues know, those Members that have voted in this body, we voted for budgets, and we are doing a good job in terms of making progress on the budget. But this will be added in the discretionary spending authorization, and let me assure the Members that this becomes a No. 1 priority for those 11 Western States that are the major beneficiaries in terms of this bill. They are going to become the No. 1, the No. 1 priority in terms of what happens, in terms of the Interior appropriations bill, and it may just be an authorization in the minds and hearts of some of the Members that may be voting for it, but, believe me, these are authorizations that are going to turn into dollars in terms of our counterparts in the Senate and the Members in the House that are advocating. This will be their No. 1 priority.

I suggest they need an inflation adjustment, but I think it ought to be done in the context of reform. It ought not to be done in a vacuum. It ought not to be done with a rule that is unfair that does not permit the proper debate and consideration in an orderly manner for this subject on the floor today and tomorrow, Mr. Speaker.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. MILLER].

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VISCLOSKY). All Members are cautioned relative to their remarks about Members of the U.S. Senate.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, this is a very unwise bill for Congress to be considering at this late date, and I hope every Member will think very carefully about voting for a huge increase—150 percent—in the Payment in Lieu of Taxes [PILT] Program—as well as an additional cost-of-living escalator to make sure costs continue to rise higher and higher.

This legislation would cost $484 million in new spending over the next 4 years, and over $1.3 billion in the next decade.

Once again, late in the session, we are being called on to pass legislation that will allow unlimited increases in a deeply flawed program that no longer serves the purposes for which it was designed. The vote on this legislation will be a good test of whether we are serious about controlling Government spending, or just spouting campaign rhetoric. And that is why the National Taxpayers Union opposes S. 455 as passed by the Senate.

The House Committee on Natural Resources reported this legislation last week with language identical to that contained in the Senate-passed bill. If S. 455 were to be approved by the House in its current form, therefore, the measure would go directly to the President.

I know that PILT is a highly popular program in several of the Western States; for all the rhetoric around here about cutting spending and reducing the deficit, few States or local communities oppose a big grant of Federal cash when it is offered to them. But that is not a sufficient reason to boost Federal spending by hundreds of millions of dollars.

I know that PILT funding has not increased since the program was created in 1976. That also is not a sufficiently compelling argument to justify passage of a huge spending increase.

We have cut, frozen, and eliminated dozens of programs since 1976. We eliminated general revenue sharing, which affected far more districts than PILT; we cut job programs, educational programs, military programs and bases, farm programs, all affecting more districts and more Americans than PILT. Why would we assume that PILT, unlike all others, is not only working fine, not only deserving of a 150-percent increase, but is also deserving of a permanent cost-of-living escalator that effectively ends hopes of reform?

Let us recall that PILT money is distributed very disproportionately to the number of citizens of a State. Of the $99.3 million distributed just last week, for example, Florida received just $1.3 million, Connecticut $25,000, Illinois $323,279, Indiana $225,433, and Massachusetts $51,554.

By contrast, Alaska received $4.4 million, Arizona $8.7 million, Colorado $6.2 million, Idaho $7.4 million, and Montana $8.2 million.

Michigan received $1.2 million, New Jersey received $48,442, New York $58,121, Ohio $249,079, and Pennsylvania $185,000.

By contrast, Nevada received $6.7 million, New Mexico $10.6 million, and Utah $8.9 million.

To get an increase of a few thousand dollars in your district, do you want to go on record voting for over a billion dollars in new spending and an uncapped authorization in the waning hours of the congressional session? I hope not.

Every dollar spent on a PILT increase is going to come out of one of the already strapped programs of the Department of the Interior: national parks, wilderness, forest programs, historic areas, heritage areas, and many more.

The issue is not whether PILT has increased since 1976, but whether an increase is warranted. Because of the many questions and uncertainties about the soundness of this program, a massive, uncapped increase at this time is profoundly unwise.

PILT, as originally proposed by the Public Land Law Review Commission, was supposed to replace streams of Federal funds for local governments derived from timber harvests, grazing, mining, and other activities. But instead of replacing the funds, Congress created a formula to add PILT to the existing payments and provided for the PILT payment to reflect some, but not all, of those other receipts.

PILT is also justified as compensation for services provided by local governments on Federal lands. But the PILT formula includes no consideration of whether counties that receive PILT funds actually are performing any services. Nor does it calculate the value of the services rendered or, conversely, the value of Federal services related to the Federal lands—for example, law enforcement, fire protection—that benefit local interests.

Other questions abound: Why are some Federal lands included among the definition of entitlement lands eligible for PILT while others are not?

Why are some Fish and Wildlife Service-managed acres carved from the public domain considered entitlement lands, but those on acquired lands are not?

In the East, mineral receipts from acquired lands are not eligible for PILT payments, but those from the public domain are.

And this legislation, far from answering these questions, ignores the problems and raises new ones. Under S. 455, which we are being asked to pass without change, we would continue to provide PILT funding to lands that are transferred from Federal ownership to State, or even private, ownership. The whole idea of PILT was to compensate

for Federal lands; now we are compensating for State and private lands. Why stop there?

If we grant unlimited funding to PILT now, in the last hours of the congressional session, we will never get a handle on that spending because westerners, and especially Senators of Western States, will on their indexed PILT funding as a birthright.

I will be offering a reasonable compromise to the House: a 2-year increase, combined with a mandate for a GAO study, that will give States some needed funding, but also provide us with the accounting we need to determine what reforms are required. As I have said, enactment of S. 455, by granting permanent and uncapped increases will, for all intents and purposes, make it virtually impossible to enact needed changes in the future.

Should that amendment fail, I would urge you to vote for Congressman VENTO's amendment to eliminate the cost-of-living escalator in S. 455. I cannot believe that the Members who have voted against every other COLA are going to acquiesce in an unlimited COLA for PILT that will cost taxpayers hundreds of millions of dollars.

Do not fall prey to the argument that we cannot change a comma in S. 455 because the Senate does not have time to pass an amended bill. Have you been watching the television? Do not tell me they do not have time to pass a bill that saves us the embarrassment of voting for a sky's-the-limit spending bonanza for a few small States.

If the Senate wants a PILT bill, they will vote to take our responsible, limited expansion. But no House Member should accept the argument that we must vote unthinkingly for the precise language sent us by the Senate without expressing our own concerns and preferences.

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

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this motion will be postponed.

INVESTMENT ADVISER OVERSIGHT ACT OF 1993

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 423) to provide for recovery of costs and supervision and regulation of investment advisers and their activities, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, this is a bill which is going to protect the investors of this country against unscrupulous investment advisers. It is a good bill, and I hope that the House accepts it.

Mr. Speaker, the amendment in the nature of a substitute that I am offering to S. 423 (the amendment) represents the fruits of countless hours of discussions and negotiations between House and Senate staff. It is important legislation that would, at long last, bring regulation to the most underregulated part of the securities industry. Investment advisers currently inhabit a Wild West of poorly funded regulation, where nearly 30 years can elapse before an adviser is ever subjected to a routine inspection by the Securities and Exchange Commission [SEC]. Nearly anyone—including convicted murderers and drug dealers—can become investment advisers by simply paying a $150 entrance fee. That leaves the millions of people who each year entrust their futures to investment advisers at the mercy of an industry that, while the majority of its members are honest and above reproach, nevertheless harbors many who regard investors as sheep to be shorn. And the most common way that investors are fleeced is through product-driven salespeople who get fat commissions from customers who mistakenly believe that their adviser is acting in their best interest.

Since 1981, the number of investment advisers has increased from 5,100 to 22,000, and assets under their management soared from $450 million to $9.3 trillion. That is four times the amount deposited today in U.S. commercial banks. At the same time as this explosive growth, SEC staff assigned to inspect these advisers has increased by only 15 inspectors—from 36 to 51. Unfortunately, those who are forced to depend on the kindness of strangers are almost entirely without the protection of the SEC—the securities cops on the beat. Both the SEC and the GAO have in fact concluded that investment adviser registration gives investors a false sense of comfort, and if regulation is not increased, investors would actually be better off with no registration of advisers at all. In other words, when your police force is massively outmanned and outgunned, you may be better off not even pretending that you have one. That is a sad commentary on the woeful state of affairs in an industry that touches nearly every household in this country. The amendment we are offering up today would justify investors' faith in SEC registration and regulation: it would add more cops to the beat and equip them with better weapons against fraudulent conduct. It would also arm investors with information so that they can better protect themselves. It is tough legislation that is nonetheless carefully crafted to avoid being burdensome to those advisers that are respectful of the law and their obligations to their clients.

To help address these problems, this amendment, which contains consensus language supported by a bipartisan group of colleagues in the House and Senate, would provide the SEC with the annual funds it needs in order to inspect investment advisers more thoroughly and more frequently than they are able to do with the limited resources they have now. It would also provide enhanced protection for investors by establishing a mechanism for the identification of unregistered advisers; by allowing the SEC to designate a self-regulatory organization to conduct periodic examinations of certain advisers; by improving disclosures of conflicts of interest and other pertinent information; by authorizing the SEC to require fidelity bonds of certain advisers; by making provision for the establishment of a readily accessible telephonic or other electronic process for finding out about the disciplinary history of advisers; and by mandating prominent up-front disclosure of the convictions of advisers that have been or that employ persons that have been convicted of felonies.

Last year, the House passed H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act—the original House bill—from which many of the provisions and concepts contained in the present amendment derive. The original House bill and the original Senate bill differed in numerous ways, and the present vehicle represents our successful attempt to bridge those differences without losing the focus of the original House bill. Thanks to the extraordinary efforts of the chief sponsor of the original House bill, Representative BOUCHER, to the persistence of Chairman DINGELL, and to the bipartisan cooperation and assistance of Representatives MOORHEAD and FIELDS, we have been able to arrive at a solid solution to the regulatory and other deficiencies in the investment adviser sector and to address the concerns of our colleagues in the Senate.

To the extent that the amendment contains provisions that are substantially similar to provisions contained in the original House bill, the language of the House report accompanying H.R. 578—the House report—that describes those provisions shall continue to obtain. The purpose of my statement at this time is to explain and interpret changes between the original House bill and the language we are voting on today.

The SEC staff is comprised of hard-working, committed men and women who, but for resources, would be able to clean up many of the outstanding compliance problems in the industry. In section 2, this amendment provides for the collection of new fees that will be used to fund an enhanced program of inspections. But more money will not, without properly targeted use, improve regulation, in part because even with the estimated $16 million annual increase in funding, the SEC will still have to

perform regulatory triage and inspect the riskiest advisers first and most frequently. It is therefore critical that the SEC work to develop an inspection protocol that relies on an analysis of relative risk. It is clear that certain characteristics increase either the risk that an adviser is engaging in improper conduct or the temptation for an adviser to do so. For example, an adviser with custody of or broad discretion over funds has easier access to a client's assets. The receipt of commissions for the sale of investments recommended to a client likewise increases the risk that an adviser's recommendations may conflict with his fiduciary duties to his client. In addition, we expect that the SEC, in designing its inspection schedule and in developing a set of risk-based criteria for inspections, will take into account the conclusions and recommendations of the General Accounting Office [GAO]. The GAO, both in a 1990 report and in 1992 testimony before the Subcommittee on Telecommunications and Finance, argued forcefully that examinations of new registrants be conducted within a reasonable period of time following registration. It also made a compelling case for the SEC reinspecting advisers found to have deficiencies, rather than relying on the word of the adviser—whose word under the circumstances should be treated with skepticism—that any such defects have been corrected. Even a history of past deficiencies can represent in itself a risk factor for broader improprieties. In the notorious case, described at length in the House report, of Steven Wymer, the California investment adviser who bilked numerous cities and towns out of millions of dollars, the SEC conducted focused cause inspections in several instances before the fraud in which he had engaged came to light.

Section 3 of the amendment provides for the conduct by the SEC of surveys of unregistered investment advisers. This section is identical in its substance to that contained in the original House bill and its purpose and interpretation remain unchanged.

Section 4 of the amendment authorizes the SEC to designate an SRO to conduct inspections of certain advisers. This section is identical in its substance to that contained in the original House bill and its purpose and interpretation, like that of section 3, remain unchanged.

Among the changes to the original House bill that House Members agreed to in developing this consensus amendment was the deletion of a provision that would have expressly prohibited advisers from making unsuitable recommendations, as well as a requirement to make a reasonable inquiry about the financial circumstances of a client. The provision also included a record-keeping requirement designed to assist the SEC, in its inspections, in auditing for adherence to the suitability rule. The suitability provision contained in the House bill did not represent a new substantive requirement, but instead restated an existing requirement that is implicit in the antifraud provisions of the Advisers Act.

As a result of the inclusion of this provision in the House bill, the SEC, on its own initiative and because it has ample statutory authority to do so, embarked upon a rule-making proceeding designed to codify, in the same way as the House bill, the extant suitability requirement and to establish a recordkeeping requirement similar to that contained in the original House bill. To date, the SEC has proceeded apace with this rulemaking, and we expect that it will adopt a final rule, comparable in text and interpretation to that contained in the House bill, shortly.

Among the most important subjects of this bill is disclosure. The brevity of the provision set forth in section 5 relative to the more detailed provisions of the original House bill should not be interpreted as a lessened commitment to disclosure and the critical role it plays in equipping investors with the tools needed to protect themselves. From the outset of our efforts to ensure that the more rapacious elements of the investment adviser industry are not allowed to take advantage of investors, we saw conflicts of interest as perhaps the biggest obstacle. Advisers who receive commissions on the products they recommend, fees such as those paid by product sponsors or packagers in exchange for the sale of a unit of their product, or credits toward non-cash compensation such as trips or research have an interest in remuneration which conflicts with the interest of their client in receiving objective, disinterested advice. The magnitude of the conflict varies according to the extent or magnitude of the remuneration in question. If the remuneration is negligible, the conflict may be so minor as to be functionally nonexistent. If, however, it is not, and it may have an impact on the kind of advice rendered by the adviser, it is material. The nature and extent or amount of a commission or fee, or the value of a particular prize thus has a direct bearing on whether such conflict is material. A material conflict of interest conflicts with, among other things, the client's interest in receiving suitable investment advice, avoiding unnecessary or excessive transaction charges, and making informed investment decisions.

Accordingly, section 5 of the amendment requires the SEC, within one year from the date of enactment, to examine the nature of the conflicts of interest with an adviser's fiduciary duties that may arise when an investment adviser is compensated on the basis of commissions or fees from the sale of investment products to clients or receives credits toward noncash compensation. Thus, the SEC must study all conflicts related to the receipt by an adviser of commissions, fees or other items of value paid in exchange for or as a result of the sale of investment products to clients. On the basis of this examination, the SEC must prescribe any rules that may be necessary and appropriate in the public interest or for the protection of investors and consistent with the purposes of the title to require that the existence and extent of any material conflicts of interest be fully disclosed.

Based upon the extensive hearing record in the House, compelling studies conducted by various groups such as the Consumer Federation of America, the American Association of Retired Persons, and the North American Securities Administrators Association, and based upon numerous media exposes, it is clear, even before detailed SEC examination, that grave deficiencies in current forms of disclosure exist. The House Report to accompany H.R. 578 cities examples of the kinds of disclosure problems that have plagued the industry. Some of the deficiencies in disclosure can and will be remedied in the SEC's revisions to the form required for the registration of investment advisers (Form ADV), part of which constitutes the brochure which is given to customers and prospective customers of an investment adviser. Other deficiencies, such as when clients are kept in the dark about the extent or magnitude of a conflict of interest—for example, the size of a commission—until after they make a purchase, will have to be addressed through SEC rulemaking. Full disclosure, as called for by this provision, would entail disclosure sufficient to permit a client to make an informed investment decision, a decision that does not subject him or her to unnecessary or excessive transaction charges, and a decision that is not influenced—without his or her knowledge of such influence—by the payment or promise of payment of prizes or other forms of non-cash remuneration to the recommending adviser.

Useful and relevant information is the touchstone of disclosure with respect to conflicts of interest. It is also critical with respect to pertinent information about an adviser's background. Some background information is provided in the Form ADV distributed to clients. Other important information—specifically, information pertaining to an adviser's disciplinary history—is not currently accessible to the average customer. This bill, therefore, requires that the entity designated by the SEC to create and operate a filing depository establish and maintain a readily accessible telephonic or other electronic process designed to provide such information. This electronic system would receive inquiries regarding the disciplinary and other information involving investment advisers and persons associated with investment advisers. Key to this provision are the twin concepts of ready access and low cost. Investors should be encouraged to find out about an adviser's disciplinary history, not discouraged through systems that are either difficult to use, costly, or not extensively available. Taking advantage of emerging technologies and on-line services is useful, but those should not be the exclusive means of obtaining such information unless all (or virtually all) households have ready access to them. Accessibility also has a cost component. Many of those most in need of protection, such as older investors, might be discouraged from making inquiry if they have to pay for the privilege. Making the system provider assume all reasonable costs associated with providing that service is therefore an important element of this provision. The system provider should establish a system for which the costs are unreasonable. Similarly, individual investors could not be charged a fee for obtaining written information responding to their inquiry, although other service users could be charged a reasonable fee.

Because this provision is analogous to a similar provision in the Penny Stock Reform Act, it is anticipated that it will be set up similarly and contain similar sorts of information as the system available with respect to registered broker-dealers. Specifically, it is expected that the toll-free telephone access investors are given through the NASD Hotline with respect

to broker-dealers will be replicated for investment advisers. We see no reason to discriminate between these two types of securities professionals either on the basis of the type of information available about them or on the basis of the cost or means of obtaining such information. Indeed, the market distortion that could occur if there were disparate systems, containing dissimilar kinds of information and available at a different cost, would cause confusion to investors. As in the broker-dealer context, the system could also include other information, such as bankruptcy history, in addition to information about disciplinary history.

Section 6 of the amendment also requires the SEC to include in each of the first three annual reports submitted after the date of enactment a statement describing the status of the SEC's proposals for the revision of Form ADV; consultations with State securities and other regulators concerning the collection and dissemination of information contained on such form; and implementation of systems to collect and disseminate such information to enforce compliance with the title. In addition, those reports must include an analysis of the methods by which the revisions of Form ADV will result in, first, the timely and effective disclosure to investment adviser clients of material facts concerning the background, compensation, services, and practices of the adviser, and, second, the prominent disclosure to such clients of (a) any conflicts of interest, (b) methods available for securing additional information concerning the adviser and its employees, (c) remedies available with respect to disputes arising out of the advisory relationship, and (d) any conviction of the adviser or any person associated with the adviser within 10 years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for 1 or more years, or of a substantially equivalent crime by a foreign court of competent jurisdiction.

This provision derives from the brochure provision contained in the original House bill, in which the elements of an enhanced brochure were set forth in the statute. Because the SEC is well on its way to revamping Form ADV, it was deemed unnecessary to include that portion of the provision. Certain important elements of that provision have been retained, however, so that Congress can ensure that they be incorporated in a prominent manner into the brochure distributed to investment advisory clients. Prominence would require that each of these disclosures must be readily noticeable to the client. Disclosure of methods available for securing additional information concerning the adviser and its employees would entail setting forth the toll-free number to call and, in addition, any other supplementary means (e.g., the Internet address) through which such information is available. With respect to disclosure of remedies, we do not intend a recitation of all available causes of action but, rather, a general statement in the brochure that makes clear the existence of remedies under State and Federal law where wrongs have been committed against a client by an adviser. In the absence of an express private right of action in the Advisers Act, it is especially important to inform clients that they are not without remedies.

Section 7 of the amendment contains a requirement that certain investment advisers obtain a fidelity bond. As in the original House bill, the fidelity bond would provide a source of funds to make clients who have been defrauded through larceny or embezzlement whole. Unlike the original House bill, however, the SEC's authority in this section of the amendment is permissive, rather than mandatory. The authority given to the SEC would extend to advisers with custody of client funds or securities, that have discretionary authority to direct client investments, or that advise investment companies.

Paragraph (2) sets forth the considerations the SEC must take into account in implementing this section: The degree of risk to client assets that is involved; the cost and availability of fidelity bonds; existing fidelity bonding requirements; any alternative means to protect client assets; and the results, findings, and conclusions of a study, described in paragraph (3), on the availability of fidelity bonds and the impact of fidelity bonding on the competitive position of small-scale investment advisers. Finally, the SEC is given the authority to exempt any person or class of persons from any fidelity bonding requirements under such terms or conditions and for such period as the SEC determines. In addition, the SEC is required to exempt any investment adviser from any bonding requirement if the SEC determines that fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment adviser is located or the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment adviser's competitive position.

This provision is not meant to permit an investment adviser that is marginally profitable to claim an exemption because it cannot afford a fidelity bond. Nor is it intended to permit an investment adviser that is charged a premium for or is refused a fidelity bond because its background, business practices, or lack of controls suggest a high degree of risk. Rather, we read this provision as requiring the SEC to exempt from the bonding requirement any class or group of advisers that for some reason other than normal and customary underwriting considerations is denied a fidelity bond at a reasonable cost.

Deleted from this amendment is the provision in the original House bill requiring the SEC to analyze the risks to investors when an investment adviser is made the sole recipient of communications from the custodian or when an investment adviser or affiliate thereof serves as the custodian. The purpose of this provision was to address an anomaly that surfaced in the course of hearings held by the Subcommittee on Telecommunications and Finance on the massive fraud perpetrated by Steven Wymer. Testimony by Wymer made it clear that crucial to his fraudulent scheme was either the witting or unwitting cooperation of custodians in making Wymer the sole recipient of all confirmations, account statements, and other communications concerning client accounts. Because clients received no independent reports of account activities, Wymer was able to fabricate false account statements to hide losses, unauthorized transactions, and defalcation of clients' cash and securities.

Because the SEC currently has the statutory authority to promulgate rules directly to address this problem, it has initiated a rulemaking process designed to address these concerns. This provision of the House bill was therefore deleted in anticipation of adoption by the SEC of a strong rule that would make it impossible for a comparable fraud to be repeated by the same means. The rule would prohibit an investment adviser registered or required to be registered under the Advisers Act from exercising investment discretion with respect to a client account unless it reasonably believed that the custodian of the account is providing account statements to the client no less frequently than quarterly. An adviser would be deemed to have a reasonable belief that the custodian is providing account statements if the adviser has received copies of client account statements indicating that they were sent to clients. We applaud the SEC's initiative in this area and expect to see the rule adopted in final form soon.

Mr. FIELDS of Texas. Mr. Speaker, I strongly support the gentleman from Massachusetts' request and want to associate myself with the gentleman's remarks.

By providing additional funds to the SEC specifically targeted for enhanced oversight of the adviser industry, S. 423 will go a long way toward improving the present situation.

I want to emphasize that the Wymer scandal and the increased attention our committee has given the inadequacy of the SEC Adviser Examination Program should underscore for the commission the fact that Congress is not simply writing a blank check to the agency. We demand significant improvement in the regulation of financial planners. In enacting this legislation Congress tells the SEC to do more with its appropriation than increase the number of employees on its payroll. We need better regulation, not just more regulation.

Earlier in the first session of this Congress, I cosponsored and the House passed H.R. 578, an investment adviser bill similar to the bill we are considering here today. Since then, House and Senate staff have been negotiating the differences between bills passed by both Houses and S. 423 represents the outcome of that long and arduous process.

Mr. Speaker, I want to compliment Congressman RICK BOUCHER for his efforts over the years on behalf of this bill. I am happy to be an original cosponsor of the legislation and to see it enacted by the House today. I also commend Subcommittee Chairman ED MARKEY, as well as Committee Chairman JOHN DINGELL and Ranking Republican CARLOS MOORHEAD for their leadership.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge its immediate adoption.

At present, approximately 22,000 investment advisers are registered with the Securities and Exchange Commission (SEC) under the Investment Advisers Act of 1940, with a total of over $9 trillion of public savings under management. However, the resources available to

the SEC for inspecting and examining these advisers have remained seriously limited and totally inadequate to provide even minimally adequate deterrence against wrongdoing. At present, the SEC has a total of only 50 examiners nationwide to provide field examinations or other direct oversight of all investment advisers. Therefore, most advisers are examined only once every 25–30 years. This is an outrage. It is also very dangerous.

The General Accounting Office estimated in a June 1990 report (Investment Advisers: Current Level of Oversight Puts Investors at Risk, GAO/GGD–90–83) that investment adviser fraud costs investors between $90 million and $200 million a year. Since February 1993, the SEC has brought 53 fraud actions against investment advisers. This does not include the well-publicized case against a single adviser, Steven D. Wymer, who defrauded his clients, who were largely states, counties and municipalities, of more than $100 million.

Starting with the introduction of H.R. 4441 back in March 1990, Mr. BOUCHER has been doggedly pushing for legislation to improve investor protection in this area, and I commend him for his great leadership and perseverance. In the 102d Congress, the House passed comprehensive investment adviser reform legislation (H.R. 5776) only to see it die in the Senate under the weight of the nongermane-amendment demands of two Members of that body. This year we are back again because the stakes for American investors are very high and rising. We must pass this bill this year.

I also want to commend and thank Mr. MARKEY and Mr. FIELDS for their cosponsorship of H.R. 578 and for making it possible to put together and bring to the floor bipartisan legislation that is balanced and cost-effective.

On May 4, 1993, the House unanimously passed H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act, and, on November 20, 1993, the Senate passed S. 423, the Investment Adviser Oversight Act. Although no formal conference was convened to reconcile differences between the House bill and a Senate bill that was considerably more limited in scope, staffs from both bodies conducted extensive negotiations and ultimately reconciled the differences between the two bills. No formal conference was necessary due to the success of this process. I commend the staff for their hard work and diligence. The legislation before the House thus encompasses the amendments resulting from that process. In lieu of a conference report, our floor statements are intended to serve as the legislative history, along with House Report 103–75 (April 29, 1993) and CONGRESSIONAL RECORD (May 4, 1993) at H2212–2220, and Senate Report 103–177 (November 10, 1993) and CONGRESSIONAL RECORD (November 20, 1993) at S16861–16862.

The amendments before the House will provide additional resources for investment adviser supervision through user fees from registrants and applicants. The industry supports the fee schedule in this bill. The bill gives the SEC authority to designate one or more self-regulatory organizations [SRO] if necessary to conduct periodic examinations of the SRO's members and their affiliates that are registered or required to be registered as investment advisers. The bill requires surveys to be conducted to identify unregistered persons and requires SEC action to correct any patterns of noncompliance. The bill modernizes the Investment Advisers Act's disclosure requirements to provide better disclosure of conflicts of interest between investment advisers and their clients. The bill would authorize the SEC to develop a "one-stop" filing system that would reduce paperwork for advisers and regulators. The bill also provides for a toll-free telephonic or other electronic listing to provide investors with ready access to disciplinary and other information regarding investment advisers. The bill requires fidelity bonding to assure that, where losses from fraud do occur, there will be some source of compensation for defrauded clients.

Finally, I wish to express my support for the SEC rulemaking initiatives identified in Chairman Levitt's January 24, 1993, letter to the committee, a copy of which follows my statement. The SEC's current statutory authority encompasses these rulemakings (obviating the need for additional legislation on these subjects) and I encourage the SEC to complete action on these matters with all deliberate speed.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, January 24, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As the 103rd Congress prepares to return for the second session, I am writing to express my hope that the conference to reconcile House and Senate versions of legislation amending the Investment Advisers Act of 1940 ("Advisers Act") will convene and complete its work as soon as possible. Both H.R. 578 and S. 423 would, by imposing modest fees on investment advisers, raise revenues that are critically needed by the Commission to supervise the activities of over 20,000 investment advisers currently registered with the Commission.

As you know the House bill contains several amendments to the Advisers Act not include in the Senate bill. The amendments address a number of subjects that are of increasing concern to the Commission. We believe the Commission's current rulemaking authority is broad enough to address many of these subjects, and we have decided to go forward and develop the following rules:

Custody Rule. This rule would prohibit custodian arrangements under which only the investment adviser (and not the client) receives periodic account statements from the custodian. This type of arrangement facilitated the Steven Wymer fraud.

Suitability Rule. This rule would make explicit the requirement implicit in the general anti-fraud provisions of the Advisers Act that advisers must make a reasonable determination that the advice they give is suitable to their clients, based on a reasonable inquiry into the client's financial situation. Appropriate recordkeeping would also be required.

Improved Brochure. Under this proposal, the current disclosure brochure that an adviser delivers to its clients describing the adviser's business would be amended to place greater emphasis on the education, business background and business practices of the adviser, the means by which the adviser is compensated, and the conflicts of interest that may be created for the adviser in entering into various compensation arrangements (i.e., commission-based compensation). The "800" number contemplated by the House bill as a means by which clients may obtain adviser disciplinary information would be provided in the brochure.

Reports on Fees and Commissions. The rule would require an adviser to provide clients with periodic account statements that would include information concerning the sales commissions and other fees, if any, paid to the adviser or persons associated with or under common control with the adviser. These reports should provide clients with a better picture of the total cost of advisory services and the way compensation arrangements may affect investment advice.

The House bill, if adopted in its current form, would require the Commission to periodically conduct a survey to determine the extent to which persons fail to comply with the registration requirements of the Advisers Act. We are currently discussing with the North American Securities Administrators Associated the feasibility of conducting a joint inquiry of unregistered investment advisers in the states. We believe that their participation could be very helpful in enforcing the registration provisions of the Advisers Act.

We trust that the anticipated Commission rulemaking will assist the conferees in their efforts toward enactment of this important legislation. The resources the legislation will provide will permit the Commission to begin to examine the activities of the growing number of registered investment advisers on a more frequent and meaningful basis. Further, we believe the development of the rules described above will substantially enhance investor protection.

We appreciate your efforts in connection with developing this legislation, and we look forward to working with you toward final passage of a compromise bill. Please do not hesitate to contact us if we can assist you in any way.

Sincerely,

ARTHUR LEVITT.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 423

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Adviser Oversight Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the activities of investment advisers are of continuing national concern;

(2) increased supervision of investment advisers by the Securities and Exchange Commission (hereafter in this Act referred to as the "Commission") is necessary to protect investors from fraud and other illegal conduct;

(3) additional resources are necessary to recover the Commission's costs of an enhanced program for the oversight of investment advisers and their activities, including the costs of registration and inspections; and

(4) because the direct beneficiaries of these activities are investment advisers, it is appropriate for investment advisers to pay fees for much activities.

SEC. 3. REGISTERED INVESTMENT ADVISER FEES.

(a) IN GENERAL.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"SEC. 203A. FEES FOR REGISTRANTS AND APPLICANTS.

"(a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of enhanced efforts to register all persons required to be registered under this title and enhanced supervision and regulation of investment advisers and their activities. Such fees shall be collected and shall be made available only to the extent provided in advance in appropriations Acts. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and shall remain available until expended. The costs covered by such fees shall be the costs of Commission expenses for the registration and inspection of investment advisers and related activities.

"(b) TIME FOR PAYMENT.—

"(1) APPLICANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee directed in advance in appropriations Acts to be collected as specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) INVESTMENT ADVISERS.—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay such fee to the Commission not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) SCHEDULE OF FEES.—The amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

"Assets under management	*Fee Due:*
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000	500
$25,000,000 or more, but less than $50,000,000	1,000
$50,000,000 or more, but less than $100,000,000	2,500
$100,000,000 or more, but less than 250,000,000	4,000
$250,000,000 or more, but less than $500,000,000	5,000
$500,000,000 or more	7,000.

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds (after notice) that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalties due), if such suspension was based solely on the failure to pay the fee.

"(e) RULEMAKING.—The Commission may adopt such rules and regulations as are necessary to carry out this section.".

"(b) EFFECTIVE DATE.—This section (and the amendment made by this section) shall become effective upon the adoption by the Commission of implementing rules and regulations, under section 203A(e) of the Investment Advisers Act of 1940, as added by subsection (a).

SEC. 4. FACILITIES FOR FILING RECORDS AND REPORTS.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by inserting "(a)" after "Sec. 204."; and

(2) by adding at the end the following:

"(b) The Commission, by rule, may require any investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any person designated by the Commission for the purpose; and

"(2) to pay the reasonable costs associated with such filing.".

SEC. 5. BOND REQUIREMENT.

"(A) IN GENERAL.—Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end the following:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.

"(4) the Commission shall not require investment advisers to obtain a fidelity bond if—

"(A) fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment advisers are located; or

"(B) the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment advisers; competitive positions.".

MOTION OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion.

The CLERK read as follows:

Mr. MARKEY moves to strike all after the enacting clause of the Senate bill S. 423, and to insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment Advisers Amendments of 1994".

SEC. 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION.

(a) FEES FOR REGISTRANTS AND APPLICANTS.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

"FEES FOR REGISTRANTS AND APPLICANTS

"SEC. 203A. (a) IN GENERAL.—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of registration, supervision, and regulation of investment advisers and their activities. Any such fees shall be collected, and shall be available, only to the extent provided in advance in appropriations Acts. No appropriations Act may authorize fees to be collected under this section during any fiscal year after fiscal year 1995, unless the amount appropriated by such Act for such costs for such fiscal year equals or exceeds the aggregate amount that may reasonably be expected to be collected by such fees. Any such fees shall be deposited as an offsetting collection to the Commission's appropriation and may remain available for such purposes for the succeeding fiscal year. The costs covered by such fees shall be limited to the costs of Commission expenses for registration, examinations, and surveys of persons registered or required to register under this title.

"(b) TIME FOR PAYMENT.—

"(1) NEW REGISTRANTS.—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under subsection (c).

"(2) ONGOING REGISTRANTS.—Each investment adviser, the registration of which is effective on the last day of its fiscal year, shall pay the Commission the fee specified in subsection (c). Such payment shall be made not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) COST-BASED SCHEDULE OF FEES.—For any fiscal year for which fees are authorized to be collected by an appropriations Act, the amount of any fees due from investment advisers in accordance with subsection (b) shall be determined according to the following schedule:

"Assets under management	Fee due:
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000.	$500
$25,000,000 or more, but less than $50,000,000.	$1,000
$50,000,000 or more, but less than $100,000,000.	$2,500
$100,000,000 or more, but less than $250,000,000.	$4,000
$250,000,000 or more, but less than $500,000,000.	$5,000
$500,000,000 or more	$7,000.

"(d) SUSPENSION FOR FAILURE TO PAY.—The Commission, by order, may suspend the registration of any investment adviser if it finds, after notice, that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of

the fee (and any penalty due), if such suspension was based solely on the failure to pay the fee.

"(e) DEFINITION OF ASSETS UNDER MANAGEMENT.—As used in this section, the term 'assets under management' means the client assets with respect to which an investment adviser provides continuous and regular supervisory or management services.

"(f) RULEMAKING.—The Commission may adopt such rules as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective—

(1) in the case of section 203A(f) of the Investment Advisers Act of 1940 (as added by this section), upon the date of enactment of this Act; and

(2) in the case of subsections (a) through (e) of section 203A of the Investment Advisers Act of 1940 (as added by this section), upon the adoption by the Securities and Exchange Commission of implementing rules in accordance with section 203A(f) of such Act.

SEC. 3. SURVEYS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 222 the following new section:

"SURVEYS

"SEC. 223. (a) SURVEYS OF UNREGISTERED PERSONS.—

"(1) IN GENERAL.—The Commission shall, not later than 3 years after the date of enactment of this section, and thereafter as appropriate, provide for the conduct of a survey to determine the extent of, and reasons for, the failure of persons to register as required by this title.

"(2) ACTIONS BASED ON SURVEY.—The Commission shall, on the basis of the results of the survey conducted under paragraph (1), establish objectives for the reduction or elimination of any failures identified therein and shall include in any annual reports to the Congress under section 23(b) of the Securities Exchange Act of 1934 submitted after completion of the first survey—

"(A) a statement of such objectives;

"(B) an evaluation of the success in attaining those objectives during the preceding year; and

"(C) such recommendations as the Commission considers appropriate to assist in the attainment of those objectives.

"(3) PATTERNS OF NONCOMPLIANCE.—If the survey conducted under paragraph (1) identifies any pattern of noncompliance with the registration requirements of this title and the rules issued under this title, the Commission shall undertake such rulemaking proceedings as may be necessary to correct such patterns of noncompliance.

"(b) PROVISIONS NOT LIMITATION.—The provisions of this section shall not be construed to limit the authority of the Commission to issue rules under this title, to conduct an examination or investigation at any time, or to institute proceedings under this title or any other provision of law.".

SEC. 4. DESIGNATION OF SELF-REGULATORY ORGANIZATIONS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 223 (as added by section 3 of this Act) the following new section:

"DESIGNATION OF SELF-REGULATORY ORGANIZATIONS

"SEC. 224. (a) DESIGNATION TO CONDUCT EXAMINATIONS.—

"(1) IN GENERAL.—The Commission may by rule, consistent with the public interest, the protection of investors, and the purposes of this title, designate one or more self-regulatory organizations registered with the Commission under section 6 or 15A of the Securities Exchange Act of 1934, to conduct periodic examinations of its members, and affiliates of members, that are registered or required to register under this title, to determine compliance with applicable provisions of this title and the rules and regulations issued under this title. Any such rule shall specify the minimum scope and frequency for such examinations and shall, to the extent consistent with the protection of investors, be designed to avoid unnecessary regulatory duplication or undue regulatory burdens.

"(2) AUTHORITY OF ORGANIZATION.—Any self-regulatory organization designated under paragraph (1) may discipline the members and affiliates of members described in parargraph (1) for violations of the applicable provisions of this title and the rules and regulations issued under this title pursuant to the standards and procedures set forth in sections 6, 15A, and 19 of the Securities Exchange Act of 1934.

"(3) PENALTIES.—Any money penalties imposed by a self-regulatory organization for violations of this title shall not exceed those contained in section 203(1).

"(b) LIMITATIONS.—

"(1) PRIMARY BUSINESS LIMITATION.—The Commission shall not exercise the designation authority contained in subsection (a) with respect to a member or affiliate of a member if the primary business of the member and its affiliates is investment advisory activities.

"(2) LIMITATION WITH RESPECT TO AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) with respect to an affiliate of a member of a self-regulatory organization if—

"(A) the primary business of the affiliate is investment advisory activities;

"(B) the affiliate is an affiliate of the member solely as a result of the adviser's (or an associated person of the adviser's) registration with the member as a registered representative; and

"(C) the affiliate is a registered representative of the member solely to enable the adviser to execute transactions that are incidental to the investment adviser's primary business;

unless the Commission determines, in accordance with such other criteria as the Commission establishes by rule, that such exercise of designation authority is consistent with the public interest, the protection of investors, the purposes of this title, and the objectives of the Commission's investment adviser examination program.

"(3) LIMITATION WITH RESPECT TO SAVINGS ASSOCIATION AFFILIATES OF MEMBERS.—The Commission shall not exercise the authority contained in subsection (a) with respect to an affiliate of a member of a self-regulatory organization if the affiliate is a savings association, as such term is defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)).

"(4) DEFINITIONAL RULES.—For purposes of this subsection, the Commission may, by rule, establish criteria for defining the terms 'primary business' and 'incidental to the investment adviser's primary business'.

"(c) AUTHORITY TO IMPOSE FEES.—

"(1) IN GENERAL.—Any self-regulatory organization designated by the Commission to perform the examinations specified in subsection (a) shall have the authority to collect fees in accordance with this subsection.

"(2) LIMITATION.—The total fee paid by a registered investment adviser under this subsection shall not exceed an amount determined in accordance with rules prescribed by the Commission. Such rules shall require that the fees collected by a self-regulatory organization under this subsection—

"(A) cover only the costs of the self-regulatory organization's expenses for examinations conducted pursuant to subsection (a);

"(B) as to any investment adviser, bear a reasonable relationship to the costs of conducting an examination of that adviser pursuant to subsection (a); and

"(C) not exceed such portion of the fee authorized under section 203A as the Commission determines is allocable to the Commission's expenses for conducting such an examination.

"(3) REDUCTION OF SECTION 203A FEES.—The amount of any fee that a registered investment adviser is required to pay to the Commission under section 203A with respect to any fiscal year shall be reduced by the amount paid to a self-regulatory organization in accordance with this subsection with respect to such fiscal year.

"(d) EFFECTIVE DATE OF RULE.—A rule issued by the Commission under this section shall become effective not earlier than 90 days after the date on which the Commission submits to the House of Representatives and the Senate a report—

"(1) containing the text of the proposed rule and the reasons therefor;

"(2) describing the procedures to be used to coordinate the collection of fees by the Commission under section 203A and by a self-regulatory organization under the rule; and

"(3) containing such other information as may be necessary to describe the implementation and enforcement of the rule.

"(e) DEFINITION.—For purposes of this section, the term 'affiliate' means any person directly or indirectly controlling, controlled by, or under common control with a member of a self-regulatory organization.".

SEC. 5. ADDITIONAL DISCLOSURE OBLIGATIONS OF INVESTMENT ADVISERS.

(a) DISCLOSURE OBLIGATIONS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking the section heading and inserting the following:

"PERIODIC REPORTS AND OTHER DISCLOSURE REQUIREMENTS";

(2) by inserting "(a) PERIODIC AND OTHER REPORTS.—" after "SEC. 204."; and

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

"(b) REVIEW OF CONFLICTS OF INTEREST.—

"(1) EXAMINATION.—The Commission shall, not later than 1 year after the date of enactment of this subsection, examine the nature of the conflicts of interest with an investment adviser's fiduciary duties that may arise when an investment adviser is compensated on the basis of commissions or fees from the sale of investment products to clients or receives credits toward non-cash compensation.

"(2) RULES.—On the basis of the examination conducted under paragraph (1), the Commission shall prescribe any rules that may be necessary and appropriate in the public interest or for the protection of investors and consistent with the purposes of this title to require that the existence and extent of any material conflicts of interest between investment advisers and their clients be fully disclosed. Such rules shall take into account the rules applicable to registered brokers and dealers and their associated persons under the Federal securities laws (including the rules of self-regulatory organizations registered thereunder).

"(c) FACILITIES FOR FILING RECORDS AND REPORTS; ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) FILING DEPOSITORIES.—The Commission, by rule, may require any investment adviser—

"(A) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

"(B) to pay all reasonable costs associated with—

"(i) such filing; and

"(ii) the maintenance of a process to receive and respond to inquiries under paragraph (2).

"(2) RESPONSE TO INQUIRIES.—

"(A) IN GENERAL.—An entity designated by the Commission under paragraph (1) shall—

"(i) establish and maintain a readily accessible telephonic or other electronic process to receive inquiries regarding disciplinary actions and proceedings involving investment advisers and persons associated with investment advisers; and

"(ii) respond promptly to such inquiries.

"(B) FEES.—An entity designated by the Commission under paragraph (1) may charge a person, other than an individual investor, reasonable fees for the cost of providing written responses to inquiries.

"(C) LIABILITY.—An entity designated by the Commission under paragraph (1) shall not be liable for any action taken or omitted in good faith under this paragraph.".

SEC. 6. COMPLETION OF RULEMAKING INITIATIVES REQUIRED.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4), as amended by section 5, is amended by adding at the end the following new subsections:

"(d) REGISTRATION FORM REVISIONS.—

"(1) STATEMENTS IN ANNUAL REPORTS.—The Commission shall include in each of the first 3 annual reports submitted pursuant to section 23(b) of the Securities Exchange Act of 1934 after the date of enactment of this subsection a statement describing the status of—

"(A) the Commission's proposals for the revision of the form required for the registration of investment advisers under this title;

"(B) consultations with State securities commissions and other State authorities concerning the collection and dissemination of information contained on such form; and

"(C) the implementation of systems to collect and disseminate such information to enforce compliance with this title.

"(2) ANALYSIS REQUIRED.—The first statement required by paragraph (1) shall include an analysis of the methods by which the revisions of such registration form will result in—

"(A) the timely and effective disclosure to investment adviser clients of material facts concerning the background, compensation, services, and practices of the adviser; and

"(B) the prominent disclosure to such clients of—

"(i) any conflicts of interest;

"(ii) methods available for securing additional information concerning the adviser and its employees;

"(iii) remedies available with respect to disputes arising out of the advisory relationship; and

"(iv) any conviction of the investment adviser or any person associated with the investment adviser within 10 years preceding the filing of any application for registration, or at any time thereafter, of any crime that is punishable by imprisonment for 1 or more years, or of a substantially equivalent crime by a foreign court of competent jurisdiction.".

SEC. 7. BOND REQUIREMENT.

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end the following new subsection:

"(e)(1) The Commission may require, by rules and regulations for the protection of investors, any investment adviser registered under section 203 that—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account;

"(B) has access to the securities or funds of a client; or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements;

"(D) any alternative means to protect client assets; and

"(E) the results, findings, and conclusions of the study required by paragraph (3).

"(3) Before implementing paragraph (1), the Commission shall study (and shall make such study and its conclusions and findings available to the public)—

"(A) the availability of fidelity bonds, both for large-scale and small-scale investment advisers, and also for investment advisers not located in urban areas; and

"(B) the impact of the provisions of paragraph (1) on the competitive position of small-scale investment advisers.

"(4) If the Commission adopts any rule or regulation pursuant to paragraph (1), the Commission may, by rule, exempt any person or class of persons from the requirements of this subsection and the rules issued under this subsection, under such terms or conditions and for such period as the Commission shall prescribe. The Commission shall exempt any investment adviser from the requirements of this subsection if—

"(A) fidelity bonds are not readily or reasonably available in the urban or rural areas in which such investment adviser is located; or

"(B) the cost of obtaining a fidelity bond would have a substantial adverse impact on such investment adviser's competitive position.".

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY].

The motion was agreed to.

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

MOTION TO ADJOURN

Mrs. BENTLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion

The Clerk read as follows:

Mrs. BENTLEY of Maryland moves that the House do now adjourn.

The SPEAKER pro tempore. Does the gentlewoman insist on her motion?

Mrs. BENTLEY. Mr. Speaker, I do.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. BENTLEY].

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

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

The yeas and nays are refused.

So the motion was rejected.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this time that I might inquire of the distinguished majority leader how we intend to proceed for the balance of the evening, and possibly the schedule for tomorrow.

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

Mr. MICHEL. I yield to the gentleman from Missouri.

□ 1950

Mr. GEPHARDT. Mr. Speaker, it would be our intention to now go to the rule on the General Agreement on Tariffs and Trade and to go to a vote on that rule. We expect this to be the last vote of the night. The other vote that was called for here will be postponed until tomorrow.

We also would say to Members that there is an agreement between the leadership in a letter going to the President from the leadership on both sides calling for a postponement of the vote on the General Agreement on Tariffs and Trade, assuming the rule were to pass tonight, until November 29. No other business would be anticipated at that time other than that one vote and one issue on that one day.

We would then go tonight to general debate on the Haiti resolution, 4 hours under a unanimous-consent agreement and no vote.

Tomorrow we would meet at 10 a.m. We would recess until 11 a.m. for the Joint Session for the President of South Africa, Nelson Mandela.

We would reconvene after the speech at approximately noontime for resolution, which will take about 5 or so

hours. And then go to the rule and conference report on the California Desert legislation.

We have the following matters which will be for the balance of the time that we will be here tomorrow and Friday: The conference report on the Nanny tax, the congressional reform resolution, congressional compliance coverage resolution, and payment in lieu of taxes complete consideration.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman. It is not our intention then to adjourn sine die by Friday night sometime?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, that is our intention. Obviously, we would have to include in the adjournment resolution some language about coming back on November 29, only for the matter of the General Agreement on Tariffs and Trade.

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

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 on S. 423, the Senate bill, just considered and passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5110, URUGUAY ROUND AGREEMENTS ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5110) to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed four hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(d) of the Trade Act of 1974, after general debate the Committee shall rise and report the bill to the House. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

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

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], 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 564 is a rule providing 4 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee.

All points of order are waived against the bill and against its consideration.

The rule provides that general debate shall proceed without intervening motion. The rule also provides, pursuant to section 151(d) of the Trade Act of 1974, that after general debate the committee shall rise and report the bill to the House.

Finally, the rule provides for no motion to recommit, pursuant to section 151(f)(2) of the Trade Act of 1974.

Mr. Speaker, H.R. 5110, the Uruguay Round Agreements Act, is the most comprehensive trade agreement ever considered by this body.

It is legislation which will benefit the American people and the American economy. The success of our domestic growth is intimately linked with the success of the world economy, and this legislation will give a boost to the world economy of unprecedented proportions.

The Uruguay Round Agreements will cut foreign tariffs on manufactured products by over one-third. This amounts to the largest global tax cut in history. This agreement, when fully implemented, should add $100 billion to $200 billion to the U.S. economy annually.

The Uruguay Round goes farther than any previous agreement by addressing areas of trade long ignored. For the first time, the intellectual property of U.S. entrepreneurs will be protected. For the first time, services are covered.

This means there will be open markets for U.S. exporters of accounting, advertising, computers, tourism and engineering and construction services.

In agriculture, it will greatly expand export opportunities for U.S. products by reducing the use of export subsidies and eliminating foreign government barriers.

Mr. Speaker, throughout my tenure in this body, I have fought to ensure fair trade policies for the textile and apparel industries, businesses which are important to my district and my State. This legislation includes vital provisions for the U.S. textile and apparel industries.

The agreement requires that, as of July 1, 1996, imported apparel items will be labeled as originating in the country in which they were assembled, rather than the country in which they were cut.

This provision is aimed at those countries which continuously by-pass reasonable rules of international trade—particularly countries like Hong Kong, which have their clothing exports assembled by cheaper labor in China. Until now, the United States has been the only major trading country with a rule of origin.

Textile and apparel companies will also benefit due to the greater market access provisions negotiated by U.S. negotiators. I would like to see these provisions strengthened—especially with regards to countries with strong protectionist policies like India and Pakistan—but this agreement is a giant step in the right direction.

Under the agreement, U.S. workers will gain major new employment opportunities. U.S. companies will gain major new export opportunities. And U.S. consumers will gain greater access to lower priced, high quality goods and services.

In brief, the Uruguay Round Agreement will benefit the U.S. by strengthening the trade rules of other nations.

Mr. Speaker, House Resolution 564 is a fair Rule that will allow us to adequately debate and implement H.R. 5110. I urge my colleagues to support the Rule and the Uruguay Round Agreement Act.

I reserve the balance of my time.

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

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

Mr. Speaker, I thank my very good friend from Edgefield for yielding time to me.

Mr. Speaker, I should say at the outset that this just may be the last rule under the management of my very good friend from South Carolina, and I would like to say how much I have appreciated the opportunity to co-manage rules with him over the past several years. He will sincerely be missed.

Mr. Speaker, I strongly support this rule. The Uruguay round is the largest and most comprehensive trade agreement in world history. I believe it should be called the GATT American Round.

The major initiatives of this agreement are the direct result of U.S. proposals originating in the prior two Republican administrations to reduce trade barriers that block our most competitive industries. This agreement protects the intellectual property rights of American artists, writers, musicians, software creators, and inventors.

Service industries, agriculture, and investment will finally be brought into the multilateral trade regime.

The United States is the international leader in all of these fields. The result is that more good jobs will be created right here at home in the United States. Make no mistake, the GATT Uruguay Round is a good deal.

□ 2000

However, as a strong advocate of free trade, I believe that H.R. 5110 is not as good as the trade agreement itself. The antidumping provisions could violate the Uruguay agreement. The textiles provisions are a step backwards that penalize American families. The administration made a number of deals with protected industries which are contrary to the spirit of free trade that is the hallmark of the Uruguay round.

Last year when we overcame the mountainous hurdles that obstructed the North American Free Trade Agreement, nearly every observer believed that passing GATT would be comparatively easy. We could have completed the GATT by the July 4 recess. Now we must redouble our bipartisan efforts to ensure victory.

Rather than quickly putting a bipartisan bill together that could move through both Houses this summer, the administration waited until September 27 to finally introduce the bill. Rather than line up the votes and get all the Democrat committee chairmen in order to ensure smooth sailing, they got bushwhacked in the other body by one of their own chairmen. That has fundamentally changed the schedule, and clearly thrown this House into a state of disorder.

Mr. Speaker, it appears that the administration's legislative strategy has been to confuse the opposition by having no discernible strategy at all. They have done it so well that friends and foes alike have been confused.

Mr. Speaker, I believe that many Democrats and Republicans want this operation to slow down. The other body is going to vote for GATT on December 1st. The Senators have 65 days to evaluate the bill. House Members have had only eight. No matter where one stands on GATT, it is very hard to argue that, although House Members are quicker studies, they do not deserve the same amount of time to review legislation as Senators.

Mr. Speaker, we have all heard the term "speed kills." My fear is that rushing the GATT bill itself onto the floor could have been one of those cases. Of all things, I do not want to see GATT defeated. That is why I strongly applaud the bipartisan leadership decision to pass this rule and then bring the GATT bill up in a special session after the election. GATT supporters can use some time to build stronger support for the GATT, as we did for the North American Free-Trade Agreement.

Mr. Speaker, I urge my colleagues to support this rule, and when we return later this year, I urge strong support for the GATT.

At this point, Mr. Speaker, I would like to share with my colleagues the letter which was just sent to the President by the Speaker of the House, the Majority Leader, the Republican leader, and the Republican Whip. It reads as follows, Mr. Speaker:

As strong supporters of an expanding economy through free trade, we believe the GATT legislation currently before the Congress should become law. Because of problems in the Senate, the vote in that body will not be held until early December. The Senate decision to postpone the vote has quite frankly undermined our ability to guarantee strong bipartisan support for this effort in the House at this time.

With the ultimate goal of GATT enactment in mind, we would prefer that consideration of GATT in the House be delayed until later this year. In our view, attempting to pass the legislation in the current atmosphere will weaken the strong bipartisan spirit we want to see for final passage.

We, therefore, take this opportunity to urge that the GATT vote in the House be postponed until November 29th, just before the Senate acts. At that time, we will be working with you and with all those who believe in the importance of this legislation to assure that GATT overwhelmingly passes the House.

Mr. Speaker, I include for the RECORD the letter referred to:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1994.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As strong supporters of an expanding economy through free trade, we believe the GATT legislation currently before the Congress should become law. Because of problems in the Senate, the vote in that body will not be held until early December. The Senate decision to postpone the vote has quite frankly undermined our ability to guarantee strong bi-partisan support for this effort in the House at this time.

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Sincerely,

THOMAS S. FOLEY.
RICHARD A. GEPHARDT.
ROBERT H. MICHEL.
NEWT GINGRICH.

Mr. Speaker, as I have said, I strongly urge my colleagues to support this rule, and I reserve the balance of my time.

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

Ms. HARMAN. I rise in support of this rule and to express my disappointment that we have deferred a vote on the underlying GATT legislation until after the election. I fear that delay will lose votes and increase partisanship around an issue that should be bipartisan.

Mr. Speaker, there is no excuse for allowing partisanship to sacrifice increasing American exports and creating new American jobs. The GATT bill is a good bill, one economists overwhelmingly agree will boost the American economy. Unfortunately, there are even GATT supporters who are seeking to delay final consideration tonight for political advantage. This is not our proudest moment.

I want to recognize the special contributions of a bipartisan group of Californians who are critical to this effort: Special Trade Representative Mickey Kantor, Mr. DREIER, and Mr. MATSUI. Their best efforts will continue to be needed to assure passage of the legislation, legislation which will be of enormous benefit to California, the largest exporting State.

California's $68.1 billion of exports in 1993—almost 15 percent of total U.S. exports—make the State the Nation's largest exporter. California is also the fastest-growing exporter in dollar terms, with $15 billion growth during 1989–1992.

According to the International Trade Administration, nearly 800,000 California jobs are supported by the State's export of manufactured goods. This includes both direct jobs and indirect employment in supporting sectors. Almost one in every five manufacturing jobs in the State were attributable to exports; and given the State's export growth since that time, export-related jobs have probably increased beyond that number.

As a result of the Uruguay round, California's key export sectors will benefit from reduced foreign tariffs, strong intellectual property protection and improved trade rules protecting United States industries against unfair trade practices and removing burdensome obstacles, including:

Producers of civil aircraft benefit from better protection against unfair subsidization by foreign governments;

The elimination of duties on beer, brown distilled spirits, furniture, pharmaceutical, medical instruments, and toys in key foreign markets;

Import tariff reductions greater than 50 percent on industrial machinery and electronic equipment, including the complete removal of tariffs by the European Union and Korea on semiconductor manufacturing equipment; and

Computer exports will benefit by significantly improved intellectual property protection for computer programs and databases for a minimum of 50 years.

The Uruguay round agreement is the product of the labor of three administrations. The process was initiated by President Ronald Reagan, negotiated by George Bush, and concluded by President Clinton. The agreement has wide bipartisan support here in the Congress. Across the country virtually every sector of American business supports GATT. So do the Los Angeles

Area Chamber of Commerce, the South Bay Area Chamber of Commerce, 41 State Governors including California's Governor Pete Wilson, numerous South Bay businesses such as Hughes, TRW, Dow, and Mattel, the California Council for International Trade, the National Association of Manufacturers, Biotechnology Industry Organization, and the American Electronics Association.

Mr. Speaker, during each session of the Congress there are a few pieces of legislation of unquestioned importance to the United States and other Nations of the world. The legislation addressed by this rule falls in that category.

The implementation of the Uruguay round of the GATT will have significant and far-reaching economic affects here at home and across the globe. GATT has the potential to move the world to the verge of a totally open market. The positive economic impact in the next decade in terms of jobs and economic growth will be substantial.

GATT's benefits—including a $36-billion tax cut over the next 10 years—are recognized in a recent editorial in the New-Pilot, a paper in my congressional district. I ask unanimous consent to insert its text in the RECORD following my remarks.

Unlike the NAFTA agreement which confers special rules that give Mexico unfair trade advantages, GATT opens markets to American products on an equal basis with our foreign trading partners. A vote for this rule and for GATT is a vote for America's workers, for a tax cut, and for bipartisanship. I urge an "aye" vote.

TRADE ACCORD IS TOP PRIORITY—CONGRESS SHOULD OK GATT

As the world's largest economy, the United States stands to gain more than any other country from the increased commerce that would be generated by a new global trade pact. That's why the No. 1 priority of Congress should be to approve the treaty before it adjourns.

The agreement, negotiated under the General Agreement on Tariffs and Trade (GATT), constitutes a huge tax cut for American consumers in the form of lower tariffs on imported products. It is the culmination of nearly a decade of bipartisan efforts to reduce trade barriers around the globe.

If the Senate and House approve the measure, it is projected to add $100 billion a year to America's gross domestic product over the next decade. That growth would churn out an additional 500,000 jobs for American workers.

Why, then, is the agreement a long way from being a done deal on Capitol Hill? The short answer is that an election is drawing near, and that means nothing can be taken for granted in Congress.

Senate Commerce Committee Chairman Fritz Hollings has erected the latest obstacle to the treaty. The South Carolina Democrat is promising to bottle up the accord in his committee in order to press for changes sought by textile producers in his home state.

Meanwhile, such Republican champions of free trade as Senate Minority Leader Bob Dole of Kansas and Sen. Phil Gramm of Texas have urged that the agreement be put off until next year. The obvious suspicion is that both Senators—who say they support the agreement—want to deny President Clinton and Democratic lawmakers a legislative victory just a month before the election.

It is essential that the treaty be approved by Congress this year.

The United States and other participating nations have agreed to implement the liberalized trade rules by Jan. 1. If lawmakers leave town without approving the deal, other countries almost certain will pull back their support, jeopardizing a complex and fragile agreement that took seven years to negotiate.

The long-term economic benefits to be gained from the global trade accord would magnify the surge in U.S. exports that have resulted from the North American Free Trade Agreement. Congress should not leave town until it is approved.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my very good friend, the gentleman from Peoria, IL [Mr. MICHEL], our revered Republican leader.

Mr. MICHEL. Mr. Speaker, I rise in strong support of this rule, which will set the stage for a vote on GATT in November. Since we are all a bit weary as we engage in the usual end of Congress chaos, let me make my message as briefly and clearly as I can.

Mr. Speaker, I believe it is in the best interests of all the American people to pass the rule tonight with strong support on both sides of the aisle. I am not going to bore you with details of how we got to this moment. Members all know the pressures and the problems and the conflicts that have brought us to this particular point.

Suffice it to say that working with the Democratic leadership, we were able to come to an agreement as to the time when we would actually debate GATT and vote on it in November, just prior to its being considered in the other body.

Mr. Speaker, I specifically want to praise the gentleman from Missouri [Mr. GEPHARDT], the distinguished Majority Leader, and, of course, the Speaker, for their willingness to sit and listen to our concerns and discuss the issue as we did in calmness today.

Mr. Speaker, I want to commend them on their fine judgment and wisdom in agreeing to the compromise. This is neither a time nor place to debate GATT, but what I would like to say to my Members, Mr. Speaker, particularly, is that we oppose rules on occasion for several reasons. If we are absolutely opposed to the consideration of a bill, we vote against the rule to let it be known that that is what our feelings are. Other times we oppose rules because we feel they are probably too tightly structured and we would like to open them up for amendments.

However, I have to tell all Members that under the procedure for a trade agreement such as this, the rule will be the same today, tomorrow, next week, next year. It is not that it is a difference of a rule. It is going to be the same rule, so we would appreciate very much having the support of as many Members on our side of the aisle as feel comfortable in voting for the rule to make it a purely bipartisan approach.

Mr. Speaker, this does not commit a Member definitely in voting for the rule. You are voting to consider and debate it. I thought on our side we always countenanced full debate on any issue, as controversial as that may be. That is why I would urge Members to vote for the rule, take our chances when it comes up, then, the day before the Senate considers it over in the other body.

There will be that time, I hope, during the debate which normally might very well be a 4-hour stint. Those of us who feel strongly about GATT can make our case at that time.

Just one final point again, to our Members on the Republican side, because traditionally, traditionally our party has been for free and open trade, breaking down tariff barriers, and improving the commercial intercourse between countries to provide jobs, jobs, jobs. That is what this bill does do over a long haul.

Mr. Speaker, I would surely hope that having come to this agreement, as we have, in a bipartisan way, that we can assure our democratic counterparts and colleagues that there will be a significant body of support here on our side for the rule tonight.

I thank the gentleman for yielding such time that the leader might make these comments, hoping it will convince a sufficient number to carry the day.

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

Mr. TRAFICANT. Mr. Speaker, I think there was an appropriate term used here on the floor. It was "intercourse." I think it really fits well with our trade policy. Forty years ago our factories were booming, our government invited the Japanese in. They took tours. We allowed them to take photographs. We let them take blueprints of our factories and machinery. Then we lent them money so they could build some factories. Then they could not repay, so we converted the loans to grants. Now Japan has factories, America has photographs, and we are going on with the same trade program.

□ 2010

Mr. Speaker, I am for free trade, but how in God's name can you have free trade when they can make it for 10 cents an hour in China and send it over here?

If GATT is so great, why does Japan love it? If GATT is so great, why does China love it? This bill, it is projected, will cost 1 million textile and apparel jobs. All I want to say is this: This is

not a General Agreement on Tariffs and Trade. This is a Great Ambush to Taxpayers. It is another God awful trade treaty. It is nothing special. You cannot separate our trade deficit from our budget deficit. We have record highs.

It this was a good trade program we had been practicing, we would be doing better. The Democrat Party is abandoning the American worker and the Democrat Party is going to send the American worker to the Republicans, because the Democrat Party is not standing up today for the American worker. In my district when American workers and our workers start questioning the leadership and the direction of our trade policy, the Democrat Party is beginning to turn their back on the average working man. I oppose this rule, I oppose these trade policies and I wish there could be some common sense around here because we will be lucky to have a damn job left.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Indianapolis, IN [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I agree with my colleague from California that this is the largest trade agreement that we have ever negotiated. I agree with him that we should not rush it because it is inadvisable to rush something of this magnitude through this body. But what I do not agree with is coming back in a lame duck session with probably 50 to 100 Members who will be voting on this no longer Members of this body and not answerable to the electorate. It is the same in the other body. This is a heck of a way to run a railroad.

There are questions about the impact of this trade agreement on U.S. sovereignty. There are questions about us being able to unilaterally impose trade sanctions against people who unfairly treat us in trade areas. There are questions about the constitutionality of the World Trade Organization. There are questions about the impact of this agreement on the patent system in this country. All of those questions need to be well thought out and voted upon by the people who are elected to represent the people of this country. To come back in a lame duck session when all the pressure is off and to vote on an issue of this magnitude is just simply wrong. Some of my colleagues have said that the fast track provisions run out and the Senate will not extend them if we wait until January. I say to that, baloney. Baloney. They will extend fast track if they know there is no alternative.

We must in my opinion, if we are going to hold this thing over and not vote on it before we adjourn, carry it over until the next session and let the newly elected representatives of Congress, the elected representatives of the people, vote on this, not 100 Members who are no longer Members, who do not have any accountability to the people, who can succumb to political pressure if they choose to do so, for whatever reason, without any accountability to the electorate in this country. It is just wrong.

If it was not something of this magnitude, if it was something that was relatively insignificant, I would say, well, maybe it is all right to have a lame duck session. But this is the most important piece of trade legislation that is ever going to come before this body. And to have 100 Members of the House of Representatives who are no longer in this House, who are no longer accountable to the people to vote on it, is just wrong. I think everybody here knows it. It is going to be the same in the other body. I would just like to say to my colleagues, whether you are for it or whether you are against GATT, if we are not going to vote on this before we adjourn sine die now, then let us wait until the newly-elected Congress and bring this up and debate it thoroughly and let the American people have some input and not have a lot of unelected, former Members of this body making major decisions for the people of this country when they have no accountability.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

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

Ms. KAPTUR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I have read most of this agreement, I think, more than most of my colleagues and I am unalterably opposed to it. I think it is going to be the death knell of the United States as a great trading power or industrial power and I am not going to be allowed to speak for more than 15 seconds tonight.

This is a gag rule, it is ridiculous, and I would urge people to vote down this rule.

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this rule because a vote on this rule is the only real vote on GATT, because this rule means that fast track prevails and whatever comes down here in November will have the opportunity for no amendment. Think about it, my friends. Why the rush to pass a 4,000 page bill, plus supporting tariff schedule that was 7 years in the making and now is allowed only 1 hour of debate on the rule tonight and 4 hours, if we are lucky, in November? This vote tonight on the rule strictly sets the terms of debate. Fast track was supposed to mean 45 days of deliberation, not 45 minutes tonight, and maybe 4 hours in November. Think about it. GATT creates a new World Trade Organization. Nations that have consistently voted against us in the United Nations, like China, Cuba, India, North Korea, will have voting power in trade disputes equal to us as the United States and we will have no veto power. What does that mean? It means that under GATT, other nations will have the power to impose sanctions on us for our environmental, labor, and consumer protection laws already on our books including child labor laws. Under this proposed GATT, our laws protecting children could be challenged so that those who profit from child labor can continue to do so.

My friends, if you are not familiar with the recent softwood lumber dispute in Canada in which Canada subsidized their lumber industry, dumped their product in the United States and then stacked the dispute resolution panel with 2 jurists with proven ties to the Canadian lumber industry, you have a little idea of what is going to happen. There is more here than you might imagine at first blush. The World Trade Organization's secret dispute resolution process will not be open, nor will it be subject to American style appellate review. If other nations try to bribe panel members, who will defend the integrity of the process? Beyond this, if you have noticed that this bill weakens protections for U.S. patentholders and inventors, you cannot do anything about it once you vote for this rule tonight because you cannot amend the basic bill. This bill is too important to be passed without being thoroughly reviewed. In this post-cold war world, trying to pass massive trade agreements through the narrow eye of the needle of the House Committee on Ways and Means is antiquated. In a world where we see economic interests governing political relationships, the spillover effects of trade should be dealt with by the other important committees in this institution, like the Committee on the Judiciary, the Committee on Education and Labor, the environmental subcommittees, the budget and joint tax committees. Every one of them is effectively neutered in this process.

If you believe, as Michael Schrage from MIT states in the Washington Post, that "to talk about global economic development without addressing the challenges posed to the U.S. workforce is disingenuous, a marriage of bad policy to bad politics," then you will vote no on this rule tonight. For a change, stand up for American workers. Do not even swing at this fastball. Vote no on the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, Florida [Mr. GOSS], my Committee on Rules compadre.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the greater San Dimas metropolitan area for yielding me the time.

Mr. Speaker, it is clear Members harbor mixed feelings about taking up the GATT implementing language.

With the other body on hold for extended review and the House clock ticking down toward adjournment, there came an escalating drumbeat in favor of taking more time on this landmark legislation.

Many Members and many Americans still have serious, legitimate questions about this agreement that deserve thoughtful and specific answers.

I have been deeply troubled that this administration—which has shown itself willing to jam a highly unpopular and questionable military misadventure in Haiti down the throats of the American people—was again attempting to stomp out opposition to a policy, rather than take the time to educate and lead the public opinion.

There seem to be reasonable answers to most of the questions that have been raised by GATT. But the administration—and frankly this Congress—has not gotten the message out to the people we work for. That is one reason why this House has been so skittish on the subject of GATT—and that is why now is not the best time to force the issue.

Americans want a better idea of if and how our laws and trade policies might be constrained by GATT. They want to understand how this agreement came about and who will have a say over enforcing it down the road.

They want assurances that some international conglomerate is not going to be able to dictate American policy. And, having seen reports of giveaways to large corporations including apparently to the Washington Post, they are wondering if there are still surprises tucked into this 651 page implementing bill.

I know many Members have been dealing with the Uruguay round for more than 8 years, but most Americans have not had that type of detailed exposure to this complex process.

Mr. Speaker, I recognize the importance of world trade and drawing down barriers to free markets and am pleased to support this rule with the understanding that the leadership will hold further consideration until later this year.

I think that is a wise step to avoid risking the demise of the entire GATT process on a poorly timed effort to ram this thing through.

□ 2020

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the distinguished gentleman from Michigan [Mr. BONIOR] the majority whip.

Mr. BONIOR. Mr. Speaker, once again we are engaged in a debate about the trade policy of this Nation.

And once again, supporters of this agreement are trying to portray this debate in very simple terms: Are you for or against free trade?

But to portray this debate in those simple terms is to turn our backs on all this country has stood for, and to close our eyes to the real challenge we face in the global economy today.

We can never forget that the only reason we are able to bargain from a position of economic strength today is because of all the sacrifies made by the people who went before us.

People who had the wisdom to know that if we gave people the right to organize, and the fight to bargain for better wages, it would raise the standard of living in America.

And in doing so, in giving people the ability to make enough so they could afford to buy the products they made, we would create a middle class that would propel this Nation forward.

For over 100 years, we clung to that vision, and we succeeded.

But today, the rules have changed.

Our success as a nation today no longer depends solely on whether or not we can afford to buy the products we make, but whether or not other nations can afford them as well.

The challenge we face today is whether or not we can use our trade agreements to raise the standards of other nations to our level, rather than lowering ours to theirs.

But as I look over the list of the 123 nations that signed this GATT agreement, I see many nations where people work for a dollar an hour or less—where people work within arms reach of toxins and poisions—but yet they are denied the right to bargain for better wages and a better life.

We cannot continue to pretend that these conditions do not have a direct impact on our own families and businesses.

Mr. Speaker, it is naive to think that just opening the border to so-called free trade will fix these problems. Because history has shown us just the opposite.

History has shown us that if we do not address the environment, and wages, and working conditions directly in our trade agreements, they never get addressed at all.

But sadly, this agreement does not address them. On each and every one of these issues, GATT is silent.

Here we have an agreement that is over 20,000 pages long—signed by 123 other countries—that will affect every sector of our economy, and influence our trade policy for generations to come, and not one of these issues is addressed.

Mr. Speaker, by passing this agreement, we run the risk of seeing more companies pack up and move overseas, more Americans having their purchasing power eroded, and more nations unable to buy the products we make.

Yet we continue to ignore the stark reality facing us today. I believe this is the same mistake we made with NAFTA.

To this day, we continue to close our eyes on NAFTA, and only look at half of the story.

The Commerce Department tells us that United States exports to Mexico are up 17 percent. What they do not say is that imports from Mexico are up 21 percent, and that has cost us jobs.

They point out that the United States has exported 22,000 vehicles to Mexico through July. What they do not say is that we have imported 221,000 vehicles from Mexico, and that has cost us jobs.

What they don't say is that 35,000 workers from 224 firms in 37 States have already applied for benefits due to jobs lost from NAFTA, and that's just through August.

What they do not say is that Mexico continues to devalue its peso—making our products that much more expensive in Mexico, and Mexican products that much cheaper in the United States.

Yet we keep closing our eyes.

Last fall, many dismissed our warnings that Germany and Japan would use Mexico as a platform to export cars duty-free into the United States. Yet, since NAFTA passed, Honda, BMW, Nissan, Volkswgen, and Toyota have all announced plans to build new plants in Mexico—and have vowed to drastically increase their imports to America.

When you look at both sides of the story, it is easy to understand why our trade surplus with Mexico has dropped by over 30 percent in the past year alone—and continues to shrink.

That's the reality of NAFTA today.

Don't get me wrong—now that it's the law of the land, we all hope it succeeds. But it never will succeed until we open our eyes to both sides of the story.

It doesn't have to be this way. We can do better in our trade agreements—and we must.

I supported the Canadian Free-Trade Agreement. And I believe I will be able to support an agreement with Chile. Agreements that are carefully crafted, that achieve a real balance on wages, working conditions, and living standards. That is where our future lies.

But that is not what we have before us today.

I will support this rule. I believe we should have this debate. But I will be voting against this GATT.

I believe both NAFTA and GATT will come back to haunt us.

But regardless of what happens on GATT, I promise you this: We have not heard the last of this issue.

Not until we open our eyes and face the future with the same vision that built this great Nation.

In the end, unless we remember the rights that we fought for, unless we fight for those rights for others, we will lost those rights ourselves.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from Lutherville, MD, [Mrs. BENTLEY], who will also be retiring at the end of this term.

Mrs. BENTLEY. Mr. Speaker, let me say to my colleagues tonight, please read carefully the remarks of the gentleman from Indiana [Mr. BURTON], and the gentlewoman from Ohio [Ms. KAPTUR], before they vote.

Mr. Speaker, all of you who are voting on this rule tonight—whether for or against—must remember the golden rule of politics, "Never waffle!" I predict to anyone of you thinking of voting one way on the rule for political reasons and, then, voting another way on the GATT for PAC reasons, that you cannot have it both ways.

There are literally millions of Americans across this country who will know how you voted on both votes. As long as you are in politics those people will remember and your waffle will dog your campaign days.

It is a historic vote tonight. Every one of our names will forever be engraved on this watermark legislation—to our pride—or, ultimately, to our shame. If there is one Member, who like the Washington Post or the Atlanta Journal, has a vested interest in the passage of GATT—a future job with one of the companies heavily lobbying this legislation—large personal investments in companies that will be profiting from the opening of foreign markets—not the average American manufacturing company with 100 or less employees—I hope they will recluse themselves from the vote.

Mr. Speaker, the Clinton administration has changed the terms for patents in the general agreements on tariffs and trade [GATT] at the request of Japan. Clinton's deal shortens the lifespan of a patent, robs Americans of royalties, and robs Americans of jobs. With these patent changes in the GATT, we are giving away our technological lead for the next 100 years.

If for no other reason we should reject this rule and ask for more time because the whole world of inventors will effectively be shut down. The United States has the largest body of patents or intellectual property—but under the terms of GATT only the Federal Government can bring a lawsuit to protect our patents.

The fate of American inventors will be decided by foreign members in an international dispute panel, instead of being heard in American courts in front of American juries as guaranteed by the 7th amendment of the Constitution.

My friend, Prof. James Chandler, president of the Intellectual Property Law Institute states, "Without intellectual property there are no jobs." Save our patent system—save our jobs. Vote "no" on GATT.

A no vote states loudly and clearly that we the U.S. Congress will continue to legislate and carry out the will of the American people. Not the will of Sri Lanka, or Singapore, or Peter Sutherland, director general of the world GATT organization. We should not bow on our knee, or our head to Geneva!

A no vote tonight is a no vote against foreign interference in our national affairs.

America is watching.

I believe America will remember.

□ 2030

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

Mr. DOOLEY. Mr. Speaker, I rise in support of the rule and in support of GATT. This trade agreement represents the most significant opportunity in years for the U.S. economy to grow.

The benefits of GATT are clear. The U.S. Department of the Treasury estimates that 10 years after implementation of the Uruguay round agreement, United States total annual incomes should be greater by $100 to $200 billion. In California alone, estimates are that $10.1 billion in new manufactured goods exports will be generated between 1995 and 2005, creating as many as 200,000 more jobs. U.S. agricultural exports are expected to increase from $1.6 to $4.7 billion by the year 2000 and up to $8.7 billion in 2005.

The GATT agreement improves market access for U.S. products by requiring our trading partners to lower tariffs and other nontariff trade barriers. It expands protection for intellectual property, which will benefit the U.S. computer, entertainment and other industries. The agreement establishes an improved dispute resolution mechanism and new rules on import licensing that will benefit U.S. industries.

The United States provides the most open market in the world. Unfortunately, up to now, all we have received in return from our trading partners are increased tariffs and non-tariff trade barriers and increasing unfair government subsidies. The Uruguay round agreement puts in place specific reductions in all three of these areas, which will lead to a more level playing field for American exports.

I have no doubt that American farmers, manufacturers, and workers can compete and win in the world market. However, for too long we have had to compete in an unfair market. This GATT agreement represents a golden opportunity for U.S. exports to break into new markets and expand existing markets.

All of the criticism that has been leveled against this agreement pales in comparison to the benefits that will accrue to the United States. Don't let the scare tactics being used by the opponents of GATT obscure the concrete benefits of this agreement.

The Uruguay round does not increase taxes, as some opponents of the agreement will argue. Rather the agreement will lower global tariffs by $744 billion over the next 10 years. However, the budget rules require Congress to provide offsets for the $12 billion of lost tariff revenue to the U.S. Treasury—even though in reality GATT will increase the gross domestic product [GDP], and thus revenues to the Federal Treasury. The bipartisan financing package for GATT is more than 60 percent spending cuts. The remaining financing is primarily changes in current revenue and compliance items—not new taxes.

Opponents of the agreement have also misrepresented the role of the World Trade Organization [WTO] under the agreement. This is the organization that will be charged with oversight of the GATT agreement, and will replace the current GATT structure. The WTO is like a contract among member countries. Under the contract, a country found to be in violation of the agreement can choose to, first, pay compensation, second, negotiate a settlement with the complaining party, or third, take no action and allow the complaining government to withdraw some equivalent level of concessions. Under no circumstances would a country be required to change an existing law. In no way does the WTO threaten U.S. sovereignty.

The population of the United States will increase by 30 million over the next 20 years, and the world population will increase by 2 billion over that same period. Clearly, the U.S. must find ways to gain access to the international market. GATT will facilitate U.S. access to this fast growing world market.

I am alarmed by increased pressure to enact protectionism trade policies in the United States and around the world. Closing our markets is not the solution. Increasing productivity, improving quality and meeting international demands are the solutions. American business can meet this challenge, if given the chance. I believe the GATT agreement is a step in the right direction. Vote for the rule and for the implementing legislation.

Mr. DREIER. Mr. Speaker, there is no one in this House who is a stronger proponent of free trade than my friend, the gentleman from Arizona [Mr. KOLBE].

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the opportunity to talk to the House this evening about this. I rise in strong support of this rule, as I will rise in strong support next month when we debate the agreement itself.

I am disappointed, and I know many of my colleagues on both sides of the aisle are disappointed, perhaps some on

both sides of the issue, that we will not debate this issue tonight or this week, that we will not have a vote on it now.

As my colleague from California explained, it is because of action in the other body, it is because of action of the Senators that they will not be voting on it before this election that compelled us to take the same action over here.

Ladies and gentlemen, the GATT agreement is important. Make no mistake about that. If you have any doubt about it, you only need to watch what has been going on the last 2 days on the markets to see the kind of indicators that we have seen and the drop in the market values. Make no mistake about it, whether you are for it or against it, the world is watching this debate and will be watching the debate that we have next month.

We live in a world that is interdependent economically, and we cannot take lightly the vote that we cast.

Why must we do this this year? Because we will lose much of the benefits of NAFTA if we do not act this year. We will lose the benefits, and we will lose the value, because we lose fast track, and we will not have the ability to debate it under the same circumstances.

This represents the biggest tax cut in history, $750 billion over the next several years. It will result in a 2- to 3-percent increase in the gross domestic product in the United States. It will put thousands of dollars in the pockets of every American. It will result in better jobs, more jobs, better-paying jobs. We need to have GATT.

Before I close, let me pay tribute to my distinguished leader, the gentleman from Illinois [Mr. MICHEL], for the role that he has played, the Speaker, and to the gentleman from Missouri [Mr. GEPHARDT] for the willingness to work out the arrangement that we have here tonight, and I want to especially pay tribute to my good friend and colleague on the other side of the aisle, the gentleman from California [Mr. MATSUI], whom I have had the privilege of working with on this issue, and, of course, to the gentleman from California [Mr. DREIER].

I look forward to coming back next month, debating this issue, and I look forward to the passage of GATT, the largest tax decrease in American history.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I rise to ask my colleagues to support this rule. The world economy has reached an historic juncture. The economic interdependence of countries throughout the world has grown dramatically. The old GATT rules, if not modernized and expanded, will soon be overwhelmed.

The new GATT agreement addresses the emerging trade issues of the future and readies us for the twenty-first century. Once in place, the new rules will lead to a vast expansion in world trade.

I wish we were voting tonight to ratify the agreement as well as the rule.

Washington State has embraced the opportunities international trade offers. It is the most trade dependent State in the Nation. The result has been $28 billion in exports and 600,000 jobs—more than one out of every five jobs in the State.

The computer software and aerospace industries in my State, in particular, will greatly benefit from the new GATT rules protecting intellectual property rights and controlling unfair trade practices.

Yearly losses from piracy of U.S. intellectual property are estimated to be a staggering $12 billion. The new GATT agreement will finally give U.S. copyright and patent holders a means to enforce and capitalize upon their legitimate intellectual property rights throughout the world.

The new GATT agreement is the right agreement for my State and the right agreement for America.

I urge my colleagues to support the rule tonight.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Warren, PA [Mr. CLINGER], the ranking member of the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, I rise in strong support of this rule, and only regret that we have to wait until November to vote on the bill itself.

Mr. Speaker, the sooner we vote on opening markets worldwide, the sooner we quench the fires of protectionism now going out of control. Europe and the rest of the world are closely watching what we do tonight. Let us not flinch.

Mr. Speaker, my home State, Pennsylvania, ranked 10th among the States in exports of merchandise in 1993, with $13.2 billion worth of goods sold abroad.

Frankly, I think we can do better, and the Uruguay Round agreement will help Pennsylvania exporters by opening markets overseas—markets in which Pennsylvania products may have been uncompetitive because of a high tariff at the border or markets where our pharmaceuticals or software could not be sold due to weak or nonexistent protection for intellectual property rights. New sales there means more jobs here.

Lest the noise of the debate over peripheral issues drown out that fundamental truth, let me repeat it: by opening new markets to American products we will strengthen our own economy and put more of our own people back to work. This is an American jobs bill.

The opportunity we have today, to pry open markets across the globe, is rare and fleeting. Let us not squander this opportunity; indeed, seize it.

The General Agreement on Tariffs and Trade has provided an orderly and stable system for trade for the last 45 years. Our exports in this period have provided significant numbers of American workers with relatively high-paying jobs. Our economy is far stronger and more robust than it would have been if we had never joined GATT.

Too much is at stake for us to forget how these economic benefits came about or to take them for granted. In 5 or 10 or 50 years from now, as our children and grandchildren are enjoying the economic fruits of a healthy trading system, the superficial, petty disputes aired here today will be long forgotten. This vote, however, and the vote on the implementing bill that will occur later today, will have a place in history.

A vote to adopt this rule recognizes that the United States has spent nearly a decade negotiating, arguing, cajoling, and sometimes threatening our trading partners in order to secure an unfettered world trade system. A vote against this rule signals our trading partners that they need not heed us the next time we complain about the rules or about a country's failure to comply with those rules. A vote against this rule is a vote to weaken the position of future American presidents.

In sum, Mr. Speaker, a vote on this rule is a vote for jobs today, for strong underpinnings for the U.S. economy now and into the future, and to advise other nations of our trade policy with a strong, clear voice. For Pennsylvania workers today and tomorrow, I ask for a "yea" vote.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Simi Valley, CA [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I am normally very supportive of all of the issues that the gentleman from California [Mr. DREIER] brings before this body.

As a free-trader, I must speak out in strong opposition to this rule, because I think it is plain unconscionable that we bring this back in a lame-duck session. This important legislation should not be decided by Members who have no political stake in the outcome.

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

Mr. MATSUI. Mr. Speaker, I rise in support of the rule.

If this GATT becomes law, it will produce an additional $100 billion–$200 billion worth of additional GDP to the American economy on an annual basis.

The GATT can basically be divided into four areas. First of all, it is a continuation of the existing world trade treaty that determines rules on goods and services that cross borders in the world today that has actually given a great rise in the world standard of living over the last 50 years since the end of World War II.

First, this new GATT will expand protection in the intellectual properties. As you know, when software goes across U.S. borders into countries right now, we do not have adequate protection of software and intellectual property. China, for example, steals $1

billion worth of U.S. intellectual properties on an annual basis. This, over a 10-year period, will give U.S. protection and protection worldwide to our copyrights, to our intellectual properties.

Second, the GATT will reduce tariffs worldwide by one-third, which will means there will be a tremendous increase in trade back and forth across the borders.

The third area, of course, is the first time we will have trade in the area of services such as financial services, such as insurance, such as securities. This is an area that will help expand the U.S. economy, because we are the leaders in these particular areas.

The fourth is for the first time we will have a World Trade Organization that will solve disputes, and as you know, since we will be dealing with less-developed countries, countries, that probably will have nontariff barriers, the United States will be the country, along with the countries of Europe and Japan, that will be using the World Trade Organization more than it will be used against us.

□ 2040

This agreement is in the interest of the United States, it is in the interest of progress and growth in our country.

Mr. Speaker, I urge a vote on the rule so that we can get to the point of voting on the GATT in November of this year.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Millbrook, NY, Mr. FISH, the ranking member of the Committee on the Judiciary.

Mr. FISH. I thank my colleague for yielding time, and I rise in support of the rule for H.R. 5110, the implementing legislation of the General Agreement on Tariffs and Trade.

Mr. Speaker, I rise in support of the rule for H.R. 5110, the implementing legislation of the General Agreement on Tariffs and Trade [GATT] Uruguay Round Trade Agreement.

By passing this rule we will be able to consider legislation that will allow American companies to have access to foreign markets that will bring anticipated growth of $1.1 trillion to the U.S. economy over the next 10 years. This agreement will cut foreign tariffs on manufactured products by more than one third, the largest reduction in history.

I am also pleased with the intellectual property standards included in the legislation that will give new protections to American pharmaceutical, entertainment, and software industries. Without the intellectual property protections in this agreement, U.S. producers will continue to lose billions of dollars in U.S exports to piracy and counterfeiting.

Agriculture will also benefit from this agreement. By reducing export subsidies and by limiting the ability of foreign governments to block agricultural exports through quotas, subsidies, and tariffs, export opportunities for U.S. agricultural producers will increase.

Failure to approve the Uruguay round of GATT would serve a blow to the world leadership of the United States and our traditional commitment to free trade. We cannot allow the ever growing global economy to leave America and with it New York State behind, as other nations capitalize on the benefits of this agreement. We must realize our role as a world leader. We must not let the door to hundreds of thousands of new jobs for the people of this country close.

When you cast your vote on the implementing legislation of the Uruguay round of GATT look forward to the promise of increased economic growth and job creation offered by free trade. Do not deny the people of the United States the opportunity for a more prosperous future.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Palm Harbor, FL [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I plan to vote against this rule. While I favor efforts to eliminate the trade barriers and other unfair trade practices, I have a number of questions regarding the implementing legislation which the originally planned rule would not have afforded me the opportunity to get answers to. While I am pleased that we are delaying votes on the basic bill, my constituents and I must get answers to the following questions and the answers thereto shall determine my vote on the bill.

Mr. Speaker, will the United States sovereignty be undermined by the creation of the World Trade Organization? Can the WTO dispute settlement panels strike down U.S. law? Does the fact that each country has one vote in the WTO mean the United States will be outvoted on important trade issues? Will unilateral action by the United States be prohibited under the WTO?

How will U.S. environmental laws be impacted by the GATT Agreement? Will the rules of the WTO promote the reduction of strong food safety laws to weaker international standards? Can U.S. food safety standards stronger than those of the WTO be challenged by other nations as illegal trade barriers?

How much will the Uruguay round cost the American taxpayers? How is the agreement financed and will it increase the Nation's budget deficit?

Does the implementing legislation weaken the Nation's patent system? Will U.S. competitiveness be weakened if we change our patent system? Is the change required under the GATT Agreement or was it added to H.R. 5110 by special interests?

Before Congress voted on NAFTA, the administration made a lot of side deals to secure votes in favor of that trade agreement. Are any similar deals attached to H.R. 5110?

These are just a few of the questions that my constituents and I have regarding the implementing legislation for the GATT Agreement, and I do not believe that 4 hours of general debate will be sufficient to provide adequate answers to our questions.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. I thank the gentleman for yielding, and I rise in opposition to the rule.

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

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the rule governing debate on H.R. 5110, the implementing legislation for the General Agreement on Tariffs and Trade. My own preference would be to vote on this legislation this week. Delay could cost U.S. workers and firms billions of dollars in benefits and lost opportunities.

But in light of the situation in the other body and the various views that we must reconcile in this body, a vote in late November seems to be the best that is achievable. I urge passage of this rule to set the terms of that debate and to allow us to pass this legislation well in advance of January 1 of next year.

America needs the GATT Agreement, a bipartisan agreement negotiated by three administrations over a 7-year period. It will cut global tariffs by some $744 billion, it would create hundreds of thousands of high-paying American jobs, and it will contribute over $100 billion to the U.S. economy each year.

Mr. Speaker, H.R. 5110 contains provisions critical to the adjustment of the textile and apparel industry in this country during the 10-year phaseout period of the multifiber agreement. The so-called Cardin rule of origin amendment establishes that the country of origin for purposes of import, labeling, and other customs purposes will be determined by where apparel or other textile products are assembled rather than where they are cut. Secondly, the circumvention of textile and apparel quotas through illegal transshipments is addressed in this bill. Finally, authority is extended for the President to continue to regulate imports of textiles and apparel from countries that are not part of the World Trade Organization and to whom we do not grant Uruguay round benefits.

Mr. Speaker, the GATT implementation bill is a crucial step for our country and for the world economy, and I urge passage of this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my friend, a hardworking member of the Trade Subcommittee, the gentleman from Bakersfield, CA [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, as is usually the case in these matters, virtually all of the people who are opposed to this measure speak tonight and the vast majority who are in support of it are not down in the well talking.

To my friend from Florida, with whom I have worked long and hard on

bipartisan legislation in the area of health care, all of his questions are answered "no." Is U.S. sovereignty affected? No. Is U.S. law affected? No. Are we to be outvoted? No. Unilateral change of U.S. laws? No, no, no, no, no. The fact of the matter is I agree with all my colleagues who say we should be voting on the substance of GATT now. But because of a single Member over in the other body, we are not.

Let me tell you, when you have 4 signatures on a letter 2 days before adjournment and those 4 signatures are TOM FOLEY, RICHARD GEPHARDT, ROBERT MICHEL, and NEWT GINGRICH, and all of them say vote for the rule, vote for the rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. I thank the gentleman for yielding this time to me.

Mr. Speaker, I just want to say that when we were standing here on the floor last year, we were talking about NAFTA, and everybody told us about all the wonderful things that were going to happen. But in my State of Pennsylvania we have been the number one State in applications for NAFTA trade adjustment assistance. Nearly 3 dozen companies have made that effort. I mention that because if NAFTA were an ant, GATT is an elephant. That is the difference between these bills.

Yet in the committees that I serve on in this Congress Committee on Banking, Finance and Urban Affairs, Committee on Education and Labor, Committee on Small Business we had hearings on NAFTA. We have not had hearings on GATT.

Yet in the committees that I serve on in this Congress Committee on Banking, Finance and Urban Affairs, Committee on Education and Labor, Committee on Small Business we had hearings on NAFTA. We have not had hearings on GATT.

Yet we are expected to come here tonight, coming from an area where in the past 2 decades in southwestern Pennsylvania we have lost 160,000 manufacturing jobs because of the investment and trade practices of this country, I am expected in 1 minute to make my plea against this rule. I make the plea, and I say do not have a continuation of this service.

We have people like the continuation of this service.

We have people like the CEO of Alleghany Ludlum, in a letter to MIckey Cantor, saying,

I am extremely disappointed with the Administration's proposals to implement the weakening provisions contained in GATT. These measures are not required. It is even more alarming that the Administration has not attempted to address the balance of trade.

Ladies and gentlemen, do not keep this situation exacerbated, vote "no" on the rule and kill GATT.

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

Mr. Speaker, every shred of evidence that we have received has demonstrated a dramatic increase, even beyond our expectations, for exports and improved relations with Mexico as a byproduct of the North American Free Trade Agreement.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from California, [Mr. ROHRABACHER].

Mr. ROHRABACHER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise with a heavy heart to oppose this rule. I voted for fast track, and, yes, I voted for NAFTA with all of this discussion.

When I voted for fast track, I thought we were going to get 45 days to examine the treaty. Instead, in a total breach of faith, this administration submitted the GATT implementation legislation in the final days of this session, hoping to force us to a vote without even consideration that such a vital issue requires.

Why the rush job? That is why I am opposing the rule even now and opposing GATT even now, because the administration snuck into this legislation items that should not be part of the implementation legislation, because they are not required by GATT, especially the item that would particularly reduce the patent protection now enjoyed by Americans.

□ 2050

The most disturbing of all of these provisions was that, but there are other things in GATT as well, the GATT implementing legislation, that are not required by GATT. This stealth rip-off of American patent rights hits directly at our competitiveness. Foreign competitors will now be able to use, if GATT passes and this remains in the bill, foreigners will be able to use our technology without paying royalties. They can use our technology against us. It is a crime that provisions like this are in the legislation in the first place.

Mr. Speaker, that is why I am voting against this rule. That is why I am going to vote against GATT unless they are taken out. I hope in the upcoming election every candidate is asked to oppose this crime by voting against GATT unless the provisions limiting American patent rights are taken out.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Mount Prospect, Illinois [Mr. CRANE], the ranking minority member of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague, the gentleman from California [Mr. DREIER] for yielding this time to me.

Let me just remind some of my colleagues on this side of the aisle that the one fundamental division between our parties historically from their inception was our positions on trade, and it was Grover Cleveland who reflected on the thought that, when we impose tariff barriers, we inflict the greatest injury on that man who earns his daily bread with the sweat of his brow, and it was the McKinley tariff in 1890, the biggest protectionist measure in history, that caused the panic in 1893, and Smoot-Hawley guaranteed the Depression went worldwide.

Support free trade.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my good friend and another member of the committee, the gentleman from Corning, New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, my colleagues, there are a million reasons why we should vote against this. I thought of them myself. I have anguished it myself. But the gut issue is whether it does good for the United States, and it does, and I do not care what sort of intellectual approach is being used over here. I do not know what the ghosts are that come out of the closet. From a business standpoint, Mr. Speaker, it makes sense, it creates jobs, it is good for my district, and I say to my colleagues, It's good for your district.

We ought to support this rule. Let us get at it.

Mr. DREIER. Mr. Speaker, I yield one minute and a half to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], who is my former colleague on the Committee on Banking, Finance and Urban Affairs.

Mr. BEREUTER. Mr. Speaker, my colleagues, I had not planned to speak on this issue tonight, but for balance I think it is important that I have a chance to say I am strongly in support of this rule and the agreement, and I would like to see the GATT agreement voted on this evening, if possible.

There was a great deal of hyperbole about NAFTA, but let me tell my colleagues that the approval of the GATT agreement is the most important step we can take to stimulate the economy of this country. That is true of the world economy as well. The GATT agreement is ideally suited for the benefit of the United States.

In fact we achieved all of our primary Uruguay Round objectives. We were the country that initiated the Uruguay Round. Manufacturing, agricultural, service sectors; all of these sectors benefit from year one. We are going to generate more individual and corporate income tax from year one under the GATT agreement than we will lose in reduced tariffs; there is no doubt about that fact. When it comes to the improvement of intellectual property rights, we are the big beneficiary. When it comes to dispute mechanism settlements, change is here. The reforms that we have are going to benefit the United States; there is no question about it.

Now we are going to have a school of red herrings swimming out there, I suppose, in the time remaining, but it is important to remember this GATT agreement is good for the United States, every sector benefits, and I hope my colleagues will support this legislation. It is too bad we could not vote on the agreement tonight, but let us remember when we take up the agreement in late November, the basic arguments are for the United States to approve the GATT agreement produced in the Uruguay Round.

Mr. Speaker, this Member rises in strong support of legislation to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations. On deciding whether to vote for or against this historic trade agreement, it is not even a close call; this trade agreement (which took 7½ years to negotiate and which has been agreed to by in the history of the world. It is the single best economic stimulus for the United States and the 125 countries who have signed it and therefore is a good prescription for an ailing and stagnant world economy.

During the recent debate over the Uruguay Round trade agreement, many have forgotten that President Reagan led the call for the Uruguay Round trade negotiations, President Bush skillfully negotiated a majority of the provisions, and President Clinton concluded the arduous negotiations. This bipartisan effort has sustained itself over 7½ years for one simple reason; each and every citizen of the United States stands to benefit greatly from the opening of foreign markets to U.S. goods and services exports, the worldwide reduction of tariffs, the protection of intellectual property rights, and the systematic adjudication of international trade disputes.

The Uruguay Round Trade Agreement—the most ambitious and comprehensive trade agreement in history—attempts to remedy current world trade inequities by forcing foreign countries to open their markets to U.S. goods and services. In short, the Uruguay Round agreement would enhance export opportunities for agricultural products, manufactured goods, and many services, and it would create a World Trade Organization [WTO] to implement the agreement.

Specifically, the Uruguay Round Trade Agreement:

Adds a predicted $100–$200 billion annually to the United States Gross Domestic Product [GDP] according to the Office of the United States Trade Representative;

Requires the conversion of nearly all nontariff barriers to tariffs and significantly reduces these tariffs on nearly 85 percent of world trade;

Expands GATT rules to cover Government procurement of goods and services and export of many services. This expansion will enable United States service exporters to continue to dominate this fast growing, lucrative sector of the United States and world economy, and it will help United States service providers compete for billion dollar infrastructure projects in the world's fastest growing regions like India and China;

Expands protection of Intellectual Property Rights in the world's developing countries. This is especially beneficial to U.S. high-technology exports and to the U.S. entertainment industry which currently loses billions in annual exports because of piracy and copying.

Strengthens the WTO to arbitrate trade disputes between members and thus avoid costly and destabilizing bilateral trade conflicts among member nations.

Includes agricultural trade under world trade rules for the first time ever.

Mr. Speaker, for my home State of Nebraska, the Uruguay Round Trade Agreement is also overwhelmingly positive. For Nebraska's grain and livestock-dominated agricultural industry, the Uruguay Round is expected to boost export sales of these products from $3.5–$6.5 billion over 10 years. Additionally, it is expected to increase net farm section income by as much as $1.3 billion in 2000 and by as much as $2.5 billion in 2005. This could help to reduce Government spending on agricultural subsidies by roughly the same amount.

Immediately, this agreement will help Nebraska cattlemen sell their beef in Japan. Koreans will put more Nebraska pork and corn flakes on their breakfast table, and Nebraska grain producers will better be able to compete against European grain barons, who will find their government export subsidies greatly reduced. Additionally, Nebraska's small-town manufacturers, like Valmont Industries in Valley, NE, will be able to exploit lucrative markets in the developing world where the thirst for Valmont's irrigation equipment is immeasurable. Clearly, Mr. Speaker, the Uruguay Round Trade Agreement is good for Nebraska and it is good for the United States as a whole.

This Member acknowledges that there are many easy reasons to vote against legislation. In fact, this Member has objected to the Clinton administration's retreat on agriculture export subsidy reductions, its stubborn resistance to waiving pay-go rules, its decision to unnecessarily cut U.S. agriculture export subsidies, and its inordinate delay in submitting this legislation. Nevertheless, Mr. Speaker, this body's consideration of the Uruguay Round Trade Agreement, is simply too important to get sidetracked by the special interest groups who oppose this legislation.

The Clinton administration's, and frankly Congress' stubborn reluctance to not waive pay-go budget rules—despite the overwhelmingly acknowledged fact that this trade agreement will pay for itself through greatly increased revenues from corporate and individual Federal income taxes—has undoubtedly caused several questionable provisions and seemingly absurd additions to this legislation. Nevertheless Mr. Speaker, even with these unnecessary provisions, this trade agreement and this legislation should be approved by this body.

Mr. Speaker, those Members who believe they can take the easy way out by voting against this agreement, should strongly consider the implications of their actions today. Congress' seemingly benign neglect of the proposed International Trade Organization immediately after World War II defeated that organization and forced us to live with the interim GATT agreement, which has been largely ineffective in forcing countries to open their markets to U.S. goods and services for the past 40 years.

In closing Mr. Speaker, as a member of both the International Economic Policy and Trade Subcommittee and the Export Task Force, this Member has strongly supported efforts to liberalize world-trade rules because this Member believes American individuals and companies can effectively compete in world markets if they are permitted to compete under fair-trade rules. In principle and within reason, individuals and companies of different nations should be able to trade with one another without governmental interference. This type of free trade is the most efficient way to promote world-wide economic growth because it permits individuals—not bureaucrats—to make international trade decisions on sound business principles. Therefore, this Member strongly supports this legislation and urges his colleagues to overwhelmingly approve this historic and important trade agreement by adopting this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from El Cajon, CA [Mr. HUNTER], a true spokesman for what I am happy to say is a small minority of the Republican Party on trade.

Mr. HUNTER. I hope my friend, the gentleman from Illinois [Mr. CRANE], is still in the room because in the Teddy Roosevelt room across the street one can see this gentleman that he studied, Grover Cleveland, Democrat President of the United States, in a political cartoon flat on his back in a boxing ring holding those gloves which the gentleman from Illinois has labeled free trade, and the Republicans are standing over him with their boxing gloves labeled fair trade and reciprocity, so do not put too much behind Grover Cleveland's career and credibility with respect to where we are going, my Democrat friends.

Let me just say this is a bad business deal. We are going to talk about the substance later on. But this is a bad business deal because it gives away the most important American economic assets, which is our bilateral trading leverage, country to country, one on one, and it gives it away to a committee, and I say to my colleagues, "If you look at the roster of that committee, it's a committee that doesn't like us very much."

This is President Clinton's GATT. This is his international year. He is sending our troops to Haiti, our Government to the United Nations, and our jobs to Asia and Europe.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Speaker, I come before my colleagues today with reservations on both this rule and the implementation bill of the Uruguay round of GATT. This agreement will encourage companies to continue to exploit low-paid workers, and in the United States it will cost over a million jobs in the textile sector alone,

and, according to both the Office of Management and Budget and the Congressional Budget Office, the agreement's price tag for the first 10 years is over $40 billion.

Mr. Speaker, are we really in a position to give away $40 billion? Or will the people of this country end up paying for this agreement—paying for it as they see important programs stripped away one by one? I ask you, will this be the real price of GATT?

Mr. Speaker, I ask and I urge my colleagues to think long and hard about their vote and then cast it against this constraining rule and this harmful implementation bill. It is up to us to show the American people that this Congress can work for them.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentlewoman from New Britain, CT [Mrs. JOHNSON], another member of the committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the rule.

Mr. Speaker, this country is at a crossroads, and the stakes are high. Today we decide whether to take the road of insularity and fear or the high road to greater growth and prosperity for our country.

My colleagues and I on the Committee on Ways and Means spent many months holding hearings and negotiating to bring forth a very good bill that creates a far fairer trading system, preserves American sovereignty fully, and protects our world-famous inventiveness, a bill that will guarantee successful American participation in international trade for decades to come.

Mr. Speaker, the GATT agreement means jobs for Americans. It means growth in personal income and our standard of living. It means greater certainty and fewer disputes with world neighbors.

For my own State, GATT means increases in the $5.4 billion in goods and services sold to other countries. It means we will add to the nearly 200,000 jobs in Connecticut that create speciality metals, jet engines, chemicals, and a host of other products.

I say to my colleagues, "I urge your support of the rule."

Mr. DREIER. Mr. Speaker, to close debate on our side, I yield 1½ minutes to the gentleman from Houston, TX [Mr. ARCHER], my good friend with whom I have been working over the last several months on the Uruguay round. No one has been more diligent on behalf of free trade.

□ 2100

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

Mr. Speaker, I am pleased to speak to my colleagues, to tell them that there should be no controversy over this rule. There may be controversy over the substance of the GATT ratification implementing the legislation, but the rule clearly should not be controversial. Yes, it waives points of order, as I say to my Republican colleagues, but that is always the case under fast-track. It is the exception to prove the rule. It gives perhaps what some might think of as limited debate time of 4 hours, but after this debate on the rule, and after all the other discussion that is going to occur between now and November 29, there will be plenty of time for people to understand what they are voting on.

The rule should not be controversial. This rule should pass. This rule is important to the future of this country, to more and better paying jobs for Americans. Make no mistake about it. And it is destructive to this country as well as to the world if it fails to pass, because history teaches us that protectionism, no matter how seductive, inflicts a wound upon those who implement it on themselves. The one thing we seem to learn from history is that we never seem to learn from history and, as a result, we must relive it.

But history tells us that since the Industrial Revolution, every country that has been seduced into protectionism has seen a decline in the standard of living of its people, and every country that has reduced its trade barriers has witnessed an increase in the standard of living of its people.

America today is lean, strong, tough, competitive, to take advantage of a world marketplace which is willing to reduce its barriers to our products and our services as never before. We should not turn our back on this opportunity, not just for ourselves, but for our children and their children.

Mr. Speaker, I urge a vote for this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from the State of Washington [Mr. KREIDLER].

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

Mr. Speaker, it is time to pass the GATT bill. It is time to stop complaining about the timetable. It is time to stop pretending we can dictate the terms of trade to the rest of the world. It is time to stop listening to the paranoid fears of the far right and the far left.

Of course, every one of us thinks we could have written a better agreement. Every one of us would like to see something different in this bill. But every one of us knows that, in the end, this is the best agreement three Presidents could reach over 8 years of negotiating.

Make no mistake—trade is where our economic future lies. Half our economic growth in the last 5 years was in exports. Trade-related jobs have increased three times faster than overall jobs in the last 40 years.

In my State of Washington, one out of every four jobs depends on trade. This bill will help our exporting industries—aerospace, software, agriculture, forest products. It will open up markets and bring down world prices. It will be good for American industry, American workers, and American consumers.

We hear a lot about taxes in this body, especially from the other side of the aisle. Well, this is the biggest tax cut in history. It will bring down prices all over the world.

We hear a lot about over-regulation of business, especially from the other side of the aisle. Well, this is a massive deregulation bill, knocking down barriers to trade all over the world.

But instead of cutting tariffs and opening up world markets, instead of seizing this chance to expand trade, some of our friends across the aisle have apparently decided to go for gridlock one more time, even if it jeopardizes the trade agreement Ronald Reagan, George Bush, and Bill Clinton fought to achieve.

Some of us came to Congress to fight for change. Nobody said change would be easy, or happen overnight. Change means choosing hope over fear. This is such a choice.

Now is the time. This is the place. Vote "yes" on the rule and "yes" on the bill.

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

The SPEAKER. The gentleman from South Carolina is recognized for 2 minutes.

Mr. DERRICK. Mr. Speaker, I could not agree with the previous speaker more that the controversy is not the rule. I have heard a number of speakers get up tonight and say we need more time to consider it. My goodness gracious alive, we have been talking about the GATT Agreement for the last 6 years. If you do not understand the GATT Agreement tonight, you are certainly not going to understand it in another 2 months, if we have had it for 6 years.

The fact of the matter is do you believe in the economic might of this country? Do you believe in the future of this country? Do you believe that America can get out there in a free trade situation and compete with the rest of the world?

I believe that. I think most Americans believe that. All we are doing tonight is voting on a rule to give their elected representatives an opportunity to express the will of the people. And I firmly believe the will of the people is that we have what it takes to compete throughout the world in a fair trade situation that will be granted under the GATT Agreement.

Mr. KLECZKA. Mr. Speaker, I rise in strong support of the rule for the Generalized Agreement on Tariffs and Trade [GATT]. Since the Uruguay round was completed on December 15, 1993, opponents have brought waves of false criticisms against it. The most common target of these distortions is the World Trade Organization [WTO], which is the disputes settlement body. I would like to take this opportunity to set the record straight regarding the WTO.

The most often heard criticism of the WTO is that it threatens U.S. laws and U.S. sovereignty. Let me say, once and for all, this is simply not true. Nothing that the WTO does or says can affect Federal or State laws. Once GATT is on the books, what is true today will be true tomorrow: only the Congress or the

State legislature is empowered in our system of government to enact laws. Thus, there simply is no threat to our sovereignty.

When confronted with these facts, the naysayers respond that the WTO could require the United States to pay trade sanctions forever if a law is found to be a trade restriction. As is typical of their distortions of GATT, this is smoke and mirrors. U.S. laws based on scientific principles cannot be overturned. If there is a proven basis for the existence of a law, such as food product safety standards, other countries will not be able to successfully challenge it. In fact, under GATT, international health and food safety standards will rise. GATT even permits States to enact higher levels of protection than those specified by the Federal Government. What GATT does not let nations do is pass a law under the pretense of health and safety, but whose real purpose is to prohibit trade. Thus, contrary to what the critics say, GATT was negotiated with maintaining our Federal and State laws in mind.

Aside from the technical aspects of the law, it is no secret that the United States has the largest economy in the world. Under the present system, the United States can legally block unfavorable rulings, and while complaining countries can still retaliate, they are extremely unlikely to do so out of fear of triggering a self-destructive trade war with us. We will continue to command this economic might under the new agreement. With such a vast and strong economy, the United States could easily retaliate and do serious damage to the economies of other countries. Consequently, there is no reasonable basis for arguing that the United States is surrendering its sovereignty in fact or in practice.

In addition to considering one particular aspect of GATT, like the WTO, it is important to look at the larger picture. This agreement is really about a choice. A choice as to whether the United States will participate in the world economy or retreat to a position of isolationism. To my mind, the answer is clear. The benefits of participation far outweigh retreat. We should pass this rule and the agreement because it is good for my district, it is good for Wisconsin, and it is good for the United States of America.

For example, most economists estimate that GATT will create between $100 million and $200 million in U.S. economic growth each year for the next decade. It is also expected to create as many as 1.4 million jobs in this country over the same period. And, the global tariff reductions will benefit U.S. consumers in the form of lower prices. In my State of Wisconsin, GATT is likely to build on our success in exporting goods and services. Wisconsin has experienced a 98 percent rise in merchandise exports in the last 6 years, largely on the strength of growth in industrial machinery and computers, scientific instruments, and electric and electronic equipment. These sectors, and all businesses, will benefit from lower foreign tariffs and protection against intellectual property infringement.

In contrast, we know the results of a decision to isolate ourselves; economic depression. When the Smoot-Hawley Act of 1930 was enacted creating very high tariffs in an effort to protect domestic industries, the United States sank into the Great Depression, and for those of you old enough to remember, the average person paid an awful personal price. We must guard against the seductive charm of critics seeking to ply us with tales of the virtues of isolationism. Retreat will only sap our economic might and make us weak. Engagement in the world economy will make us strong, and participation with other nations will bring increased prosperity for all.

The importance of passing the GATT does not mean I did not have problems with the implementing legislation. I did. Perhaps my foremost concern about the GATT was that the WTO's dispute resolution process would occur behind closed doors and at the whim of international bureaucrats. I worked with the administration to amend the legislation so that the WTO's activities are more open to public view. One of my proposals which became part of the legislation requires the USTR to open any dispute before the WTO involving the U.S. to public scrutiny by printing it in the Federal Register. Another amendment I worked to include in the bill requires the USTR to take the public's written comments into account in preparing its submissions to the WTO.

I also sought to ensure that the USTR does not ignore public input during the dispute resolution process. Thankfully, a provision was included at my urging establishing a framework for close and continuing consultations between the USTR and interested U.S. parties. Finally, my proposal to require that the USTR make all U.S. written submissions to the WTO public was also included.

The GATT Agreement before us also made substantial progress on my two final areas of concern—the environment and financing. First, while the agreement will not end all environmental problems, it elevates environmental considerations to the highest levels of trade policy making for the first time. Second, despite the fact that GATT will generate tremendous new business revenue and the jobs that go with it, current budget rules cannot account for these expected economic benefits. Thus, $12 billion in revenue measures was found to pay for the reductions in U.S. tariffs in order for the legislation to be fully paid for within the 5-year estimating period required by the rules of the House.

Creating jobs and opportunities for businesses in Wisconsin and across this great Nation are two of my primary objectives, and GATT is expected to come through on both. While I never had doubts about the importance of the GATT, I did about the implementing legislation. However, I was able to get my leading concerns addressed during congressional consideration, which is why this GATT Agreement will receive my strong support.

Mr. HUGHES. Mr. Speaker, I rise in support of the rule on H.R. 5110, the Uruguay Round Agreements Act, a bill to approve and implement the Uruguay Round of the General Agreement on Tariffs and Trade [GATT]. The Subcommittee on Intellectual Property and Judicial Administration, which I chair, held hearings in August of this year, on the intellectual property component of GATT.

While I was disappointed that our negotiators were not able to eliminate some of the more blatantly discriminatory practices of European trading partners, especially those directed toward United States motion pictures, we should not overlook the significant gains made in the GATT/TRIP's text. The 123 signatories of GATT are now obligated to grant a high level of protection to intellectual property, an obligation that should assist U.S. patent and copyright owners in their worldwide fight for protection.

Piracy costs U.S. copyright owners hundreds of millions of dollars a year in revenue, revenue that would otherwise be spent in creating new works and new jobs in the United States, revenue which would reduce our foreign balance of payments.

H.R. 5110 contains a number of changes to U.S. copyright and patent laws, which I would like to explain.

COPYRIGHT

Computer software rental—H.R. 5110 repeals the sunset in the Computer Software Rental Amendments Act of 1990, scheduled to expire in October 1997. The repeal does not make any substantive changes in section 109 of the Copyright Act.

Bootlegging of live musical performances—H.R. 5110 also contains Federal antibootlegging provisions in order to comply with article 14(1) of the GATT agreement. In new chapter 11 of title 17, United States Code, a civil cause of action is provided to performers to prohibit the unauthorized fixation of their live musical performances. The remedies available are those under chapter 5 of title 17. The right is granted to "the performer or performers." This means that where there are multiple performers, permission to fix the live musical performance must be obtained from each and every performer.

Of course, normal agency principles apply, so that if the performers have authorized an agent to grant permission, that agent may do so. This no doubt will be important in large ensembles, such as orchestras, since the work-for-hire provisions of chapter 2 of title 17 do not apply.

The basic right granted is to prohibit the unauthorized fixation of "the sounds or sounds and images" of a live musical performance. This right covers individuals who use audio equipment or video cameras. The basic right to prohibit unauthorized fixations is supplemented by the right to prevent unauthorized reproduction of copies or phonorecords of live musical performances made from an unauthorized fixation, the right to prevent unauthorized transmissions or other communications to the public of the sounds or sounds and images of a live musical performance, as well as distributions, offers to distribute, sale or offers to sell, or trafficking in any copy of phonorecord of a live musical performance fixed without the authorization of the performer or performers involved.

The rights granted in new chapter 11 of title 17, United States Code do not preempt any civil State laws.

At the same time, title 18, United States Code, is amended by adding a new section 2319a, which makes it a felony to knowingly or for purposes of commercial advantage or private financial gain to engage in the same acts specified in new chapter 11 of title 17, United States Code.

RETROACTIVITY

Article 18 of the Berne Convention obligates members, when they join the Berne Union, to

provide protection to works of already adhering members. The only exceptions to this obligation are when the work is in the public domain in the country of origin or in the country where protection is claimed through expiration of the term of protection. Because of the United States unique history of depriving authors of their copyrights for failure to comply with formalities, there are works of foreign Berne origin that are in the public domain in the United States for reasons other than expiration of term.

Section 514 of the Uruguay Round Agreements Act addresses the issue of retroactivity by granting, automatically, protection to works whose source country is a Berne or World Trade Organization country other than the United States, for the term of protection the work would have otherwise enjoyed in the United States but for the failure to comply with a formality, lack of national eligibility, or in the case of sound recordings, sound recordings published before February 15, 1972, the date Federal protection was first granted.

Protection vests initially in the author or right holder of the work. The term "rightholder" was inserted due to the treatment in most countries of sound recordings under neighboring rights regimes. The term does not refer to a transferee of a work. Where the author has transferred rights in a work that is restored under section 104A, it is an issue of contract law to determine the extent to which, if any, the transferee receives rights for the restored term of protection.

Unlike the retroactive protection provided in the North American Free-Trade Agreement Implementation Act, which was dependent upon filing a notice with the copyright office within a 1-year period, restored copyright under the Uruguay Round Agreements Act is automatic. However, in order to take into account the legitimate interests of individuals who had relied on the public domain status of a work, called reliance parties, section 104A establishes a number of safeguards.

Reliance parties are defined in section 104A(h)(4) as any person who:

First, before the restoration of protection, engaged in acts which would have constituted infringement if the work had been subject to copyright and who continued to engaged in such acts after the date of restoration. A key to the reliance party status under this provision is the requirement that the person has continued to engage in the described conduct. This requirement incorporates the continuing infringement doctrine and is also relevant to section 104A(4) concerning statutory damages and attorney's fees. Under this doctrine and section 104A, the defendant must have engaged in an ongoing series of acts. Cessation of that activity for an appreciable period of time will deprive one of reliance party status.

Second, before restoration of protection, made or acquired one or more copies or phonorecords of the work which was restored.

Also included within the definition of reliance party are certain assignees, successors, or licensees of reliance parties. Persons who acquire significant assets, a term that encompasses, for example, a book publishers' entire division and not merely a number of titles published by that division, of a reliance party or who acquire from a reliance party a derivative work based on a restored work, succeed to the reliance parties' selloff period. Such successors, assignees, or licensees, of course, acquire only the right to sell off copies or phonorecords for the duration of the period of the reliance party. Thus, where a reliance party sells off copies of a restored work 6 months into the selloff period, the successor, assignee, or licensee may sell off the copies only for the remaining 6 months of the selloff period.

The term "derivative work," as used in section 104A (d)(3) and (h)(4), has the same meaning as defined in section 101 of title 17. Thus, there must be a recasting, adaption, or transformation of a preexisting work in order to qualify as a derivative work. Uses such as reproduction of a photograph or poem in a textbook, or any use that does not involve a recasting, adaption, or transformation of the preexisting work itself, as opposed to inclusion of the preexisting work in a new work, will not result in reliance party status.

If a person is a reliance party, notwithstanding the fact that the copyright has been restored automatically, the reliance party may continue to exploit the restored work without liability until the restored copyright owner either serves actual notice on the reliance party under section 104A(e)(2), or the copyright office publishes in the Federal Register a notice of intent the restored copyright office filed pursuant to section 104A(e)(1). Once either of those events occurs, the reliance party has 1 year to sell off his or her stock. During that year, the reliance party may not make further copies of phonorecords of the work. If the reliance party continues to engage in acts that violate the restored copyright owner's rights, the reliance party is subject to the full remedies provided under the Copyright Act, although only for those acts that occur after the selloff period.

Section 104A(3) provides a special exception for existing derivative works. Where a reliance party, before the date of enactment of the Uruguay Round Agreements Act, created a derivative work based on a restored work, the derivative work owner may continue to exploit the derivative work for the duration of the restored copyright provided the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the exception. Where the parties cannot privately agreed on the amount of compensation, either party may bring an action for declaratory relief in U.S. District Court. In determining the amount of reasonable compensation due, the court shall take into account the relative contributions of the author of the restored work and of the author of the derivative work.

The rationale for the exception is that persons who have contributed their own creativity to a restored work, as for example, where a motion picture is based on a short story, should be permitted to exploit their own contributions. At the same time, Congress recognizes that such continued exploitation is still an exploitation of the restored copyright for which payment should be made. Because of the wide variety in derivative and original works, it is impossible to establish a rule of thumb that can be applied to all cases. By directing the courts to weigh the relative contributions of both authors, a fair accommodation can be reached.

The courts are also directed to issue an award that reflects any harm to the actual or potential market for or value of the restored work from the reliance party's continued exploitation of the work. There may be cases, as where a compilation of greatest hits of a singer is slapped together as a single sound recording sold inexpensively, that the sale of that compilation will cause harm well beyond the price of the compilation, such as for one or more full-priced phonorecords of the restored sound recording copyright owner. In such a case, the court has authority to set compensation that takes into account the harm to the full-priced phonorecords.

To qualify for the derivative works exception, there must, of course, be a derivative work and a reliance party, the meanings of which were discussed above.

Section 104A will, when effective, replace current section 104A, which extended retroactive protection to motion pictures and works first fixed in motion pictures whose country of origin is Canada or Mexico and that fell into the public domain for failure to comply with the notice provisions of the 1976 Copyright Act.

PATENTS

The Uruguay Round Agreements Act, H.R. 5110, changes patent law in a way that will benefit American inventors and the public. The most significant change to U.S. patent law is a change in the term of a patent from the present 17 years measured from date of grant to a 20-year term measured from the date of filing of the patent application. The GATT agreement required that patent protection be at least 20 years measured from date of filing. This decision to change to a 20-year term of protection measured from the application filing date is the best patent policy. This change alone will benefit the vast majority of patent owners by providing a longer term of protection instead of a shorter term as claimed by opponents.

The Patent and Trademark Office [PTO], on the average, processes patent applications in less than 20 months. Under the new system, most patents would receive a term over 1½ years longer than the 17 years presently received.

Even for the more complex and difficult patent applications, such as biotechnology applications, the PTO is able to complete patent applications in less than 3 years. A General Accounting Office report on biotechnology patent pendency issued in September 1990, factored in the original application date to calculate pendency at the PTO from that date. The factor added approximately 9 months to the PTO pendency time which would mean that average pendency for biotechnology applications would be about 29.5 months. This means that even for biotechnology patents the term of protection will be longer.

The present system encourages applicants to deliberately delay the processing of patent applications by permitting the filing of unlimited continuations and changes to an original application. Such permissive delays under the present system frustrate the goal of bringing innovation to the American public on a timely basis.

The proposed changes in H.R. 5110 recognize that there will be delays beyond the control of the patent applicant as well as a need to develop the application. The legislation compensates for these potential delays in several different ways.

First, a provisional application is provided for the first time. The legislation allows for the filing of an application up to 1 full year before a complete application is filed. It will be a simple, low cost application. The year will not be counted against the 20-year patent term. Additional development and research can occur during this year as well as the search for investment capital.

Second, extensions of the patent term, for eligible patent holders, are included in the legislation. Delays caused by interference proceedings, secrecy orders, and appellate review by the board of patent appeals and interferences of Federal court may permit an extension of the patent term for up to 5 years.

Third, limited reexamination of pending applications is required. Applicants with patent applications that have been pending for a certain period of time will be guaranteed the right to submit additional information for review instead of a new application after final rejection, as required under present practice, to ensure that the PTO has considered all relevant materials in making its decision.

H.R. 5110 and the implementation of GATT will provide benefits to American patent owners and provide much greater protection abroad than that presently enjoyed by American inventors and industry. H.R. 5110 is in the public interest and provides better patent policy for the country.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. DREIER. 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. 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 298, nays 123, not voting 14, as follows:

[Roll No. 492]

YEAS—298

Abercrombie	Bereuter	Cantwell
Ackerman	Berman	Cardin
Andrews (TX)	Bevill	Castle
Archer	Bishop	Chapman
Armey	Blackwell	Clay
Bacchus (FL)	Bliley	Clayton
Bachus (AL)	Boehner	Clinger
Baesler	Bonior	Clyburn
Baker (CA)	Borski	Coleman
Baker (LA)	Boucher	Collins (IL)
Ballenger	Brewster	Collins (MI)
Barca	Brooks	Combest
Barlow	Brown (CA)	Cooper
Barrett (NE)	Brown (FL)	Coppersmith
Barrett (WI)	Bryant	Cox
Barton	Bunning	Coyne
Bateman	Byrne	Crane
Becerra	Calvert	Darden
Beilenson	Camp	de la Garza
DeLauro	Kennelly	Penny
DeLay	Kim	Peterson (FL)
Dellums	King	Petri
Derrick	Kleczka	Pickett
Deutsch	Klein	Pickle
Dicks	Knollenberg	Pomeroy
Dingell	Kolbe	Porter
Dixon	Kopetski	Portman
Dooley	Kreidler	Poshard
Dreier	Kyl	Price (NC)
Dunn	LaFalce	Pryce (OH)
Durbin	Lambert	Ramstad
Edwards (TX)	Lancaster	Rangel
Engel	LaRocco	Reed
English	Laughlin	Regula
Eshoo	Lazio	Reynolds
Ewing	Leach	Richardson
Farr	Lehman	Roberts
Fawell	Levin	Roemer
Fazio	Levy	Rostenkowski
Fields (LA)	Lewis (CA)	Roukema
Fields (TX)	Lewis (GA)	Rowland
Filner	Lightfoot	Roybal-Allard
Fish	Linder	Rush
Flake	Lloyd	Sabo
Foglietta	Long	Sangmeister
Foley	Lowey	Santorum
Ford (TN)	Machtley	Sarpalius
Fowler	Maloney	Sawyer
Frank (MA)	Mann	Saxton
Franks (CT)	Manton	Schenk
Franks (NJ)	Manzullo	Schroeder
Frost	Margolies-Mezvinsky	Schumer
Furse	Markey	Serrano
Gejdenson	Matsui	Shaw
Gekas	Mazzoli	Shays
Gephardt	McCandless	Shepherd
Geren	McCloskey	Sisisky
Gibbons	McCollum	Skaggs
Gilchrest	McCrery	Skeen
Gingrich	McCurdy	Skelton
Gonzalez	McDade	Slaughter
Goodlatte	McDermott	Smith (IA)
Gordon	McHale	Smith (MI)
Goss	McKeon	Smith (OR)
Grams	McKinney	Solomon
Grandy	McMillan	Stark
Green	McNulty	Stearns
Greenwood	Meehan	Stenholm
Gutierrez	Meek	Studds
Hall (OH)	Menendez	Swift
Hamilton	Meyers	Synar
Hancock	Mfume	Talent
Hansen	Michel	Tanner
Harman	Miller (CA)	Tauzin
Hastert	Miller (FL)	Tejeda
Hayes	Mineta	Thomas (CA)
Herger	Minge	Thomas (WY)
Hoagland	Mink	Thompson
Hobson	Moakley	Thornton
Hoekstra	Molinari	Torres
Hoke	Montgomery	Torricelli
Horn	Moran	Towns
Houghton	Morella	Unsoeld
Hoyer	Murtha	Valentine
Huffington	Nadler	Vento
Hughes	Neal (MA)	Visclosky
Hutto	Neal (NC)	Walker
Hyde	Nussle	Waters
Inslee	Oberstar	Watt
Jacobs	Olver	Waxman
Jefferson	Ortiz	Weldon
Johnson (CT)	Orton	Wheat
Johnson (GA)	Oxley	Williams
Johnson (SD)	Packard	Wilson
Johnson, E. B.	Parker	Wolf
Johnson, Sam	Pastor	Wyden
Johnston	Paxon	Wynn
Kanjorski	Payne (NJ)	Young (FL)
Kasich	Pelosi	Zimmer
Kennedy		

NAYS—123

Allard	Browder	Crapo
Andrews (ME)	Brown (OH)	Cunningham
Andrews (NJ)	Burton	Danner
Applegate	Buyer	Deal
Barcia	Callahan	DeFazio
Bartlett	Canady	Diaz-Balart
Bentley	Coble	Dickey
Bilbray	Collins (GA)	Doolittle
Bilirakis	Condit	Dornan
Blute	Conyers	Duncan
Boehlert	Costello	Ehlers
Bonilla	Cramer	Emerson
Evans	Lewis (FL)	Schaefer
Everett	Lewis (KY)	Schiff
Fingerhut	Lipinski	Scott
Gallegly	Livingston	Sensenbrenner
Gillmor	Lucas	Shuster
Gilman	McHugh	Smith (NJ)
Glickman	McInnis	Smith (TX)
Goodling	Mica	Snowe
Gunderson	Mollohan	Spence
Hall (TX)	Moorhead	Spratt
Hamburg	Murphy	Stokes
Hastings	Myers	Strickland
Hefley	Obey	Stump
Hefner	Owens	Stupak
Hilliard	Pallone	Swett
Hinchey	Payne (VA)	Taylor (MS)
Hochbrueckner	Peterson (MN)	Taylor (NC)
Holden	Pombo	Thurman
Hunter	Quillen	Torkildsen
Hutchinson	Quinn	Traficant
Inglis	Rahall	Upton
Inhofe	Ravenel	Velazquez
Istook	Rogers	Volkmer
Kaptur	Rohrabacher	Vucanovich
Kildee	Ros-Lehtinen	Walsh
Kingston	Rose	Wise
Klink	Roth	Woolsey
Klug	Royce	Young (AK)
Lantos	Sanders	Zeliff

NOT VOTING—14

Carr	Martinez	Tucker
Clement	Ridge	Washington
Edwards (CA)	Sharp	Whitten
Ford (MI)	Slattery	Yates
Gallo	Sundquist	

□ 2126

Mr. COBLE and Mr. QUINN changed their vote from "yea" to "nay."

Mr. THOMPSON of Mississippi changed his 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.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 564.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

□ 2130

AFRICAN CONFLICT RESOLUTION ACT

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2475) to authorize assistance to promote the peaceful resolution of conflicts in Africa, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the gentleman from Florida to explain the measure.

Mr. JOHNSTON of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S. 2475, which I believe will make a lasting contribution to peace on the African continent.

Since the House is today considering the Senate version of the African Conflict Resolution Act and is waiving a conference, I am submitting the following to complete the legislative record in the House. The following language is slightly revised from Report 103–723, which accompanied H.R. 4541, to reflect minor changes made in the Senate bill.

The following is a detailed analysis of the provisions of S. 2475.

PURPOSE

In the last decade, between 2 million and 4 million Africans have died because of war. There are now nearly 7 million refugees and 15 million displaced people in Africa. This problem does not appear to be diminishing; looming or ongoing conflicts threaten millions more Africans. War and civil conflict have also caused untold damage to the economies of the nations of Africa. Economic development, even food production, is impossible in a nation at war.

The foreign affairs committee believes that conflict resolution and demobilization of African armies should be a priority for U.S. foreign policy in Africa. A relatively small U.S. investment in African conflict resolution and remobilization can help save lives and help the United States avoid huge future expenditures on war-related humanitarian disasters. The need for United Nations intervention in African conflicts will also diminish if African institutions develop the ability to resolve African conflicts. Reductions in the size of African armed forces will enhance political and economic stability and enable the reallocation of scarce African resources to development needs.

The purpose of S. 2475, as amended, is to help institutionalize conflict resolution capability in Africa. Toward this end, S. 2475, as amended, authorizes assistance for:

(1) the Organization of African Unity and subregional organizations established by countries of sub-Saharan Africa to strengthen their conflict resolution capabilities;

(2) Strengthening the mediation and reconciliation capabilities of nongovernmental organizations in Africa.

(3) demobilization and reintegration into civilian society of former military personnel;

(4) establishing a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel; and

S. 2475, as amended, draws almost exclusively on funds already allocated to Africa; no new funding is authorized by this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

Section 1 establishes a short title of the "African Conflict Resolution Act" for purposes of this act.

Section 2—Findings and statement of policy

Section 2 contains congressional findings regarding the need for improved African conflict resolution capabilities and declares that a key goal of U.S. foreign policy should be support for institutionalization of conflict resolution capability in Africa.

Section 3—Improving the conflict resolution capabilities of the Organization of African Unity

Section 3 authorizes the President to provide assistance, including technical assistance, to strengthen the conflict resolution capability or the Organization of African Unity (OAU). Assistance under this section may be provided to the OAU or may be used for the expenses of sending individuals with expertise in conflict resolution to work with the OAU. Section 3 also states that, of the foreign assistance funds allocated for sub-Saharan Africa, not less than $1.5 million in each of the fiscal years 1995 through 1998 should be used to carry out the purposes of this section.

The committee notes that the OAU, under the leadership of Secretary General Salim Salim, last year established new conflict resolution mechanism and approved an enhanced role for the OAU secretariat in conflict resolution. The committee is encouraged by these developments, and believes U.S. assistance is warranted.

Consistent with the committee's initiative of last year, the executive branch made $1.5 million available in fiscal year 1994 for assistance to the OAU. These funds will provide critical computer and communications equipment, negotiation support, and other assistance to the OAU's conflict resolution unit. The committee commends the executive branch for its efforts in this regard to date. The authorization in this section of funds for four additional years should enable the OAU to deal with conflict situations more effectively.

The committee believes that effective conflict resolution in Africa also requires coordination between the United States and multilateral institutions. The committee recognizes the United Nations Development Program's (UNDP) efforts in conflict resolution in Africa, especially in providing resources and technical assistance to the OAU.

Section 4—Improving conflict resolution capabilities of multilateral subregional organizations in Africa

Section 4 authorizes the President to provide assistance, including technical assistance, to strengthen the conflict resolution capabilities of subregional organizations in sub-Saharan Africa. Assistance under this section may be provided to such an organization or may be used for expenses of sending individuals with expertise in conflict resolution to work with such organizations. Section 4 also provides that of the foreign assistance funds allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be made available to carry out the purposes of this section.

In recognizing the potential of subregional organizations to contribute to conflict resolution, the committee notes the potential to strengthen the conflict resolution capabilities of the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Drought and Development (IGADD), and the Southern African Development Community (SADC). The committee recommends that the executive branch allocate up to $1.5 million for this purpose in each of the fiscal years 1995 through 1998.

Section 5—Improving Conflict Resolution Capabilities of Non-Governmental Organizations

Section 5 authorizes the President to provide assistance to non-governmental organizations (NGOs) that are engaged in mediation and reconciliation efforts in Africa. Section 5 also provides that of the foreign assistance funds allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out the purposes of this section.

In authorizing the use of such sums as may be necessary for the purposes of this section, the committee recommends that the executive branch allocate not less than $500,000 in each of the fiscal years 1995 and 1996 for this purpose.

The committee believes that in some cases crisis situations can be best addressed by non-governmental organizations or private mediation efforts. Africa has a long tradition of mediation by eminent figures acting informally. It is the committee's intention that assistance under this section build on that tradition. In addition to African organizations and initiatives, examples of relevant NGOs include, but are not limited to, the Carter Center, the Global Coalition for Africa, the Free Africa Foundation, the International Peace Academy, and the African-American Institute.

The committee also supports the establishment of an informal conflict prevention network in Africa. Such a network would link senior African and international statesmen, both active and retired, and non-governmental organizations that could provide trained mediation experts. This network could provide early warning and help prevent conflicts. The committee believes the proposed joint venture between the OAU and the Global Coalition for Africa—"Africa Reconciliation"—is a good example of this type of network. The network would coordinate its activities with the Secretary General of the OAU, and its purpose would be to provide early warning and conflict mediation.

Section 6—African demobilization and retraining program

Section 6 authorizes the President to facilitate reductions in the size of the armed forces of countries of sub-Saharan Africa by providing assistance for encampment and related activities for the purpose of demobilization of forces and for the reintegration of demobilized military personnel into civilian society. This section also authorizes the President to promote civilian involvement in the planning and organization of demobilization and reintegration activities. Section 6 states that of the foreign assistance funds allocated for sub-Saharan Africa, $25 million in each of the fiscal years 1995 and 1996 should be used to carry out the purposes of this section, if conditions permit.

The committee believes that demobilization, retraining, and reintegration activities are particularly important to the success of conflict resolution activities. These activities will require a close cooperative relationship between the Agency for International Development (AID), the Department of State, and the Department of Defense, and should be undertaken in conjunction with the United Nations, international financial institutions, and other bilateral donors.

Section 7—Training for Africans in conflict resolution and peacekeeping

Section 7 authorizes the President to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa. Section 7 also provides that of the foreign assistance funds that are available for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

The committee expects that training for African military and civilian professionals under this section will be conducted in both the United States and Africa.

To further build Africa's indigenous conflict resolution expertise, the committee also recommends that the United States Information Agency (USIA) fund a linkage program between an American university and

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an African university to develop a conflict management program in an African university. The program should help design curricula in the African institution, provide for lecturing and program consultation by American faculty, and provide conflict management training for African faculty. The committee believes that by institutionalizing Africa's ability to train African experts, the need for U.S. assistance will diminish.

Section 8—Plan for United States support for conflict resolution and demobilization in sub-Saharan Africa

Section 8 requires the President to develop an integrated long-term plan to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa. Section 8 requires the President to submit a report to the appropriate congressional committees containing a description of such a plan within 180 days of enactment.

Section 9—Reporting requirement

Section 9 requires the President to submit a report to the appropriate congressional committees within 180 days of enactment describing the efforts and progress made in carrying out the provisions of this Act.

Section 10—Consultation requirement

Section 10 requires the President to consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

Section 11—Appropriate congressional committees defined

Section 11 defines "appropriate congressional committees" for purposes of this Act to mean the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his explanation.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Res. 60, concerning United States support for the new South Africa. I join with my colleagues in welcoming President Nelson Mandela to the United States, and I too wish him the best in his endeavors to establish a nonracial, prosperous, free-market democracy.

I wish to clarify my position on the final provision of the resolution which was the subject of negotiation between majority and minority staff and among the Members. The final version reads: "Steps should be taken to increase trade, investment, and development in South Africa."

I would like to clarify my own understanding of the meaning of this phrase and to expound on the reasons why I was not prepared to support other formulations. My intent is to ensure that we do not open the door to giving away any more taxpayers' dollars to a country which we all support but which is very richly endowed with minerals and other resources.

South Africa is a country that deserves massive investment by business, and I support such investment wholeheartedly. It is an insult to the citizens of South Africa to imply, in the aftermath of apartheid—which we all opposed vehemently, albeit in different ways—that they can only succeed by being on the dole.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2475

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Conflict Resolution Act".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(A) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to help build African capability in conflict resolution. A relatively small investment of assistance in promoting African conflict resolution—

(A) would reduce the enormous human suffering which is caused by wars in Africa;

(B) would help the United States avoid huge future expenditures necessitated by Somalia-like humanitarian disasters; and

(C) would reduce the need for United Nations intervention as African institutions develop the ability to resolve African conflicts.

(2) Africa, to a greater extent than any other continent, is afflicted by war. Africa has been marred by more than 20 major civil wars since 1960. Rwanda, Somalia, Angola, Sudan, Liberia, and Burundi are among those countries that have recently suffered serious armed conflict.

(3) In the last decade alone, between 2,000,000 and 4,000,000 Africans have died because of war. There were 5,200,000 refugees and 13,100,000 displaced people in Africa in 1993.

(4) Millions more Africans are currently at risk of war-related death. Looming or ongoing conflicts in Zaire, Angola, Sudan, Rwanda, and other countries threaten Africa's future.

(5) War has caused untold economic and social damage to the countries of Africa. Food production is impossible in conflict areas, and famine often results. Widespread conflict has condemned many of Africa's children to lives of misery and, in certain cases, has threatened the existence of traditional African cultures.

(6) Conflict and instability in Africa, particularly in large, potentially rich countries such as Angola, Sudan, and Zaire, deprive the global economy of resources and opportunities for trade and investment. Peace in these countries could make a significant contribution to global economic growth, while creating new opportunities for United States businesses.

(7) Excessive military expenditures threaten political and economic stability in Africa while diverting scarce resources from development needs. Demobilization and other measures to reduce the size of African armies, and civilian control of the military under the rule of law are in the interest of international security and economic development.

(8) Conflict prevention, mediation, and demobilization are prerequisites to the success of development assistance programs. Nutrition and education programs, for example, cannot succeed in a nation at war. Billions of dollars of development assistance have been virtually wasted in war-ravaged countries such as Liberia, Somalia, and Sudan.

(9) Africans have a long tradition of informal mediation. This tradition should be built upon to create effective institutions through which Africans can resolve African conflicts.

(10) The effectiveness of U.S. support for conflict resolution programs requires coordination and collaboration with multilateral institutions and other bilateral donors.

(11) African institutions are playing an active role in conflict resolution and mediation utilizing the experience of elder statesmen. Groups such as the All African Council of Churches have assisted in defusing conflicts. The Economic Community of West African States (ECOWAS) has sought to address the conflict in Liberia by deploying an African peacekeeping force. The Southern African states have been working to prevent a crisis in Lesotho. The Intergovernmental Authority on Desertification and Drought (IGADD) has been engaged in attempting to resolve the conflict in Sudan.

(12) The Organization of African Unity, under the leadership of Secretary General Salim Salim, has established a conflict resolution mechanism and has been active in mediation and conflict resolution in several African countries.

(b) UNITED STATES POLICY.—The Congress declares, therefore, that a key goal for United States foreign policy should be to help institutionalize conflict resolution capability in Africa.

SEC. 3. IMPROVING THE CONFLICT RESOLUTION CAPABILITIES OF THE ORGANIZATION OF AFRICAN UNITY.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capability of the Organization of African Unity, as follows:

(1) Funds may be provided to the Organization of African Unity for use in supporting its conflict resolution capability, including providing technical assistance.

(2) Funds may be used for expenses of sending individuals with expertise in conflict resolution to work with the Organization of African Unity.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, not less than $1,500,000 for each of the fiscal years 1995 through 1998 should be used to carry out subsection (a).

SEC. 4. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF MULTILATERAL SUBREGIONAL ORGANIZATIONS IN AFRICA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to strengthen the conflict resolution capabilities of subregional organizations established by countries in sub-Saharan Africa, as follows:

(1) Funds may be provided to such organizations for use in supporting their conflict resolution capability, including providing technical assistance.

(2) Funds may be used for the expenses of sending individuals with expertise in conflict resolution to work with such organizations.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 through 1998 may be used to carry out subsection (a).

SEC. 5. IMPROVING CONFLICT RESOLUTION CAPABILITIES OF NON-GOVERNMENTAL ORGANIZATIONS.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used to carry out subsection (a).

SEC. 6. AFRICAN DEMOBILIZATION AND RETRAINING PROGRAM.

(A) AUTHORIZATION OF ASSISTANCE.—In order to facilitate reductions in the size of

the armed forces of countries of sub-Saharan Africa, the President is authorized to—

(1) provide assistance for the encampment and related activities for the purpose of demobilization of such forces; and

(2) provide assistance for the reintegration of demobilized military personnel into civilian society through activities such as retraining for civilian occupations, creation of income-generating opportunities, their reintegration into agricultural activities, and the transportation to the home areas of such personnel.

(b) FUNDING.—Of the foreign assistance funds that are allocated for sub-Saharan Africa, $25,000,000 for each of the fiscal years 1995 and 1996 should be used for the assistance described in subsection (a), if conditions permit.

(c) CIVILIAN INVOLVEMENT.—The President is also authorized to promote civilian involvement in the planning and organization of demobilization and reintegration activities.

SEC. 7. TRAINING FOR AFRICANS IN CONFLICT RESOLUTION AND PEACEKEEPING.

(a) AUTHORIZATION.—The President is authorized to establish a program to provide education and training in conflict resolution and peacekeeping for civilian and military personnel of countries in sub-Saharan Africa.

(b) FUNDING.—Of the funds made available under chapter 5 of part II of the Foreign Assistance Act of 1961, such sums as may be necessary for each of the fiscal years 1995 and 1996 should be used for the purposes of subsection (a).

SEC. 8. PLAN FOR UNITED STATES SUPPORT FOR CONFLICT RESOLUTION AND DEMOBILIZATION IN SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Pursuant to the provisions of sections 3 through 7, the President should develop an integrated long-term plan, which incorporates local perspectives, to provide support for the enhancement of conflict resolution capabilities and demobilization activities in sub-Saharan Africa.

(b) CONTENTS OF PLAN.—Such plan should include:

(1) The type, purpose, amount, and duration of assistance that is planned to be provided to conflict resolution units in sub-Saharan Africa.

(2) The type and amount of assistance that is planned to be provided for the demobilization of military personnel of countries of sub-Saharan Africa, including—

(A) a list of which countries will receive such assistance and an explanation of why such countries were chosen for such assistance; and

(B) a list of other countries and international organizations that are providing assistance for such demobilization.

(3) The type and amount of assistance that is planned to be provided to nongovernmental organizations that are engaged in mediation and reconciliation efforts in sub-Saharan Africa.

(4) A description of proposed training programs for Africans in conflict resolution and peacekeeping under section 7, including a list of prospective participants and plans to expand such programs.

(5) The mechanisms to be used to coordinate interagency efforts to administer the plan.

(6) Efforts to seek the participation of other countries and international organizations to achieve the objectives of the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing a description of the plan developed under this section.

SEC. 9. REPORTING REQUIREMENT.

(a) REQUIREMENT.—The President shall submit to the appropriate congressional committees a report describing the efforts and progress made in carrying out the provisions of this Act.

(b) DATE OF SUBMISSION.—The first report submitted under subsection (a) shall be submitted no latter than 180 days after the date of the enactment of this Act, and shall be submitted annually thereafter.

SEC. 10. CONSULTATION REQUIREMENT.

The President shall consult with the appropriate congressional committees prior to providing assistance under sections 3 through 7.

SEC. 11. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

For purposes of this Act, the term "appropriate congressional committees" means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

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

GENERAL LEAVE

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2475, the Senate bill just passed.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you that pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Municipal Court of the State of California, in and for the City and County of San Francisco, in connection with a criminal case involving constituent casework.

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

Sincerely,

SAM FARR,
Member of Congress.

LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 416.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 416), providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, with Mr. MAZZOLI in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the order of the House of today, the first reading of the joint resolution is dispensed with.

The text of House Joint Resolution 416 is as follows:

H.J. RES. 416

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Limited Authorization for the United States-led Force in Haiti Resolution".

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

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

(1) On September 18, 1994, the special delegation to Haiti succeeded in convincing the de facto authorities in Haiti to sign the Port-au-Prince Agreement under which such authorities agreed to leave power.

(2) On September 18, 1994, after the Port-au-Prince Agreement was reached, the President ordered the deployment of United States Armed Forces in and around Haiti.

(3) On September 21, 1994, the President submitted a report, consistent with the War Powers Resolution (50 U.S.C. 1541 et seq.), on the introduction of United States Armed Forces into Haiti.

(4) The Congress fully supports the men and women of the United States Armed Forces who are carrying out their mission in Haiti with professional excellence and dedicated patriotism.

(b) STATEMENT OF POLICY.—The Congress declares the following:

(1) The United States-led force in Haiti should use all necessary means to protect United States citizens, to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti, and to facilitate the provision of humanitarian assistance to the people of Haiti.

(2) Transfer of operations in Haiti from the United States-led force in Haiti to the United Nations-led force in Haiti should be facilitated and expedited to the fullest extent possible.

(3) United States Armed Forces should be withdrawn from Haiti as soon as possible.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—Subject to subsection (b), United States Armed Forces are authorized to participate in the United States-led force in Haiti only—

(1) to protect United States citizens;

(2) to stabilize the security situation in Haiti so that orderly progress may be made in transferring the functions of government in that country to the democratically-elected government of Haiti; and

(3) to facilitate the provision of humanitarian assistance to the people of Haiti.

(b) LIMITATIONS.—

(1) TERMINATION OF AUTHORIZATION.—The authorization provided by subsection (a) shall expire on March 1, 1995.

(2) PROHIBITON ON FOREIGN COMMAND.—United States Armed Forces described in subsection (a) shall remain under the command and control of officers of the United States Armed Forces at all times.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the Congress reports on—

(1) the participation of United States Armed Forces in the United States-led force in Haiti and the United Nations-led force in Haiti, including—

(A) the number of members of the United States Armed Forces that are participating in such United States-led force and such United Nations-led force;

(B) the functions of such Armed Forces; and

(C) the costs of deployment of such Armed Forces; and

(2) the efforts to withdraw United States Armed Forces from Haiti, including—

(A) for the purpose of achieving a transition from the United States-led force in Haiti to the United Nations-led force in Haiti, the status of efforts to implement the Port-au-Prince Agreement and to otherwise carry out the terms of Untied Nations Security Council Resolutions 917 (May 6, 1994) and 940 (July 31, 1994);

(B) the status of plans to accomplish such transition to the United Nations-led force in Haiti; and

(C) the status of plans to withdraw United States Armed Forces from Haiti.

(b) REPORTING DATES.—A report under this section shall be submitted—

(1) not later than November 30, 1994, covering the period since September 18, 1994;

(2) not later than December 31, 1994, covering the period since the report described in paragraph (1); and

(3) not later than February 1, 1995, covering the period since the report described in paragraph (2).

(c) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this section do not supersede the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 5. REASSEMBLY OF CONGRESS.

It is the sense of the Congress that the Speaker of the House of Representatives and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House of Representatives and the minority leader of the Senate, respectively, should monitor closely events in Haiti in considering whether to exercise any authority that may be granted to reassemble the Congress after the adjournment of the Congress sine die, if the public interest shall warrant it.

SEC. 6. JOINT RESOLUTION PROHIBITING CONTINUED USE OF UNITED STATES ARMED FORCES IN HAITI.

(a) IN GENERAL.—If a joint resolution described in subsection (b) is enacted, the President shall remove United States Armed Forces from Haiti in accordance with such joint resolution.

(b) DESCRIPTION OF JOINT RESOLUTION.—For purposes of subsection (a), a joint resolution described in this subsection is a joint resolution the matter after the resolving clause of which is as follows: "Pursuant to section 6 of the Limited Authorization for the United States-led Force in Haiti Resolution, the Congress hereby directs the President to remove United States Armed Forces from Haiti not later than 30 days after the date of the enactment of this joint resolution, except for a limited number of members of the United States Armed Forces sufficient to protect United States diplomatic facilities and personnel.".

(c) PRIORITY PROCEDURES.—

(1) INTRODUCTION OF JOINT RESOLUTION.—Paragraph (2) shall only apply to a joint resolution described in subsection (b) and introduced on or after the date on which the President submits, or is required to submit, the report required by section 4(b)(3).

(2) CONSIDERATION OF JOINT RESOLUTION.—Only one joint resolution described in subsection (b) and introduced in accordance with paragraph (1) shall be considered in accordance with the procedures described in section 7 of the War Powers Resolution (50 U.S.C. 1546), except that, for purposes of such consideration, the term "calendar days" in such section shall be deemed to mean "legislative days".

SEC. 7. DEFINITIONS.

For purposes of this joint resolution, the following definitions apply:

(1) LEGISLATIVE DAYS.—The term "legislative days" means days in which the House of Representatives is in session.

(2) PORT-AU-PRINCE AGREEMENT.—The term "Port-au-Prince Agreement" means the agreement reached between the United States special delegation and the de facto authorities in Haiti on September 18, 1994.

(3) UNITED NATIONS-LED FORCE IN HAITI.—The term "United Nations-led force in Haiti" means the United Nations Mission in Haiti (commonly referred to as "UNMIH") authorized by United Nations Security Council Resolutions 867 (September 23, 1993), 905 (March 23, 1994), 933 (June 30, 1994), and 940 (July 31, 1994).

(4) UNITED STATES-LED FORCE IN HAITI.—The term "United States-led force in Haiti" means the multinational force (commonly referred to as "MNF" authorized by United Nations Security Council Resolution 940 (July 31, 1994).

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 2 hours, and the gentleman from New York [Mr. GILMAN] will be recognized for 2 hours.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Chairman, the House tonight begins debate on one of the most serious foreign policy questions we have faced this year: United States intervention in Haiti.

It is vitally important that we have this debate, and that we act. Twenty-thousand United States troops are in Haiti tonight. The House has not yet voted on this question. Tomorrow Members will have an opportunity to vote.

Tomorrow, Members will have a chance to vote on House Joint Resolution 416, which was reported out by the Committee on Foreign Affairs. Tonight, I would like to spend a few minutes describing this resolution.

House Joint Resolution 416 is a straightforward piece of legislation. It does three things. It authorizes the United States military operation in Haiti until March 1, 1995. Second, it sets out the limited purposes of that operation. Third, for those who oppose the United States presence in Haiti beyond March 1, it guarantees a vote on a resolution directing the President to withdraw the troops.

I believe the House should act on this resolution because the United States has important interests in Haiti. I have consistently believed that force should be used in Haiti only as a last resort, after all diplomatic and political approaches had been exhausted. Now that the intervention has taken place, however, we want it to succeed.

U.S. STAKES IN HAITI

What are United States interests in Haiti today? First, a stable environment in Haiti will reduce the flow of refugees to the United States and elsewhere in the region, and secure our borders. Second, ousting the de facto military leaders and restoring Haiti's duly elected leaders protects democracy in the hemisphere. Third, the U.S. has a strong humanitarian interest in ending human rights abuses and alleviating suffering in Haiti.

Fourth, the United States has an interest in proving that we mean what we say. Two Presidents endorsed the objective of returning the legitimate government to power in Haiti. The intervention authorized by this resolution meets these objectives and promotes these interests.

CONGRESS SHOULD AUTHORIZE

Three weeks ago, just before the President sent United States troops to Haiti, Members said the President should not commit troops without an authorization.

In voting on this resolution, Members have an opportunity to exercise their constitutional responsibility. Congress should share responsibility any time U.S. troops are deployed abroad for possible combat purposes. Congress should be on the record. If Congress is to play a role in these very difficult decisions, Members must be willing to step up to the plate. We do that by voting on the question of authorization, not simply by expressing our views through a sense of Congress resolution.

The fact that we are authorizing after the operation has begun makes no difference. The House faces a clear choice: Do United States troops in Haiti continue to operate solely on the President's authority, or do they also have the support and authorization of Congress? I believe we ought to authorize.

MARCH 1 DEADLINE

Some of my colleagues believe that U.S. troops should come home immediately. Others say they ought to be

home by the end of the year. I believe that is too soon. The President has committed the United States to an important mission: to bring stability to Haiti so that the Haitians can try to restore peace and civil order. We ought to give the Haitians some time to accomplish this. I believe March 1 is an acceptable deadline for this authorization.

Other says that March 1 is too soon, or that it is wrong to set any kind of deadline. I think most of my colleagues would oppose an open-ended authorization. They do not want the United States to get bogged down in Haiti. They want to see some limit to our presence there.

In short, the deadline in this resolution makes sense.

First, it should provide enough time. The Pentagon has said that the job of the United States-led mission can and should be completed within 6 months. This resolution provides the time our military has said they need to get the job done.

Second, the March 1 deadline provides some pressure to make sure the job gets done in that time frame. It is intended to provide incentive to avoid mission creep or any plans to keep the United States-led force in Haiti indefinitely.

Third, this resolution does not tie the President's hands. The authorization provided by the joint resolution expires March 1. The Congress can vote to extend that authorization, or take any other action at that time.

LIMITED MISSION IN HAITI

This resolution does make clear, however, that we are authorizing the deployment in Haiti for limited purposes: To protect United States citizens; to stabilize the security situation so that progress can be made in transferring the functions of government to the democratically elected government in Haiti; and to facilitate the provision of humanitarian assistance.

House Joint Resolution 416 does not authorize nation-building. It does not authorize U.S. troops to rebuild democracy. United States Armed Forces should not be running Haiti, or rebuilding it. That is the responsibility of Haitians themselves, with help and support from the international community.

EXPEDITED PROCEDURE

Finally, this resolution guarantees that Members of Congress will have the opportunity to vote again, after March 1, 1995, if they do not approve of the President's plans for a U.S. role in the United Nations-led force.

I know some of my colleagues wish the President had never committed troops to Haiti. But the troops are there and it is unwise to pull them out immediately. Passage of this resolution will guarantee a chance to vote on this issue again after Congress reconvenes early in 1995.

Specifically, this resolution provides expedited procedures for consideration of a joint resolution that would direct the President to withdraw all United States troops from Haiti, after March 1, 1995.

CONCLUSION

I urge my colleagues to support this resolution. It sets a responsible middle course for our policy in Haiti.

It supports United States troops in Haiti, while clearly defining the limited role they will play; it gives U.S. troops a reasonable period to accomplish their mission, while not tying the President's hands; and it puts Congress on record in support of the President's policy, while retaining our prerogatives to pass judgment on the continued wisdom of this operation at a later date.

□ 2140

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

Mr. GILMAN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, as we meet today, 25,000 United States troops are bearing the burden of an extremely difficult mission in Haiti, performing the mission in an outstanding manner with the excellence we have come to expect of them.

We often speak abstractly of "the use of force" or "American military might." But, we all know that those vague expressions boil down to our young men and women at the bottom of the chain of command, turning down blind alleys in Haiti, trying to police and restore order in a place that has never known it.

In the course of this debate, I ask my colleagues to search their consciences as to whether, on this day, we will concern ourselves with the security of those young men and women in our military who defend our interest each and every day.

Let us ask ourselves whether we will defend the constitutional prerogatives of this Congress. And, let us also consider, after all is said and done, whether we will just go along with a fateful decision to put U.S. lives on the line in a mission that most of us believe to be ambiguous and ill-conceived.

All of us support the ideals of constitutional democracy and the respect for human rights in Haiti. And I strongly support President Aristide's early return. He has become a powerful symbol to Haitians who hope that, at long last, representative democracy might be respected and the promise of economic stability and social justice might be kept.

However, along with many of my colleagues, I have not been convinced that the use of American military force was necessary to achieve those worthy objectives.

Mr. Chairman, the President should have come to the House before deploying troops in Haiti. Instead, he rushed to launch an invasion even while his own negotiators were in the clutches of potentially hostile elements.

Mr. Chairman, I oppose the proposal by the gentleman from New Jersey [Mr. TORRICELLI] House Joint Resolution 416, because it retroactively provides congressional authorization for the unilateral decision by the President to deploy United States Armed Forces in the occupation of Haiti. Moreover, like the policy that it blesses, this resolution ignores the will of the American people. Congress should move instead to call for the immediate, safe, and orderly withdrawal of United States troops from Haiti.

I cannot, as House Joint Resolution 416 would have it, sign onto any foolhardy strategy that neglects the bitter lessons of the fruitless United States occupation of Haiti from 1915 to 1934 or our recent costly experience in Somalia.

Let there be no doubt: By approving House Joint Resolution 416 we would be authorizing a mission and I quote from the Torricelli resolution, "to stabilize the security situation in Haiti" in the course of the transition back to a democratic government.

This language accepts President Clinton's definition of the United States mission in Haiti, despite the fact that ambiguous objectives, improvised rules of engagement, and ever-expanding tasks assumed by the United States military have rendered this definition virtually meaningless.

This vague authorization could lead our troops down a blind alley with unintended consequences.

Moreover, the President has made it absolutely clear that, in his view, he does not need congressional authorization to continue the occupation of Haiti.

The only real effect of the Torricelli resolution, therefore, is to authorize the mission through March 1, after which the President can be expected to proceed with his plan to deploy 2,000 to 3,000 United States troops in Haiti through February 1996 under a U.N. peackeeping force. The March 1 date in this resolution, in sum, also is meaningless.

Also, under this resolution, Congress would not have an opportunity even to reconsider the long-term deployment of United States forces in Haiti until early April 1995.

If Congress were to move as quickly as possible, as provided for under this resolution, to disapprove the deployment of United States forces, those troops might still be in Haiti—with the implicit blessing of Congress—more than 7 months from now.

Moreover, this resolution does not ensure that United States forces in Haiti will remain under the operational command and control of United States military officers at all times, because

it carefully exempts the planned U.N. peacekeeping phase from its prohibition on foreign command.

Our colleague from California, Mr. ROYCE, has authored a worthy amendment to address that glaring defect.

Mr. Chairman, we have developed a substitute to the Torricelli resolution on Haiti with the following key provisions that better reflect the will of the House: It expresses the sense of the Congress that the President should not have ordered the occupation of Haiti. It says that the President should immediately commence the safe and orderly withdrawal of United States forces from Haiti and should conclude that withdrawal as soon as possible in a manner consistent with the safety of those forces.

It expresses the same of the Congress that the President should take diplomatic steps to set up a U.N. peacekeeping operation in Haiti composed of military personnel from other countries.

In the event that the President has failed to respect the will of Congress by withdrawing the forces, this substitute also provides for House and Senate votes no later than January 21, 1995, on a resolution requiring the withdrawal of U.S. forces within 30 days.

This substitute also prohibits foreign command or operational control of United States forces in Haiti at all times. It also requires Presidential reports on the costs of all Haiti expenditures, on human rights, and on plans for withdrawing United States forces.

Mr. Chairman, President Clinton made a unilateral decision on Haiti. Now, we are each called upon to decide for ourselves whether the President's policy is worthy of our support. Of all the ambiguity about our mission in Haiti, there is one immutable fact before us today: A vote for Mr. Torricelli's resolution, House Joint Resolution 416, is a vote for the President's policy to put American lives on the line in Haiti.

My colleagues, I believe we can better respond to the will of the American people by supporting the substitute to the Torricelli resolution that I will offer during the course of this debate.

□ 2150

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

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I have always believed, and I have said this many, many times, as a member of the House Committee on Foreign Affairs, that foreign policy ought to be bipartisan, and I do not believe we ought to use serious events in foreign policy to bash the President. I believe when the President is right, he is our President, and ought to be supported.

During the Persian Gulf war, I broke with my party and supported President Bush, because I felt that he was right, and let me just say I think we need to give credit where credit is due. President Clinton sent envoys to Port-au-Prince. They negotiated a settlement. As a result, our troops occupied Haiti without having to shoot their way through and, indeed, we have seen during the course of events that the Haitian people have welcomed our troops and that the President really has done a good job here.

Now, I wish that the President had come to Congress prior to sending the troops to Haiti, because I think that Congress does have ultimate authority in making these decisions. But the fact of the matter is that right now we are faced with the fact that we do have troops in Haiti who are performing a mission and who, so far, have performed it very admirably, and the mission has been successful.

I think it is very, very important that Congress now authorizies that mission, and that is what H.J. Res. 416 is doing. I think that it is very important to have this resolution. We can debate the merits of it. We can debate whether or not the March 1 deadline is something that ought to be there, and quite frankly, I have some doubts about that, because I think that we have gone into Haiti to do a job, and we ought to do the job, we want to get out as soon as possible, but I think that we need to stay until the job is done.

I believe that we do have vital interests in Haiti. Ask anybody in south Florida, ask anybody who has looked at our immigration policies that have fallen apart. We understand that when Haitian boat people come to this country trying to get into this country to flee tyranny and oppression in their country that certainly we do have a vital interest in who comes to our shore.

This is not something that is on the other side of the world. This is very close to us in our own Western Hemisphere, and what goes on in Haiti certainly affects us here in the United States.

Let me say to my colleagues that I think in some quarters of this Congress there is a dangerous attitude of isolationism, and while it might be very nice to say we have pressing problems at home, and we should take care of those problems first, and I do agree, I think as a superpower, we certainly have an interest in what goes on in the rest of the world, particularly when it is in our hemisphere right here at home.

I do not think we should cut and run or pass resolutions that say we made a mistake or the President made a mistake. I do not think the thing here is to score political brownie points. The thing here is to say we have our troops in Haiti who are doing a job, who have done it admirably; we support them; we want to continue the mission and then get out. That is what H.J. Res. 416 provides, continue the mission and get out, authorize the U.S. operation in Haiti, sets the limited presence in Haiti, provides for a resolution, if we need to stay beyond March 1. I think that what this Congress ought to do now is responsibly, in a bipartisan approach, support our forces in Haiti and say that we have a job to do, and when that job is completed we ought to get out.

I think that is in the best tradition of bipartisan foreign policy that Congress has done through the years, and I think that is what we ought to do now.

Let me again say the President should have come to Congress first, but let us also give credit where credit is due. The operation has been a success. It is continuing to be a success. This Congress needs to support our troops in Haiti.

I will certainly support H.J. Res. 416, and will look at any amendments, and I commend the gentleman from New Jersey, my friend, for putting forth this resolution.

Mr. GILMAN. Mr. Chairman, I yield 9 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, let me address some of the comments of the former speaker, and I am sure that the gentleman is sincere in his statements.

But I would like to take a look at what has happened in the past. I remember when George Bush wanted us to support Desert Storm, and the majority of the Members on the other side of the aisle turned their backs on our men and women in uniform in Desert Storm. It was not until after that mission was successful that we were forced to come back here and vote so that Democrats could have a cover vote on Desert Storm. Those are the facts.

When they talk about bipartisanship, let us make sure that we talk bipartisanship. Because when it fits the other shoe, that is not the case under this body.

Let me take a look at what has happened. The President had months to prepare. He scaled down two aircraft carriers, loaded helicopters, loaded Army, brought all the equipment on, went to the United Nations for approval, went to the U.N. How about the U.S.? How about this body?

□ 2200

How about this body? The gentleman stated he should have come to Congress. If the President even felt he was right in being able to invade Haiti, why did he bypass this body and yet go outside of it? So when you say we cannot say that the President made a mistake, let me tell you why the President made a mistake. Did you know that by not coming to Congress, our men and women do not fall under the Geneva

Convention? Just that little fact. If we had had anybody taken prisoner, just like in Vietnam, because it was not an act of Congress, they would not be covered; they would be called jailbirds, not prisoners of war.

I remember we wanted to look at domestic policies, Members on that side of the aisle every day look at the billions of dollars we spent in the extension of Somalia, and we got 22 Rangers killed and 77 wounded because we had an administration that would not give them the armament.

Now put yourself in those situations, put yourself in the situation of a father given the Medal of Honor by the President of one of those Rangers. When you talk about mistakes, when Dante Caputo, an emissary who wrote the memo on the 23d of May, saying that the President was doing this to boost his polls, on the 23d of May, gentlemen, he spelled out the whole thing. We want to bring Mr. Caputo back here and under oath have him testify about Strobe Talbott and the mission in Haiti.

So, yes, we do need to take a look at what happened.

What about the multinational force the President said was out there? Do you know that until day 5 we did not have a single multinational force? Where was that multinational force when our men and women were taking the risk going into Haiti? They were nowhere to be found.

Do you know how many there are today? Ten. Ten of them in a safe haven in Haiti.

We are out there taking the risk.

You say what about the Haitians, what about the boat people who are coming across? How about the Caribbean Nations we have been so good to and have taken care of? It would be less expensive until we can force a peaceful resolution in Haiti.

You say not to say the President made a mistake. I disagree.

I take a look at the commitment and the things we are trying to do in this Congress, and it is wrong. I do not like our troops under U.N. Control. President Bush in Desert Storm had our troops under Colin Powell, Schwarzkopf, and we had control of them, not the U.N., not the Boutros/Boutros-by-golly.

But we had control of our troops.

I will fight and do everything I can to take that control away.

So, yes, I think the President did make mistakes. I think we need to point it out so we do not make these same mistakes in the future.

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

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. ENGEL. I thank the gentleman for yielding.

Mr. Chairman, I want to remind the gentleman and point out the fact that I believe 87 Democratic Members did vote for the Persian Gulf support.

Mr. CUNNINGHAM. The gentleman is exactly right.

Mr. ENGEL. And I was one of those 87 Members.

I also remind my friend that I do not think any of the Republican Presidents came to Congress for the invasion of Grenada, for the invasion of Panama, or for the bombing of Libya.

Mr. CUNNINGHAM. Let me deal with the question. We were in a different time in the history of this world and of this Nation. In Grenada, you remember the Soviet Union was still the Soviet Union and Cuba was still a definite threat to the United States. You remember the Cubans in Grenada were building hardened runways for bombers that could reach the United States. To me that is a national security threat. And the Cubans themselves.

Then you look at Panama, there is a little thing called the Panama Canal, which was a national security threat. At the same time some Members of this body supported the Sandinistas, which we were afraid that the same individual in Panama was supporting, and at the same time the Panama Canal was a threat and a tie to the drug cartel. So I do not think you can draw any parallel.

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

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. Chairman, I want to identify myself with the gentleman's comments about the American forces remaining under American control. We have that right and responsibility to our Armed Forces.

Those of us who drafted the resolution felt so strongly about that point that we inserted the following: "U.S. Armed Forces described in section A shall remain in the command and control of the officers of the United States Armed Forces at all times."

I therefore suggest to the gentleman one way to make sure these forces are kept under U.S. control is to vote for the resolution.

Mr. CUNNINGHAM. I thank the gentleman.

Is this true during the peacekeeping forces? Second, who is going to pay for it? Who is paying for the guns, the buyback, who is paying the Haitian soldiers, how much is the United States going to pay in this peacekeeping force? All of these questions, when we take a look at and, in my opinion, we are in a place where we do not belong in the first place.

Haiti could sit there for the next two decades and not be a threat to the United States.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield further?

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. Chairman, the question of command under the peacekeeping forces of course is not addressed in our resolution or, in my understanding, in the gentleman's. Indeed if the gentleman, at a future time, wants to have a resolution dealing with that, I think many of us would be sympathetic. We have dealt only with U.S. forces in the occupation.

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

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, in our resolution, the substitute resolution we address that issue and we demand that our U.N. peacekeeping forces, the U.S. part of that would be under U.S. command.

Mr. CUNNINGHAM. Let me just tell the gentleman sincerely, we look at Somalia and Bosnia and Haiti, and I look at the Navy. We have had to send back 35 ships for repair. We have had three air wings stand down because they do not have fuel or parts to fly. Top Gun, the famed Top Gun, did not fly all this month because it did not have fuel to fly against this one class.

This is what we are doing, we are cutting training, cutting readiness, taking money out of the budget to support things like this. When the President says he wants a well-trained force highly equipped, and you push out and beyond the year 2010 a new airplane, the inventory is going down. My problem is we have as many operations today as we had in Vietnam and in Desert Storm, but we are killing our troops.

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is a nonpartisan debate. I want to emphasize that. It can be very useful in throwing light on the circumstances surrounding the liberation of Haiti. The debate can make an immeasurable contribution to the making of foreign policy for this hemisphere in the future. It is not partisan, because there are Democrats who disagree with the actions being taken in Haiti as well as Republicans.

We would like the American people to listen very seriously to the principles involved here, to the comparison of this particular action in Haiti with other actions that have been taken in this hemisphere; Grenada, Panama. It is very important because if we want to decide suddenly it is wrong to do it this way, it was wrong to do it that way in Grenada, Panama and maybe we will set some standards for the future that all Presidents will follow.

In setting those standards, I think we should consider very seriously the following: This is not an invasion of

Haiti. This is a liberation of the people of Haiti. It is not even an intervention because the head of state of Haiti, the democratically-elected President of Haiti, has been here in Washington for the last 2 to 3 years. We took back and are taking back the government that was elected by the people of Haiti, the democratically-elected government.

That is not an invasion. That does not compare to Grenada. Grenada is a little island with 100,000 people at that time. We moved in there overnight with something like 17,000 troops, for an island of 100,000 people.

You know, there was no discussion, there were no negotiations with the leaders of Grenada. Whether you like them or not, at least there should have been some kind of negotiations. There was no consultation with the United Nations. That is totally different from what happened in the case of Haiti. For 3 years, for 3 years negotiations have gone on, deliberations with respect to Haiti. The use of force was undertaken only after all other efforts had failed.

It was only as a last resort.

This is a liberation not an invasion, not an intervention. This is military assistance for a democratic ally in this hemisphere.

When we liberated Paris, we did not call that an invasion, when we liberated France, we did not call that an invasion. They were being held captive, an allied occupied nation. The greatest, riskiest undertaking was the landing at Normandy and that was undertaken to liberate a continent, to liberate Europe.

□ 2210

As my colleagues know, we did that because it was necessary to save democracy in Europe, because it had a bearing on our own Nation, a liberation of an occupied allied nation. This is a hostage rescue operation. We had hostages. Seven million people in Haiti were being held hostage by an armed forces of 7,000, but that armed forces had all the guns, they had all the armor, they had all the equipment. That armed forces had been trained.

Listen. It was trained by the United States of America. Most of the officers were trained at Fort Benning, GA. The Haitian army is a creation of the United States of America. General Powell said in a debriefing at the White House after the negotiations that on the walls of the military compound in Haiti there are the pictures of all the commanders of the Haitian armed forces, and the first two people on that wall are American Marines, white American Marines who commanded the first armies of Haiti. They established the army.

We cannot say that Haiti does not matter to us. We created the armed forces. We have dominated Haiti commercially, politically, militarily, since Haiti came into existence. That has been the history.

As we have always been concerned about any nations in this hemisphere, suddenly we cannot become unconcerned. We have to be concerned about Haiti also because of the large number of refugees that have come from Haiti in an attempt to get into this country. We cannot turn our back on refugees. We are party to international conventions. We have a long history of accepting refugees.

We have done things to the Haitians that were never done to anybody else, especially laws that have been erected in order to keep the Haitians out, in order to stop our country from behaving in a most inhumane way, in a totalitarian way. It was necessary to resolve the conflict in Haiti and allow a situation to exist in Haiti where the people of Haiti would want to stay at home and those who were outside would go back home, as they will now. They will go back home. This is not an invasion, and I say, You can look at your television sets and see that it's not an invasion. We're not an occupying army. We are a liberating army. The people have welcomed this liberating army. They are jubilant that they can again breathe free as human beings who are not under the domination of a set of military criminals. There wasn't an invasion, not a declaration of war.

The action in Haiti must not be compared to Korea, or Vietnam, or world War II. It must be compared to Grenada, to Panama, Nicaragua. We have a tremendous amount of military assistance we gave to the Contras in Nicaragua.

Actions taken by the United States in this Western Hemisphere is what we are talking about. Let us decide how we are going to behave. Are we going to go it alone in this hemisphere and not be concerned about all the other nations, and to what extent shall we be concerned? If criminals took over Puerto Rico tomorrow, and Puerto Rico is a part of the United States, but if criminals took over any island close to the United States tomorrow, are we just going to turn our backs and say the criminals can have the island? If they are using the island for the transshipment of drugs, are we going to turn our back and say that they can continue to transship drugs into this country? The great rationale for the invasion of Panama was the transshipment of drugs into our big cities going through Panama. We have not even talked about the extent to which they have gone through Haiti and the criminals who control Haiti, how they enrich themselves through the drug transshipment industry.

President Clinton has acted with the noblest of motivations. There was no political gain from going into a situation to liberate a people who can do nothing for him politically, to liberate a people when the polls showed that they were not in favor of it, to liberate a people when most of the Members of Congress were against it. There was no political motivation here. It was the noblest of motivation, the kind of motivation that Abraham Lincoln had when he set the slaves free. He had nothing to gain politically. he was criticized around it. Everybody else opposed it. When Abraham Lincoln acted to set the slaves free, it was the right thing to do.

A great nation like the United States should use its power, use its prestige, to help the least of the nations among us, and Haiti is the least, represents the least, of the nations among us. We have done the right thing in saving Haiti from a group of military thugs who are holding the people of Haiti hostage in order to set a good example for what we do in the future. It ought to be an example which will guide foreign policy in the future. We have more to fear from criminals now than we have to fear from Communists or any other people or ideologists. Criminals are a major force throughout the world. They are selling nuclear weapons into all kinds of activities, and who knows when they will next take over a nation somewhere near us and we will have to act.

So, let us proceed with a debate with the understanding that this is a new world order, we have an armed forces that is already there. What do they do in their spare time? You know, are the forces utilized here doing something they would not be doing on a training exercise? This is like a huge training exercise. Not a single soldier has been killed yet, not a serious casualty yet.

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

The CHAIRMAN (Mr. MAZZOLI). The time of the gentleman from New York [Mr. OWENS] has expired.

Mr. GILMAN. Mr. Chairman, I yield an additional minute to the gentleman from New York [Mr. OWENS] to allow the gentleman from California [Mr. CUNNINGHAM] to address him.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I would say to my good friend that I would agree with him that, if Haiti were developing nuclear weapons, if there were a real threat, or some power went in there, I think the President would be fully within his rights. But the logic that the gentleman uses on drugs, on immigration and refugees, if that was the logic, Mr. Speaker, we would have invaded Mexico a long time ago just from California.

We spoke to Colin Powell, and he said, and I quote, "I have great, I have great, reservations about what we did in Haiti," and I take a look at why we need to go into different nations. There are a hundred different places we can go into, and my only point is; it is that

they were not the same initiatives as far as national security in either of Grenada or in Panama and that Haiti could sit there for the next two decades and not be a threat to the United States.

Mr. OWENS. Panama was a drug problem.

Mr. CUNNINGHAM. It was a drug problem; I agree. But we also had a Panama Canal, and Panama was much more of a drug problem than ever in Haiti.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, what do the Washington Post, the New York Times, and 73 percent of the American people have in common? All of them agreed that we should not have invaded Haiti.

Even the liberal press that normally blesses any Clinton undertaking has agreed that Mr. Clinton should have sought congressional approval before invading Haiti.

Now, weeks after the fact, we are just getting around to debating this miserable policy. Congress should not be consulted as an after-thought when American troops are being put in harm's way.

While there are times when it is appropriate for a President to act first and seek the blessing of Congress later, this was not one of those cases.

There were no American lives in danger as there was in Grenada, where stealth was important to rescue American students.

There was no drug smuggling dictator who was violating United States law, as there was in Panama.

Haiti had not invaded a neighboring country which was in danger of being wiped off the map if the United States did not intervene immediately.

In short, there was no reason for the United States to commit troops to an invasion without Congress first expressing its will and the will of the American people.

In this Kentuckian's opinion, we had no reason for waging war on that tiny country.

Congress should speak loudly and clearly that we do not approve of Mr. Clinton's misguided attempt to meddle in the internal affairs of Haiti.

We should not give our retroactive support for an ill-conceived occupation of a country where we simply have no national interest.

Let us get our troops out as quickly and safely as possible.

□ 2220

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

Mr. TORRICELLI. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, amidst the gamesmanship that is being played by some leaders to gain political advantage out of our mission in Haiti, I want to state unequivocally that I support what our men and women in the Armed Forces are seeking to achieve just 700 miles from our border.

First and foremost, I support the principles behind this mission. Just as important as it is to return democracy to Haiti, it is vital to stop the brutality of the military regime that overturned the will of 70 percent of the Haitian people. The rule of the military leaders was a reign of terror, torture, and a climate of fear was used as a means of suppression.

It is within the interests of the United States to halt this pain in a nation so close to our borders. Every day that Cedras, Francois, and Biamby ruled the streets of Haiti was another day of embarrassment to our Nation, which is now the sole remaining world leader.

It is important that we halt the tyranny which was leading to an unacceptable influx of immigrants at a time when immigration is one of the most compelling issues confronting us.

It is also in our national interests to depose the unelected leaders of Haiti, who most believe are part of the Caribbean-South American drug trafficking axis. We believe that we do have a vital strategic interest in removing the military government that deposed President Aristide.

We believe that the end of our mission will occur as soon as is possible, but we must finish the job. It would be wrong to set an arbitrary deadline for withdrawing the troops in this mission, and it would be a dangerous precedent for future efforts.

If this legislation would be passed to set a date certain, we can just hear the whispers of the democracy foes in Haiti. "Let's just wait until March 1st. Wait it out until March 1st, and then we will be free to go back in to continue our rape, our murder, our slaughter."

We must not place handcuffs on our troops when they are out to perform a perilous mission.

Lieutenant General Shelton and all of our troops in Haiti deserve incredible credit for an overwhelmingly successful mission thus far. Thousands have landed without a single combat death, thank God. And as Anthony Lewis noted in the New York Times on Friday, the Haiti mission lacks the confusion of the Grenada effort and the excessive force of the Panama effort. Instead of the political rhetoric and whining, we should all be making speeches expressing pride in this mission.

In addition to being a model of military effectiveness, it is achieving clear milestones on the way to a goal, which is the restoration of democracy in that country. The Parliament has begun to meet and fairly consider the amnesty resolution, which is part of the Clinton-Carter agreement. The mayor of Port-au-Prince, an Aristide ally, has returned to his office. People in Haiti are feeling the shackles of repression removed and are taking part in peaceful demonstrations throughout that country. Democracy Is returning to Haiti.

In the same vein, we believe that order is the order of the day in Haiti, and we are distressed by the spin that news reports are putting on the state of civil affairs there. There is no chaos, and there are no riots. Rather, we are proud of the effectiveness of our troops in preserving the peace in understandably difficult conditions.

It is not antiseptic or perfect, but our troops are performing superbly. The attacks on the mission are unfair to them, and they should stop. The cynical commentary feeds American unease and distrust in this effort. Rather, they should be feeling a swell of pride that we are able to use our power to achieve this honorable purpose.

It is proper to return President Aristide to his office in Port-au-Prince. The propaganda campaign, unfortunately aided and abetted by our Central Intelligence Agency, has been effective, but has been mean-spirited and filled with lies. None of the stories are consistent with the facts or our familiarity with a man who many of us have gotten to know. He is a man of peace, of purpose, of quiet effectiveness. While we know he will not be a stooge, we believe he will be a friend to our Nation, and, importantly, will not be a coconspirator in drug trafficking, which is killing a whole generation of America's young people.

Moreover, he has been chosen by 70 percent of the Haitian people in a fair election, where participation surpassed that of even our most recent American elections.

We hope that our troops continue, with God's help, to make this a successful effort. Let us not tie their hands. Let us restore democracy to Haiti. Let us not set any date certain. Let us give our troops the time to do the job.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 14 minutes to the gentleman from California [Mr. COX].

Mr. COX. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we will shortly be debating the Torricelli-Hamilton resolution, which will authorize President Clinton's occupation of Haiti through March, 1995. It is critically important for Congress and the American people to understand why our troops were sent into harm's way, and on this point the Torricelli-Hamilton resolution is quite explicit.

According to the resolution, our forces are to be used to protect United States citizens, to facilitate the provision of humanitarian assistance, and,

here is the ringer, to stabilize the security situation in Haiti.

The last purpose, of course, is the critical one, since our citizens in Haiti have never yet been in danger and there has never been any suggestion that 28,000 troops and two aircraft carriers are necessary to facilitate humanitarian assistance.

The American people need to know that the security situation in Haiti has never in two centuries been stabilized. They need to know that our soldiers' mission will not be to install a democratic government, but only to install Jean-Bertrand Aristide. That is a very different matter.

By voting for the Torricelli-Hamilton resolution, this body would be voting to authorize the use of United States forces for 6 months, to install and then prop up a murderous, bitterly anti-American, leftist demagogue, and we will be authorizing the kind of ill-fated nation building that President Clinton was forced to abandon just a year ago until Somalia.

The American public and the Congress deserve a closer acquaintance with Father Aristide, as President Clinton calls him. Father Aristide was suspended from the priesthood in 1988 for, and I quote, "incitement to hatred and violence." Father Aristide has reviled Pope John Paul II from the pulpit as nothing more than "the CEO of a multinational corporation whose job was to ensure company profits." And Aristide has not stopped at mere words. In 1991, Aristide's mobs destroyed the old cathedral of Port-au-Prince, the archbishop's house, and the Vatican Embassy, and tried to lynch the archbishop and the Vatican nuncio.

□ 2230

Archbishop Leanza, the Vatican envoy, was saved when one of his neighbors pretended to have orders from Aristide to spare him. The neighbor had, in fact, been pretending. Father Aristide never sent any reprieve.

Aristide's penchant for violence has been directed far beyond his own church. On the wall of his office in Haiti, Aristide had a painting of himself smiling down on a mob carrying tires, gasoline, and matches.

I have here a reproduction of that painting. Here is Father Aristide. Here are the flames. Here is the tires. Here is the gasoline, the matches, and the mob surrounding the capital.

This painting hung in Aristide's office when he was President. The grisly necklaces that his followers used to murder their opponents are referred to in slang as Pere Lebrun, Pere Lebrun being a noted tire dealer in Haiti, sort of the Michelin man of Haiti. This photograph of the painting shows that the painting itself that hung on Aristide's wall contained the following inscription: "If our power is threatened, little Aristide, if you have a problem, command us to march and solve it with necklacing."

This is the humanitarian democrat, Aristide, our troops are sending back to Haiti with his very interesting taste in art.

Mr. Speaker, this is what we would be voting to authorize. There is more.

In September 1991, Aristide told a crowd of supporters that they should give his opponents "what they deserve," the necklace. Let me quote exactly what he said of it, Mr. Speaker. This is what he said about necklacing.

What a beautiful tool. What a beautiful instrument. What a beautiful device. It is pretty. It looks sharp. It is fashionable. It smells good. And wherever you go, you want to smell it.

A few days after delivering that speech, a mob of Aristide's supporters attacked Sylvio Claude, a Baptist minister, two-time Presidential candidate in Haiti and the head of the opposition Christian Democratic Party. Sylvio Claude had been jailed and tortured under the Duvalier dictatorship. He sought refuge in a police station but he was thrown to the mob which beat him to death and burned and mutilated his corpse.

Also, 3 months earlier, Father Aristide told another mob that, and I quote:

The people have their little matches in their hand. They have their little gasoline not far away. Does the constitution tell the people they have the right to forget necklacing? No, you will learn to write necklacing. You will learn to think necklacing. You will learn to use it when you must.

Contrary to President Clinton's contentions, Aristide is a committed opponent of democracy and repeatedly subverted his own constitution during his tenure in power. As a priest, father Aristide's slogan was, "revolution, not elections."

Once installed in power, he repeatedly attacked the national legislature, which was as freely elected as he was. He packed the supreme court and refused to submit the names of his justices to the Parliament, as the constitution required. When the chamber of deputies sought to investigate Aristide's Prime Minister for gross corruption in August 1991, Aristide's mobs surrounded the Parliament with tires and gasoline in hand, dragging out and beating legislators and torching union offices and opposition headquarters.

In September, during a third attempt to question the Prime Minister, Aristide himself appeared in the Parliament with a vase of flowers to remind legislators that if they tried to question his fellow thug, the flowers would decorate their graves. The legislature was completely stymied. They adjourned, which touched off the constitutional crisis that led to Aristide's overthrow.

I would like to ask my colleagues how they would feel, if President Clinton, to pass this resolution to put pressure on Congress to pass the Torricelli-Hamilton legislation, called a mob of thousands of people armed with Molotov cocktails into in the streets of Washington to surround this capital; if armed thugs entered this building and dragged some of our colleagues from both parties away for a beating before then heading off to burn the AFL–CIO, the Chamber of Commerce, the RNC and the National Cathedral; if President Clinton named five so-called justices the Supreme Court and refused to allow the Senate to vote on them; what if he drove the Nation's religious leaders not just out of Washington but out of the country; and, according to substantially documented accounts, in the Haiti context, ordered the murder of one of his democratic rivals for the Presidential nomination. I would ask if my colleagues would regard this as the action of a sincere Democrat, however large his electoral majority in 1990; or if they think that the landslides enjoyed by Presidents Reagan or Bush in 1980, 1984, and 1988, gave them the right to subvert and brutally coerce the other two branches of our Government. It would appear that this is exactly what we are saying about the so-called democratic President of Haiti.

Mr. Speaker, the Congress should also know that the lives of United States soldiers are being put at risk to restore a man who has made his career denouncing the United States.

In 1986, in a speech to a huge mob, Aristide asked the crowd, and I quote:

Who is Satan, we or the Americans? The Americans. Who is the most Satanic, the Americans or the American government? The American government, down with Satan. Down with imperialism.

In 1987, in an open letter to our embassy in Port-au-Prince, Aristide denounced the Reagan administration's efforts to promote democratization in Haiti, which had resulted in the flight of Baby Davulier Doc the previous year. He said, Aristide said, ironically enough, "The U.S. government has no right to stick its nose into Haitian elections."

More recent Aristide remarks and actions have been little better. For the 3 days after our troops went in, Aristide refused to express even a word of thanks to the soldiers who will apparently be protecting him. And to this day he has refused to sign a status of forces agreement for our forces in Haiti. This is a vital document that records the rights of troops in that country in an apparently successful effort to blackmail the administration into more extensive commitments to disarm his opponents and serve as bodyguards for his cronies.

Finally, Congress should know that Aristide hates economic freedom, too. He wrote a whole book entitled Capitalism Is a Mortal Sin. He has repeatedly excoriated capitalism, free enterprise in his writings and his speeches.

He modestly noted in his 1992 autobiography:

I did not invent class struggle anymore than Karl Marx did. But who could avoid encountering class struggle in the streets of Port-au-Prince?

In the same volume he tells us of his admiration for the Castroite terrorist Che Guevara, who embodied, as Aristide says, "the values of beauty, dignity, respect and love."

We are now told that Aristide has grown, that in his 3 years of exile, this man of God has developed a deeper insight into the moral questions raised by burning people alive and destroying churches. It is true that he has already instituted a sweeping reform of his past.

He told me point blank in a meeting just a few days ago in the Capitol, there were no instances of necklacing during his tenure as President of Haiti.

The omens for the future are less promising. Aristide is recruiting a post-invasion security force from refugees at Guantanamo Bay using his former police chief, Lt. Col. Pierre Cherubin. Cherubin stand as accused of participating in drug trafficking and of ordering brutal human rights violations.

The most notorious of these brutal human rights violations was the execution style murder of five teenagers in Port-au-Prince during Aristide's tenure. A Clinton administration official gave the Washington Post classified reports detailing the evidence that Cherubin ordered the torture and killing of Aristide's political opponents in 1991. And Rene Preval, the corrupt thug who served as Aristide's Prime Minister, remains one of Aristide's closest confidants today.

In short, Mr. Speaker, we are being asked to authorize to give our congressional formal approval to using American soldiers to place in power an anti-democratic, anti-capitalist, anti-American, anti-religious demagogue.

I want to make clear that I am in no way apologizing for the military dictatorship that toppled Aristide. They are clearly as bad as he is or worse. To the contrary, my point is that the United States should not play favorites among such unsavory alternatives. We certainly should not attempt to deceive either the people of Haiti or the people of the United States about the nature of our protege.

□ 2240

Mr. Chairman, we are further told that this will not be another Somalia-style nation-building exercise. That is also not true. By restoring President Aristide; by committing tens of thousands of U.S. troops for half a year; by committing thousands of our personnel for a multi-year presence; and by assembling a huge aid package—the Clinton administration has made solving the problems of this chronically unstable nation, the problem of the United States.

Haiti has never had a democratic government in its long, difficult, and bloody history. Of Haiti's 6.7 million people, 75 percent live in absolute poverty. Per capita income is $280. The unemployment and malnutrition rates are 50 percent. The illiteracy rate is 64 percent. Infant mortality is 10 percent; life expectancy is 54 years. President Clinton's embargo, which he imposed after the collapse of the Governor's Island Accord in October 1993, has worsened this situation, has further impoverished the poorest country in the hemisphere. It has destroyed over 100,000 jobs, and produced rampant malnutrition. It has worsened infant mortality.

Virtually the only infrastructure that now exists in Haiti was created during the last American military occupation of Haiti. That temporary affair lasted almost 20 years. Clinton administration officials have said that a massive United States aid program is now required for Haiti. Enforcing the economic embargo and dealing with the resultant refugees has already cost the United States taxpayer over $200 million. The Defense Department estimates that its military operation will cost half a billion dollars more, just over the next 7 months. Having wrecked the already impoverished Haitian economy through sanctions, the Clinton administration is now preparing a huge economic reconstruction plan to pay off Haiti's overdue foreign debts, and rebuild Haiti's crumbling infrastructure. The State Department won't put a price tag on the total package, but states that it goes "well beyond" an earlier 5-year, $1 billion international plan. President Aristide, the man who wrote about the "deadly economic infection called capitalism," is said to be on board. And as for his conversion to "elections, not revolution," only time will tell. But the lives of our troops are, in a very real sense, on the line.

The Clinton administration has said that our troops will be replaced within months by a U.N. peacekeeping force, but they have not pointed out that fully half that U.N. force, some 3,000 troops, will be Americans.

The stated military purpose of the Clinton Haiti policy is to protect the civilian government and maintain civil order. These are goals that no Haitian Government has accomplished successfully in almost two centuries. Why, Mr. Speaker, would we want to buy this trouble? It is almost exactly 1 year after the debacle in Somalia. Why can't this administration learn?

President Clinton has given yet another reason for intervention: to stem the flood of Haitian immigration. But his own embargo has been the prime engine for immigration from Haiti. President Clinton's embargo has destroyed nine-tenths of Haiti's industrial jobs. It has created rampant malnutrition in an already impoverished country. And the surges in boat people are directly correlated to his own flip-flops on immigration policy. After the 1992 election, Haitian immigration surged because Haitians believe candidate Clinton's campaign promises about granting temporary asylum. Haitian immigration declined dramatically after Bill Clinton broke his promise. Haitian immigration has consistently ebbed and flowed with this administration's vacillating refugee policy. A clear policy, and an end to the embargo, would address this issue. We don't need an American occupation of Haiti to fix that.

Finally, Mr. Speaker, we are told that a United States occupation of Haiti is necessary to restore American credibility. Of all the arguments advanced by President Clinton for this mission, Mr. Speaker, this is the most galling. America—the United States of America—has no credibility problem except President Clinton. We won the cold war, broke the Soviet Union, and freed Eastern Europe. We defeated one of the largest, most lavishly equipped armies in the world, almost without loss of American lives. We are the only superpower in the world today. Our credibility isn't in question. And let me add, Mr. Speaker, it is too late in the day to say that President Clinton's credibility is in question, either. After backing down in Korea, after backing down in Somalia, after backing down in Bosnia, after backing down in China, and after 2 years and six or seven Haiti policies, I don't know of anyone, anywhere, who does not question President Clinton's credibility. They know the answer to that one, and that answer isn't going to change at this late date because we have finally, after 2 years of bluster and backtracking, run off three Haitian colonels. Plunging thousands of our troops neck-deep in this snakepit isn't going to convince Kim Jong-Il or Slobodan Milosevic of our credibility. Adopting—at long last—a clear, consistent policy keyed to our own national interest rather than the President's political interest, and focused on the very real threats to that interest that exist in places like Korea—that will provide Mr. Clinton with some badly needed credibility.

In closing, Mr. Speaker, I want to join all my colleagues on both sides of the aisle in expressing my relief that our troops are not facing immediate danger today. But make no mistake, the lives of our troops, and American credibility, are both being placed at daily risk in a cauldron of violence, for reasons that have nothing to do with our national interest, and everything to do with President Clinton's political viability.

From first to last this President's Haiti policy has reeked of the crassest

political motivations. His defenders now argue that because his Haiti policy is so broadly unpopular around the country, it proves he can't be motivated by politics. I am afraid the answer to that, is that it proves the incompetence of the Clinton foreign policy. The evolution of the Clinton policy is reflected in memoranda sent to U.N. Secretary General Boutros-Ghali by Dante Caputo, his special representative. Caputo wrote, on May 19, based on his discussions with Clinton administration officials, that "Haiti represents a test case for which the United States has to have found a solution before November." On May 23, he wrote further that "the President of the United States' main advisers are of the opinion that [the invasion of Haiti] * * * is politically desirable. * * * The Americans see in this type of action a chance to show, after the strong media criticism of the administration, the President's decision-making capability and firmness of leadership in international political matters." The next day Caputo reported that the Clinton administration "will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something. They are going to try to intervene militarily," and intervene he did, without authorization of this Congress.

Mr. Speaker, the American people are mortally weary of a Haiti policy that, in every step, has been dictated by the necessity of maintaining Bill Clinton's political viability. We owe it to our troops, and to the very real threats to our national interest that do exist in the world, to end this nation-building adventure as swiftly as possible.

Mr. TORRICELLI. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think it is important for the House to stop for a moment and understand what we are engaged in here. In that context, I want to express my appreciation to the committee and to the gentleman from New Jersey [Mr. TORRICELLI] for their efforts in fashioning House Joint Resolution 416.

Mr. Chairman, it is an awkward task for the committee to have performed, at best, given the circumstances that we faced, but it is better to deal with the situation after the fact than not at all with regard to the responsibilities of the legislative branch of Government.

Mr. Chairman, we had an extremely close constitutional call with respect to an invasion of Haiti. As Members are quite well aware, the planes had been launched and then were recalled. I think only by virtue of the success of former President Carter in negotiating an agreement at Port-au-Prince at that very time was the Nation spared a constitutional tragedy.

Mr. Chairman, it is essential now, even in retrospect, for this body to exercise our responsibility constitutionally, or risk letting it wither from disuse. It is for that reason that, again notwithstanding the after-the-fact posture we now find ourselves in, I have offered in committee and to the Committee on Rules explicit language even now putting Congress on record as to the constitutional reality that existed at the time the Port-au-Prince agreement was reached, and that is that absent that agreement, the Constitution of the United States would have required the President to obtain the approval of Congress before ordering our Armed Forces to invade Haiti.

Mr. Chairman, I believe that the Committee on Rules has proposed a rule that we will take up tomorrow incorporating that language into the committee's resolution. I look forward to the adoption of that rule and, therefore, to the affirmation by the Congress of this important constitutional principal.

Mr. Chairman, if we do not now assert that responsibility, I do not believe we can complain later when some President in the future acts in disregard of the important prerogatives of this body.

Mr. Chairman, I had and I still have many questions about the wisdom of this intervention. I believe the President would have been well advised and more to have forged a partnership with Congress before committing this country and its Armed Forces in Haiti. I was as outspoken about that point as I could be, and as I think any Member of this body was before September 18. I feel no less strongly about it tonight.

Mr. Chairman, the fact of the matter is that the President did act without us, and that action has changed the reality with which we must now deal. Now we must do our best in a very awkward set of circumstances, I think, to serve two very fundamental objectives. First, we must assert the profound constitutional responsibility and prerogative of the Congress, the legislative branch of our Government; Second, we must serve the real national interest as it now has to be defined—given the fact of the deployment of troops, given the fact that United States power and prestige are now fully implicated in Haiti, and given the fact that surely we must prefer this mission to succeed, however promptly it needs to be concluded.

Mr. Chairman, I think House Joint Resolution 416 deals effectively and responsibly with an inherently awkward situation in meeting these two objectives. Even now, Mr. Chairman, after an intervention, it is vitally important for us to be mindful of the proper role of Congress under these circumstances.

Mr. Chairman, for us to assert our responsibility here is not to indulge in some vain turf struggle with the executive branch of Government. Rather, I think this debate and the votes that will come tomorrow will serve to honor the profound wisdom of the Founders, who understood that on matters of such importance, the people have to be heard, and that that is to be accomplished through the debate and the vote of their Representatives in Congress.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 7½ minutes to the gentleman from New Jersey [Mr. SMITH], the ranking minority member of the Subcommittee on the Western Hemisphere.

Mr. TORRICELLI. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 11 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in the Committee on Foreign Affairs last week we had an extensive debate on House Joint Resolution 416 which eventually was approved on a party-line vote. The primary issues revolved around the fact that the bill provides a retroactive authorization for the President's decision to launch an invasion and occupation of Haiti, putting the lives of United States military personnel in danger, and the question remains whether or not the date for the so-called withdrawal by March 1 is actually binding.

Assistant Secretary Wendy Sherman testified last week, Mr. Chairman, that the March 1 date is nonbinding and has no legal teeth. I think that should be noted up front by Members. I, as did another member of our committee, had asked that the Assistant Secretary provide this information to us in writing. We are still waiting, and I think that is symptomatic of the kind of responses we have been getting throughout this entire process.

While we are waiting for the letter detailing the administration's position, as to whether or not the March 1 date is binding, we will hold our breath. Certainly her oral testimony put her on the record as saying it is nonbinding.

Mr. Chairman, I know my good friend, the gentleman from New Jersey [Mr. TORRICELLI], has very sincere and well meaning intentions in offering this resolution, but let me say at the outset that my opposition is to the deployment of our forces.

Let me make it very clear that I do not question the capability, the commitment, or the professionalism of our forces in Haiti. As in previous engagements and deployments, our forces are acting with great courage and with great distinction. That should be noted. I do not think there is any doubt

on either side of the aisle that we are very proud of our men and women in uniform.

Mr. Chairman, my concerns, however, are for the health and well-being of our soldiers. Sending our forces into combat—or into any hostile territory—is the most serious decision that anyone can make. On September 18, absent a compelling national interest, our Commander-in-Chief put U.S. forces in danger of death and maiming, without first seeking authorization from those who directly represent them, their families, and their children; that is to say, the Congress.

□ 2250

Mr. Speaker, this is not some petty turf battle. The administration went to great lengths to procure U.N. authorization while utterly by-passing approval from the U.S. Congress. Even now House Joint Resolution 416 and the other amendments that will be offered are disregarded by the administration as superfluous and unnecessary. Members on both sides of the aisle, it seems to me, believe that this debate and a binding resolution justifying or turning down an invasion and occupation should have been held prior to, not after, the fact.

Mr. Speaker, I make no apologies for questioning the wisdom of Mr. Clinton's stewardship of foreign policy in general and policy toward Haiti in particular. One only has to look at the myriad of flip-flops and vacillations to know that this administration has not had a steady hand when it comes to foreign policy—and one might even make that charge domestically—but foreign policy has been constantly changing with the sand shifting from under. Flip-flops have been had in Somalia itself where there was mission creep. Originally the operation was a humanitarian mission which we all supported, but we started going after Mr. Aideed and others, and the whole policy in Somalia changed.

Look at the flip-flop on the People's Republic of China where Mr. Clinton as a candidate accused Mr. Bush of coddling dictators in Beijing.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Would the gentleman comment on the peace initiative in the Middle East that our President is leading right now? Would the gentleman say that is an unsuccessful policy?

Mr. SMITH of New Jersey. I am glad to comment, then I will go back to my comments.

First, I am very happy with what has been happening in the Middle East. I think it also should be noted that there are many, many others involved, including foreign ministers from other nations, and we all support the progress. But, there have been some very notable foreign policy debacles, including Somalia and Bosnia. As ranking member of the Commission on Security and Cooperation in Europe, I have seen that Mr. Clinton has had many policies on Bosnia. Unfortunately, that lack of a steady hand has led to a lack of trust in our policy.

I led a delegation to China in January when it was the administration's position that human rights were inextricably wed to our trading policy and the most-favored-nation status. I was told by Chinese leaders that the administration in Washington would not live up to their threats. I could not believe my ears. Things had actually gotten worse in China, and this administration's bluff was being called. Sure enough, when the record was clear and the decision day came, this administration completely decoupled human rights from most-favored-nation status.

Again, people can have differences as to what is the best means to promote human rights. I happen to believe linkage is important. Mr. Clinton had issued an executive order clearly articulating the linkage of trade and human rights, only to completely trash that executive order when the time for decisions came. He completely decoupled the issues. We must be wary of this because that provides the backdrop for the administration's Haitian policy.

Who can forget Mr. Clinton on May 27, 1992, proclaiming, "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti before considering their claim to political asylum." He said, "This is another sad example of the administration's callous response to a terrible human tragedy." Then he went on to say that if he were President, he would give them temporary asylum. That would be fine, I guess, if he meant it.

By January 14, 1993, President-elect Clinton had reversed his campaign policy and announced, "The practice of returning those who fled Haiti by boat will continue, for the time being, after I become President. Those who do leave Haiti by boat will be stopped and directly returned by the United States Coast Guard." Hopes were raised, Mr. Chairman, and then hopes were dashed.

In July 1993, the President's policy on Haiti was based on the Governor's Island Accord, and we all had high hopes for that accord.

The lack of foreplanning and resolve, however, displayed by the retreat of the U.S.S. *Harlan County* in early October 1993, only served to embolden General Cedras, the Haitian military thugs, and the paramilitary groups. A tightened fuel embargo was implemented and the Haitian economy gasped. President Aristide initially agreed to pursue a coalition government, at the encouragement of his Prime Minister Robert Malval, but Aristide backed off and Malval resigned by December, as planned.

A new effort to seek a political solution was undertaken between President Aristide and members of Parliament. Former opponents in the Parliament as well as leaders in the business community and labor unions joined the consensus, but these considered initiatives fell victim to domestic politics in the United States.

Mr. Chairman, the noose of sanctions was again tightened. At the insistence of the United States, in May 1994, the United Nations voted for a commercial embargo on Haiti, imposed a worldwide visa ban on supporters of the military regime, and urged a freeze of all assets held by the regime's supporters.

The United States made changes in its refugee processing policy, in accord with hunger-strike politics. The flood of refugees was unrestrained—the television images of thousands—more than 16,000 refugees—led to the President's changing his refugee policy yet again on July 5. Refugees had to demonstrate a "well-founded fear of persecution." Within a day, on July 6, safe haven would be available to refugees who simply said they feared persecution at home. The ever-changing policy sent mixed messages of hope, despair, and irresolute threats. The President failed to maintain any policy he set. In fact, all indicators pointed to the fact that the President had resigned himself to the use of troops to restore the democratically-elected government of Haiti. As our friend in the Senate [Mr. DOLE] reminded us, it was "an invasion in search of a rationale."

In closing, I agree with the gentleman from California [Mr. COX] who raised some very serious questions about President Aristide's past. At a meeting last week with the Committee on Foreign Affairs, I asked Mr. Aristide if he had ever embraced violence in general, or necklacing in particular. He said he had not, but the record clearly shows otherwise. I saw actual footage of his speech on Front Line, and I do not think they were playing games with the translation. President Aristide spoke about the smell and the graceful and dazzling sight of the heinous practice of necklacing.

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

Mr. SMITH of New Jersey. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. First it is important I think for Members to understand that while we would have welcomed it, indeed the administration is not supporting this resolution at the moment. This is a resolution that is brought from our committee. Indeed, with the unanimous vote of Democrats on the committee and some Republicans on the committee.

I would also like the gentleman to note that in section 6 of our resolution,

there is an expedited procedure for the House to be able to vote after February 1 on the removal of United States forces from Haiti. We would have that available to us as we would in your own resolution.

I say that because the gentleman correctly notes that unfortunately, and in my judgment arrogantly, Assistant Secretary Wendy Sherman did note the administration might not comply with our request. However, we have put this in, in that instance.

I further want to note that while she testified to that extent, I believe it would be extraordinary and I would find it highly unlikely that after a vote of this Congress in that regard, the President would not comply with our wishes.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, so the record is very correct on this, the vote was unanimous on the Republican side against the resolution. Not one Republican voted in favor of it.

Mr. TORRICELLI. I stand corrected. I though there were 2 who voted the other way.

Mr. SMITH of New Jersey. And, I agree with the sense as conveyed to us by Assistant Secretary Wendy Sherman that the deadline might have political force, but the March 1 deadline would not have a legally binding force. I think many people are under the mistaken view that somehow March 1 is etched in stone and the troops are out as per this resolution and that needs to be clarified.

Mr. TORRICELLI. If the gentleman would yield further, the gentleman is correct in his account of Wendy Sherman's testimony, but again I want to say that I cannot believe that indeed she was speaking for the President, that if this vote were held, that the President would not comply. But furthermore again after February 1 a member can come to this floor under expedited procedure to force a withdrawal under our resolution.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. I would like to ask the gentleman if I may, if he has ever read the speech, or the translation of the speech to which he refers for the necklacing allegedly stated by President Aristide.

Mr. SMITH of New Jersey. I have the speech. More importantly, I have seen the translation. I do not speak Mr. Aristide's language, but the translation I saw I believe is accurate. Let me say again, I first saw the actual visual depiction aired by Front Line.

Mr. FOGLIETTA. In reading the speech, does the word "necklacing" appear anywhere in that speech?

Mr. SMITH of New Jersey. The actual word does not, but everyone considers it to be that.

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

□ 2300

Mr. OWENS. The gentleman, along with other speakers, has indicated that President Aristide's regime was a murderous regime or his followers were murderers. There is no documentation of this anywhere in the observations of the United States, in the observations of the OAS or in the observations of Amnesty International. All three groups, Amnesty International, the OAS observers, the U.N. observers, all agree that the criminal regime which overthrew President Aristide is responsible for at least 3,000 killings, at least 3,000 killings during the time that they have been in power.

What body does the gentleman cite that can document murders committed by the followers of President Aristide? What credible body can the gentleman cite as documentation?

Mr. SMITH of New Jersey. Let me say first of all that no one countenances what the Haitian military thugs have done. Everyone I think is agreed, and the President was right in depicting those individuals for the kind of atrocities they have committed.

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. The State Department's Country Reports on Human Rights Practices cites instances, and I will put this entire quote in the RECORD. The charge has been repeated that he incites mob violence. The speech at the palace is only one example where people are drawn by his speeches, and encouraged by his comments to do those kinds of things.

Mr. OWENS. The charge the gentleman makes, the charge other people have made, and we have heard it many times, there is no documentation of any people being killed by Aristide followers on the magnitude of those being killed by the people that overthrew him. You know we cite him as a murderous regime. Cedras's regime is the murderous regime.

Mr. SMITH of New Jersey. Let me read:

President Aristide, however, appeared less concerned about prosecuting members of the military accused of human rights abuses if they were supporters or appointees of his Government. The police on July 26 tortured and murdered five young men who were in police custody, following an investigation, the Army recommended to President Aristide that a lieutenant and the enlisted men under his command at the time be brought to trial for the killings. The President attempted publicly to exonerate the officer, believed to be a militant Aristide supporter. President Aristide also failed to condemn categorically all recourse to popular justice through mob violence. The Aristide Government made no effort to identify and bring to justice those responsible for the wholesale killing, looting, and burning that occurred after the failed Lafontant coup in January. The only response to three official requests to the Aristide Government for information on the status of the investigation into the death of an American citizen, Richard Andre Emmanuel, who was killed by mob violence in late February, was that the investigation "was still in progress."

This is credible evidence from our own State Department.

Mr. OWENS. The police over there threw out Aristide.

Mr. SMITH of New Jersey. Let us not forget my friend, that General Cedras was put into his position by President Aristide.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, this administration's policy to return President Aristide to power is a right one. This is one of the few times that the United States has proposed the use of troops not for the purpose of installing a puppet regime, not for the purpose of installing a dictatorship, but for the purpose of reinstating a government fairly-elected by the people. We have been decisive and tireless in our efforts to ensure that democracy prevails in this hemisphere and elsewhere.

The administration should be commended for its dogged commitment to sustain peace, protect human rights, and end the atrocities in Haiti. The fruitful negotiations with the Haitian military leaders demonstrate our resolve to return Haiti to the path of democracy.

It is pivotal that Haiti emerge from the turmoil that has ensued since the forced departure of President Aristide 34 months ago. Our President's diplomacy has achieved this—thus ending the illegal control of Haiti from military dictators.

There always has been a link between Haiti's history and ours. The successful accords reached at the 11th hour on September 18 brought us from the brink of an invasion to the brink of peace and the orderly transfer of power. The 15th of October, when the military leaders step down, will be a hallmark day in the history of both Haiti and the United States. Most of all, however, October 15 will be a hallmark day for democracy and those who believe and live by its principles.

Peacekeeping and peacemaking always are the preferred solution to any conflict. The United States should never sit back and allow democracy to be hijacked.

Because of President Clinton, the transfer of power and the restoration of democracy in Haiti has begun.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentlewoman from Maine [Ms. SNOWE] a

member of the Committee on Foreign Affairs and the distinguished ranking member of the Subcommittee on International Operations.

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this resolution because while our troops are in Haiti, America's interests are not. I oppose this resolution because it does give retroactive congressional approval to a mission we should not be leading and gives approval to the use of American troops in a nation we should not be occupying, and it gives approval to a mission whose objectives the administration is not defining.

What we should be debating today, in fact, we should have been debating weeks ago, is a resolution seeking Congress' and the American people's approval of the use of American troops in Haiti. It is important to point out the President is prepared to invade Haiti without the authorization of Congress or the approval of the American people. We know he would never have gotten such authorization at the time because he never clearly defined the goals or the national security interests that were at stake.

Perhaps what is more shocking, Mr. Chairman, is that the President decided to seek the opinion and the permission not of the American people and their elected representatives but rather the permission of the unelected bureaucrats at the United Nations. Somewhere this administration missed the boat on setting priorities with respect to consultation. In fact, this marks the first time a President sought permission from the United Nations for intervention in our hemisphere.

We are being asked to endorse a mission in which the administration has violated its very own criteria for the use of American military forces, criteria outlined last year by Secretary Christopher himself. He said the goal of the operation has to be clearly stated to the American people. He said the likelihood of success has to be very important, and that an exit strategy has to be clearly articulated, and lastly, the action has to have the sustained support of the American people.

When in fact we know that none of these objectives and criteria have been met, and while this resolution seeks to endorse the President's mission in Haiti, the reality is that the objectives of this mission are as vague today as the moment when our troops landed in Haiti. And as the rules for engagement of our troops are continually being improvised, their task and responsibilities are being expanded daily. But more importantly, when we commit men and women to risky situations we must clearly define and articulate our mission.

Have we so soon forgotten the horrible lessons of Somalia? I for one have not, because there were two brave men from my district who were killed in that exercise in the back alleys of Mogadishu.

We would hope that we would understand what our missions and responsibilities are in Haiti, unlike Somalia. We should not forget what happened in Somalia when we know that the mission changed. In fact, the President said he did not realize the mission had changed from a humanitarian mission to one of capturing Aideed. And then of course our troops were uninformed with respect to that, that it was a humanitarian mission and then it was a mission to capture Aideed. Then of course it changed back to more of a diplomatic solution, except that information did not reach our rangers, and we know what happened.

As Larry Joyce, father of one of the men who was killed in that ambush said, Haiti is Somalia with a Caribbean address. He said that, in fact, when we do not have clearly defined objectives, an end goal, it can end badly.

How can we let ourselves be trapped in the same situation in Haiti all over again? With each passing day when we see the ambiguity and the vagueness of the responsibilities and that they are changing with each passing day, the similarities become unfortunately much more evident. I think that it is important that we defeat this resolution and accept the substitute that will be offered tomorrow.

I think that we ought to be clear when we vote against this resolution what it is not. It is not a vote against the admirable goal of someday achieving a democratic Haiti. It is not a vote against using military force where it is necessary and when it is necessary. It is most certainly not a vote of no confidence in the ability of our American forces to get the job done quickly and well. But this is a vote to ensure that our men and women in uniform are never ever put at risk in a region where our vital national security interests are not at stake, and perhaps more critically, when our President has failed to define what our national security interests are and what is at stake for this country.

□ 2310

Mr. TORRICELLI. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, let me say that I, too, am wanting to commend our President, President Clinton, for taking a bold stand to say that the Bill of Rights and the Constitution, the Statue of Liberty, those things this Nation was founded on, once again, are alive and well in this country.

I am just amazed at the speeches that I hear about we should never ever do things when our national security is not at risk. I do not understand what we mean by our national security. I think that anytime this great country has a goal that our national security is at stake, because the manner in which we live up to our word has a lot to do with the way we are perceived in the future; I have seen us talk to North Korean dictators where we are willing to send hundreds of thousands of troops, and perhaps so, because we feel that democracy must be preserved. We have seen us for 45 years fight the evil empire of the Soviet Union, spending billions and billions of dollars in that defense. As a matter of fact, in the 10-year period we spent $3.5 trillion to defend Western Europe against the Soviet threat, and we all are proud that we won the cold war.

Now here in our hemisphere we have a challenge to democracy. We have a country where we have been tied to ever since our revolution. As you know, the Battalion of Colored fought in the Battle of Savannah. Many Haitians died for our independence in the Revolutionary War. As a matter of fact, several of those men went back, and in 1804 Haiti became an independent nation. They fought for our independence. That was a long time ago, and you say, "Well, so be it."

There were many people who have been involved in the whole question of our growth and development. As a matter of fact, because the Haitian military defeated Napoleon's army, France was broke. They had the Louisiana Territory, and in fact, had to sell Louisiana Territory to the United States of America, therefore relieving the United States of the threat of France on its western borders.

There are so many incidents that we can cite as relates to Haiti's intervention and its history of being involved with our history.

In World War II, the President of the United States, President Roosevelt, asked, "How could this small country be of assistance to the United States?" Roosevelt replied that "The United States has suffered a loss of rubber supplies through the Japanese invasion of Southeast Asia," and suggested Haiti convert its agricultural economy to the production of rubber trees. Agreeing to the challenge, the mahogany trees and other plants indigenous to the island were cut down to make way for the Firestone plantations. New plants to produce latex were planted. None of this was successful, leading to soil erosion, leaving Haiti, the most densely populated country in the world in relationship to acres of arable land; yes, once again, our Marines in 1915 went into Haiti, but for the wrong reasons, to protect the interests of the United States sugar and fruit growers. We left in 1934.

But we have seen when people say why should we have any kind of intervention in Haiti, why do we have any involvement there, there are many reasons why we should.

When we talk about how mean and evil Aristide was, the number of people who left Haiti during his reign by boat was less than 300. In 1993 alone, 42,576 Haitians were picked up by the Coast Guard. Close to 80,000 Haitians have left that country since that time, and so what I am saying is that we have an interest. I think that we have a national interest.

I am very pleased that Lt. Col. Michel Francois has decided to leave. I hope Lt. Gen. Raoul Cedras, who Aristide put into that office at the insistence of our Ambassador, who said, "Let us expand your government," and he was not Aristide's choice, but in order to comply and to have this institution of the military involved in the new government, he agreed to do that. Brig. Gen. Philippe Biambi ought to also leave.

I was very pleased to hear Emanuel Constant, the Front for Advancement and Progress of Haiti, the FRAPH group, said we no longer should have violence in our country, and I think that this would be a victory for the United States and our policy to keep this Nation and this world free.

A world without laws is a world of chaos.

Our interests, our national interests, are at stake when we have a world where there are no laws.

And so once again, I congratulate President Clinton for stating the case, for doing the right thing, and I am very pleased that things are working out well, and I would hope that my colleagues would listen to what General Shelton has said, "Please, do not tie our hands. Please, do not tell us how to run our military operation. Please, let us complete the job like we know it should be done."

Let us not let politics and reelections put our men and women in harm's way, and so once again, I commend the President.

Mr. GILMAN. Mr. Speaker, I yield 12½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, we are about to adjourn the 103d Congress here in a couple of days, hours, and I find myself finally listening to a debate on an area of the world where American men, and now women, are in harm's way.

This is not under a bill that we are discussing this tonight, merely a unanimous-consent, like one big giant multihour special order. But that is great.

Tomorrow we will have a rule, a bill, and continued debate, and I hope that the average audience of the 1,200,000 Americans who are serious enough about their government, civic affairs, and world affairs who track the proceedings of this House, Mr. Chairman, are staying with us, particularly on the east coast where it is already 11:18 at night, and that they will follow the debate tomorrow, because this is important.

One of the worst killers in this hemisphere is the former chief of police, Michel Francois, who left his native land in disgrace, along with some thugs in a four-wheel vehicle. But he did not leave the island of Hispaniola. He merely crossed the border into the other two-thirds of the island, that is, the Dominican Republic. He is close. His evil presence is close, and now we find that maybe we are hoping General Biambi and General Cedras will follow him. Follow him where? To the Riviera, where somebody leaked our plan to give these people several million dollars, as we flew Jean-Claude Duvalier, "Baby Doc," out of that country in a big Air Force airplane to the Riviera where he lived off the stolen money of the dirt-poor people of Haiti for years, where his wife went on $50,000-a-day shopping sprees, outdoing even Imelda Marcos, has now left "Baby Doc" because he has run out of money in the French Riviera?

That plan was blown up. Somebody leaked it, a secret operation to try to save American lives and get a new start and get these people out of the country.

Now, if Cedras and Biambi do leave, they will undoubtedly just cross the border into Santo Domingo, and their evil presence will be hovering around.

Here is the problem we have: This self-excommunicated former priest, and I am a stumbling practicing Catholic. I know by the laws and rites of Melchizedek, once a priest, a priest forever, even if you are on death row, even if you are in prison for molesting altar boys where you should have been horsewhipped publicly, you are still a priest in prison.

□ 2320

But no powers of the priesthood, no saying mass, no hearing confessions, no burying the dead.

When Pat Buchanan calls him Father Aristide, he is wrong. When Rush Limbaugh calls him Father Aristide, he is wrong. And when Bill Clinton calls him Father Aristide, he is wrong. He is not a practicing Catholic priest.

As CHRIS COX said earlier, he was thrown out of the Selesians of Don Bosca with prejudice. I repeat what CHRIS said is accurate. I called Rome. I got the word. It is accurate.

For inciting mobs to violence and killing.

Yes, there are human rights groups that attribute the death of a former presidential candidate, pastor, Baptist minister Silvio Claude. They could not find any tires, so they did not get to necklace him. So they merely beat him to death, lynched his corpse, and then burned him. They did have gasoline available. I saw human rights groups ladies spokesmen from Haiti say the other night on the evening news, "Oh, yes, we attribute that human rights death directly to Jean-Bertrand Aristide."

Now let us get this speech. This will be a first on the House floor or the Senate floor. I did go to the Library of Congress, and I tried to get the speech, TOM, in Creole. Well, it was not in French, it was in Creole. And I did get from the Foreign Broadcast Information Service—and they are going to get me the exact Creole—the full translation. It is a long, fulsome speech. The buildup to the very clever references to the necklacing without using the word necklacing are blatantly apparent. I will give them to you. Any reasonable person—I do not think you have seen this.

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

Mr. DORNAN. Yes, I yield.

Mr. FOGLIETTA. I thank the gentleman.

Mr. Chairman, would the gentleman also refer to the part of that speech where he starts to talk about the Constitution and then tries to draw an analogy between the Constitution and the air that is breathed?

Mr. DORNAN. I will be fair. I will not rebuff the pleas of the gentleman in whose district resides the Liberty Bell, of course not.

This address was about 3:30 in the afternoon. They give it as Greenwich mean time. It was all FEBIS statements put into this document available to all Members of the House and Senate. It was 3:30 in the afternoon. He had just returned from the United Nations. In New York, September 27, 1991. He had been in office since February 7. He said—there are some excerpts missing here, some words that are indistinct, but it is pretty carefully translated.

It starts out saying that the middle class must acknowledge, they must say, "I made this money, my money, through malpractice, and from now on watching the national pride dancing like a flag, I will cooperate by using the money," word indistinct, bracket, unbracket, "to create work opportunities and to invest in economic activities so more people can get jobs. If you," referring again to the middle class, "do not do so, I feel sorry for you, I really do." Laughter from the crowd. "It will not be my fault because this money you have is not really yours. You acquired it through criminal activity. You made it by plundering and embezzling, you got it through negative choices you made. You got it under repressive regime. "You acquired it under a corrupt system. You made this money through means that you know was—were wrong."

Today, 7 months after February 7, in a day ending in 7—September 27—I give you one last chance. I ask you to take this chance because you will not have 2 or 3 more chances, only 1. Otherwise it would not be good for you." Applause from the audience.

Now he goes on to talk about God's justice is slow. Did all of the middle class make their money through ill practices? His word is the French Creole, bourgeoisie. And the crowd shouts "no." But they are in the minority. Keep in mind that—you have been to Haiti and I have been to Haiti twice down there; I wandered through the poverty areas. I had a nun in City Soleil recognize my Montagnard bracelet from the central highlands of Vietnam. "Where were you?" This came from Khartoum. "Oh, we build hospital in Khartoum. North Vietnamese took me prisoner after the Americans left, very brutal, marched me down to Hanoi, 9 months I was a prisoner. Walked me all around there, showed me the contamination, the babies, the short lifespan." That poor City Soleil, the translation for us in Sun City. Not like Sun City in California or anywhere else in this hemisphere. City Soleil is the poorest place in the world.

But I got to walk, a little moped, and went through all the richer neighborhoods. All those people up in the hills. That tiny little upper class, the bourgeoisie middle class are listening on radio and watching them on television. I have seen the color clips of these. So he says, "Okay, some of you are honest, but not much. We are going to work with you." He calls the other false patriots. The French word is patripoch, patripoch, false patriots. Then he comes to this. However, if I catch a thief, a robber, a plunderer, or an embezzler, if I catch a fake lavalas, his political groups, and he changes his thought and he switches from "I" to "you." If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. The first time he uses that expression. Crowd cheers. Do not fail to give him what he deserves. He is talking about necklacing, my colleagues, there is no doubt about it. The crowd cheers. Do not fail to give him what he deserves.

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

Mr. DORNAN. Yes.

Mr. FOGLIETTA. I thank the gentleman.

The gentleman talks about necklacing. Where does he get that from?

Mr. DORNAN. Well, if the gentleman will watch, he builds up to it, he uses code words in Creole, he uses a code word going back all the way to Toussaint L'Ouverture and where there had been amnesty before and where they killed 200 men that surrendered their arms in past Haitian history, the early 19th century. So when he says I will give them the amnesty, talking about expatriates that were all slaughtered, everybody knows what he means. So now comes the fourth time. This is—I am going to use rough words here—this is Mussolini-style. I have never heard a Member in this Chamber or the other or in my whole political life ever repeat himself more than once. You will see it in this well, I may have done it where you say this Member is not going to do that, that Member is not going to do that, I repeat.

But now he continues, a fourth time, do not fail to give him what he deserves. Fifth time, do not fail to give him what he deserves. All this time whipping up the crowd. This is why he is defrocked as a priest.

Then he says your tool is in your hands. Here comes the necklacing. Your instrument is in your hands, your constitution is in your hands. Do not fail to give him what he deserves. Louder cheers from the crowd. That device is in your hands. Your trowel is in your hands. The bugle is in your hands. The constitution is in your hands. Do not fail to give him what he deserves, sixth time.

I thought we had hours left. Does anybody know the name of the staff sergeant from the Green Berets back in Fort Bragg who was shot in the stomach? Anybody know that? I did not think so. I did not see a single hand go up there. His name is Don Holsted. Don Holsted took a bullet in his guts. And the triple draft dodger literally dodged that bullet because if Don Holsted was up at Dover tonight instead of arriving at Fort Bragg tonight at 5:00, married, two kids, I would have been on their floor burning his name into your brain. This self-excommunicated Catholic priest was not worth the death of a 25-year-old staff sergeant named Don Holsted. Every night I literally like a school boy get down on my knees and say "God help Bill Clinton. Do not let one American die in this policy. Give us a miracle." I believe it is a miracle because I got activated for the Santo Domingo crisis as a seaplane pilot. I went down there in 1965. We lost over 50—I will have the exact figure—men fighting in the streets when we went there on April 28. Do you know how long we were in Santo Domingo on April 28 of '65, a month after LBJ put the Marines on the beach at Danang on the other side of the world? Seventeen months, over 50 deaths. We left with somewhat of a civil situation there, but Santo Domingo has had a much higher standard of living. Let me finish this speech. Now he is talking about Macoutes here. Tonton Macoute thug killers. He says article 291 of the Constitution, our Constitution, which is symbolized—here is where he gets a little bizarre—which is symbolized by the center of my head. He has a little pattern baldness, like a tonsure. It symbolizes by the center of my head where there is no more hair, provides that Macoutes are excluded from the political game.

□ 2330

Macoutes are excluded from the political game. Macoutes are excluded from the political game. This guy loves repetition. Macoutes are excluded from the political games.

See the Mussolini style there?

Do not fail to give them what they deserve, seven times. Do not fail to give them what they deserve, eight times. You spent three sleepless nights in front of the national penitentiary. If one escapes, do not fail to give him what he deserves, No. 9. You all watch him all Macoutes activity throughout the country, we are watching and praying, we are watching and praying. If we catch one, do not fail to give him what he deserves. There is No. 10.

And then he goes into the direct description of smelling burning flesh.

I say to the gentleman, "TOM, this ain't no Catholic priest that you and I ever encountered in our lives."

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

Mr. DORNAN. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Does the fact that I am standing here with the gentleman from New York [Mr. OWENS], the gentleman from New Jersey [Mr. PAYNE], the gentleman from New Jersey [Mr. TORRICELLI], and myself, the gentleman from Pennsylvania [Mr. FOGLIETTA], have anything to do with your combining the black priest with Mussolini?

Mr. DORNAN. I do not even look at it as black. Since I marched with Martin Luther King, I am colorblind. How does the gentleman like that?

I do not look at this as black.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN. Mr. Chairman, I will pick that up tomorrow. I say to the gentleman that in my heart and brain he is looking at a colorblind Congressman. I never think of it that way.

Cedras is black.

[From the Heritage Foundation, Sept. 16, 1994]

ARISTIDE IN HIS OWN WORDS

(By Lawrence T. Di Rita, Deputy Director of Foreign Policy and Defense Studies)

President Clinton intends to invade Haiti to "restore democracy" in a country which has known no democracy in nearly 200 years of independence. Clinton Administration officials believe that Haitian democracy today is embodied in the person of Father Jean-Bertrand Aristide. While it is true that he was elected in 1990 as Haiti's president, Aristide's controversial career, which led to his ouster in 1991, raises serious questions about whether the United States should be betting the lives of Americans and its international credibility on him.

A Roman Catholic priest, Aristide was dismissed from the Church's Salesian Order in 1988 for "incitement to hatred and violence * * * and profanation of the liturgy."[1] Aristide turned to politics in the fall of 1990. He was elected in December of that year. Although elected democratically, Aristide governed quite un-democratically. He established a reputation, in the words of New York Times correspondent Howard French,

as "an insular and menacing leader who saw his own raw popularity as a substitute for the give and take of politics." The litany of anti-democratic actions he took to place in power members of his Lavalas movement—the loosely organized following he had developed as a parish priest—is long and has been well-documented.[2] He named Supreme Court justices, including the Chief Justice, without seeking the approval of the democratically elected Senate. He also replaced democratically elected mayors in key Haitian cities with Lavalas members. By the time of the coup on September 30, 1991, the New York Times' correspondent in Haiti observed that "Lavalas [was] perceived as both gatekeeper and ideological rudder of the administration, guiding everything from personnel decisions to the Government's increasingly disputatious relations in Parliament."[3]

Americans have a right to know more about the man for whom young Americans may soon have to die. What follows is a collection of statements that Aristide has made over the course of his professional life. They come from sermons, presidential speeches, and his two published autobiographies. As they will show, the true measure of Aristide is written in his own words.

IN HIS OWN WORDS: THE MUSINGS OF JEAN-BERTRAND ARISTIDE

Aristide on Democracy: "Revolution, not elections!"—1990 Campaign Slogan Cited in The Washington Post December 14, 1990, p. A1.[4]

Aristide's Anti-Americanism: "* * * [T]he U.S. Government has no right to stick its nose into Haitian elections * * *."

"* * * [T]he U.S. Government is responsible for the criminal acts of the * * * National Government Council—because the U.S. Government tolerates it, giving it money and weapons * * *."

"* * * [Y]our [the U.S.] government is responsible for this discouragingly miserable, holy mess and the inappropriate, schizophrenic policy from which we have never been able to free ourselves * * *."

"* * * [T]he [U.S.] government is blameworthy because it supports an Army which inspires fear and terror and which murders people both at night and in broad daylight * * *."

"* * * if your government is the cause of our death, the generations which will blossom on our corpses will not tolerate the U.S. imperialists' coming to sunbathe in the Haitian sun in order to corrupt us * * *."—Open Letter to Peter Whaley, Second Secretary, U.S. Embassy, October 17, 1987, Cited in Foreign Broadcast Information Service-LAT-87-203, October 21, 1987, pp. 2-3.[5]

"Now, what are the Americans' aims regarding Haiti? * * * America for Americans; the Caribbean, the Antilles for Americans too. They want to continue the exploitation through the assembly industry * * *."

"A government installed without American help might have the force of the people and could thus possibly resist possible future U.S. pressures. Thus, a government that does not have the people's support must be installed. There you have it. They [Americans] can thus obtain slaves who work in their factories for a mere song. They [Americans] also have Haiti as an example of people who are * * * incapable of leading themselves. One catches a glimpse of a superiority complex in this North American policy * * *."

"They [the Americans] want to hold our guts always in their hands. Thus, we will be economically, politically, and culturally dependent. For our part, we reject this * * *."

"Thus, after Nicaragua, they [the Americans] want to put an end to Cuba's policy. Thus their policy in the mid-term [is to] utterly spoil Castro's policy * * *."—Interview with Nancy Roc Radio Metropole, Port-au-Prince, April 3, 1990 Cited in FBIS-LAT-90-066, April 5, 1990, p. 21.[6]

"Haiti had to prove it was 'moving toward democracy.' Only if we elected a government would the cold country to the north [the U.S.], and its allies—other former colonizers—send us more money and food. Of course, that money and that food corrupt our society: The money helps to maintain an armed force against the people; the food helps to ruin our national economy; and both money and food keep Haiti in a situation of dependence on the former colonizers."—In the Parish of the Poor: Writings From Haiti, 1990, p. 47.

"The evildoers have always used the Army against the people, as did the cold country to the north [the U.S.] when it occupied Haiti from 1915-1934. They set up the Haitian Army, they trained it to work against the people. I say this in order to force Haitian soldiers of my time to face up to this truth; I say this so that in the midst of the Army itself, the men will recognize that they, the sons of the people, are being positioned against themselves, who are the issue of the people's womb."—Ibid., p. 59.

"Let the truth of the Lord be a purgative that cleans out all the old ways of the bourgeoisie, all the old ways of the Army that flatters and does the bidding of the Americans. We are tired of hearing the bourgeois leaders whispering in our ears with their little voices saying, 'Come on with us, come on,' trying to make us their accomplices. This old corrupt class is bathed in corruption. It has endured for two centuries and should not last any longer. Enough."—Ibid., p. 88.

"The U.S. government, along with its lackeys among the Haitian elite, has already begun to conspire to infiltrate Macoutes into the Army, to buy off soldiers, to sow corruption, to plant divisions, and to multiply spies."—Ibid, p. 97.[7]

"* * * [T]he Americans claimed that an outbreak of swine fever required the slaughtering of all the pigs in Haiti. This was not true, but those animals played a major role in the rural economy. An alimentary equilibrium that was already precarious was thereby destroyed, and a peasantry was assassinated without appeal * * *."

"The elimination of the pigs amounted * * * to burning the savings book. Its purpose was to draw into the cities the abundant and cheap labor force necessary for the [American] assembly plants."—Jean-Bertrand Aristide: An Autobiography, 1992, pp. 76-77.

"Uncle Sam wanted elections that looked like elections—like Canada Dry: the smell, the taste, but not the reality. Namphy did better—or worse—than Reagan demanded * * *. They wanted a responsible democracy led by people whom they could control * * *."—Ibid., p 87.[8]

Aristide on Justice: "Look at their machetes. The blades are rusted, the handles dirty. The peasants let the knives hang at their sides except then they are working in the field. But don't be fooled. A machete is useful in almost any situation. Those rusty blades are long and sharp. They remind me of Bolivar's sword."—In the Parish of the Poor, p. 15.[9]

EDITOR'S NOTE: In the following passages, Aristide was speaking to supporters a week after a political opponent was sentenced to life in prison because of an attempted coup. "Pere lebrun" [Father Lebrun] is the name of a popular Haitian tire dealer. The reference is a euphemism for the practice of "necklacing," a widespread method of political assassination in Haiti. The victim is bound, his arms hacked off, a gasoline-filled tire placed around his neck and ignited.

"When the people heard: life in prison, the people forgot their little gas and little pere lebrun. Was pere lebrun used on that day? [The audience yells no.] If it had not gone well, would the people have used pere lebrun? [The audience yells yes.] Therefore, when through education one learns how to write pere lebrun and think pere lebrun, one does not use it when it is unnecessary. One learns how not to use it; where not to use it."—Address to Youth Rally, Radio Metropole, Port-au-Prince, August 5, 1991, Cited in FBIS-LAT-91-153, August 8, 1991, p. 5.

"The people had their little matches in their hands. They had gas nearby. Did they use it? [The audience yells no.] That means that the people respect [The audience yells the Constitution] Does the Constitution tell the people to forget little pere lebrun? [The audience yells no] * * * The people are the law, meaning what they do is constitutional."—Ibid.

EDITOR'S NOTE: The following statement came from Aristide's speech to Lavalas supporters at the National Palace after returning from a visit to the United States. Coup rumors were widespread. The references to "a nice tool; a nice instrument" were interpreted at the time as another reference to "pere lebrun," or assassination by necklacing. The coup which deposed Aristide took place three days later.

"I ask you to take this chance, because you will not have two or three more chances, only one. Otherwise, it will not be good for you [the bourgeoisie] * * *" [applause].

"If I speak to you this way, it does not mean that I am unaware of my power to unleash public vindication * * *."

"If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. [The crowd cheers.] Do not fail to give him what he deserves * * *." [He repeats phrase 2 more times.]

"What a nice tool! [Necklacing] What a nice instrument! [Loud cheers from crowd.] What a nice device! [The crowd cheers.] It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. [The crowd cheers.] It is provided for by the Constitution, which bans macoutes from the political scene * * *."

"Whatever happens to them is their problem * * * we will receive due respect—the type of respect I share with you—and fulfill common aspiration for justice. Words will thus cease to be just words and will instead be translated into action."—Address at National Palace, Radio Nationale, Port-au-Prince, September 27, 1991, Cited in FBIS-LAT-91-194, October 7, 1991, pp. 17-19.

Aristide on the Catholic Church and its Teachings: "We are reflecting on Jesus' situation * * *. He said: those who have food, take it. Those who have money, take it. Those who have no weapon must sell their garments and buy one. What does this mean to you, my friends * * *?"

"Further on they say to Jesus: Behold here two swords. That is like saying: Behold here two weapons * * * That is verse 38. If they handed Jesus two weapons saying: Here are two weapons—in your opinion, did he throw the weapons away or did he take them? * * * He took them. He took them * * *."

"Therefore, you yourselves who are in the church, for example, you yourselves inside

Footnotes at end of article.

Haiti * * * Would it be a crime for us to have weapons at home * * *.—Lecture in Cap-Haitien, Port-au-Prince Domestic Service, August 17, 1987, Cited in FBIS–LAT, August 19, 1987, p. B4.[10]

"Ah, my little lamp. Its light of solidarity illuminates the darkest corners of all difficult questions. Just a man doing a job. Now I can see him more clearly. What is the paradigm for the pope in the secular world today? I ask myself. Why, it's all too clear. Of course. All the shadows around him, the smoke and mirrors, fall away. Who is this man? He is the chief executive officer of a multinational corporation * * *."

"His job is to ensure efficiency, continuity, and profit, while maintaining the status quo within the company * * *. United Fruit never had this weapon, nor did Gulf + Western or the National City Bank. That weapon is belief, the long-established belief of the people—the final consumer—the word of the Church. The man in Rome and his colleagues are able to wrap company policy up in the proud yellow and white of the Church. They can pronounce and prettify efficiency actions using the beautiful words of the Bible. They can dress up their officers and parade them around the Church as men of God."—In the Parish of the Poor, pp. 20–21.

"The Catholic church cooperated totally with slavery and exploitation * * * The priests were the real colonialists. Their guilt and complicity extends into the twentieth century * * * The church suffers because of its past."—An Autobiography, pp. 180–181.

"* * * [T]he Vatican should stand in the front rank among those countries that have made every effort to retard our return to democratic processes."—Ibid., p. 181.

"[The Haitian presidency] really is like a priesthood. Like the pastor, I accompany the sheep. I share the people's sufferings. Their claims are mine."—Ibid., p. 183.

Aristide on Economics: "Socialism in Haiti is not a new thing: its practice is rooted in the period of our first independence."—An Autobiography, p. 135.

"Europe owes us a debt * * * Sugar, coffee, and indigo enriched the merchants of Nantes or Rouen while the black people lived like beasts of burden * * * Once we had acquired our independence, we not only had to dress our wounds, but we were required to pay the old country, which simultaneously quarantined and exploited us. The colonial powers, including the United States, must make amends for the wrong inflicted on the on the colony or protectorate in those days. The debt experts, when they speak of our liabilities, need to add up the second column of their own accountability."—Ibid., p. 143.

"Economic efficiency is not compatible with justice, except at the price of a permanent struggle against all the seeds of corruption."

"The few large enterprises in the country were often found to be suffering from waste and mismanagement, and from a poor use of their resources; the most profitable had often been the prey or milk cows of social parasites who had little interest in development or reinvestment. Our move to put them in order did not always make the government highly popular. Stringency is sometimes a long term investment from those who want to escape from beggary: simplicity or clarity of administration are also good for public enterprises that are too often putrefying as a result of speculation or the squandering of their resources."—Ibid., p. 149.

"The ecological tragedy in Haiti is the consequence of anarchy, of laissez-faire."—Ibid., p. 151.

"Economic liberalism, which democrats and technocrats have made a panacea, I find intolerable."—Ibid., p. 178.

"Wealth, financial superiority, and arrogance all end in making one certain that one possesses the truth, and they generally predispose people to use repression or to compromise with dictatorial regimes. The wealthy have often become what they are by virtue of exploiting others * * *."

"Above all, the international rules are made to prevent those who are under the table from some day taking their place at the common feast. They can be made to wait for centuries. They need to shake the table, even to overturn it with all the risks that action implies."—Ibid., p. 179.

Aristide on Karl Marx, Che Guevara, and Christopher Columbus: "I did not invent class struggle, no more than Karl Marx did * * *. But who can avoid encountering class struggle in the heart of Port-au-Prince?"—An Autobiography, p. 106.

"* * * I welcome those ideas that rest on the values of beauty, dignity, respect, and love. Che Guevara, a bourgeois, a doctor, an internationalist, certainly incorporated some of those values, as did Allende. They were sincere men, like so many others; they made mistakes, just as I will do. Why should I deny it? I feel more affection and sympathy for them than I do for many others."—Ibid., p. 126[11]

"I see a big white man, a colonial; the man who, by 'discovering' America, stole it from those who were living there and exploited it * * * What comes to mind when I think of Christopher Columbus is the mutilation of many peoples and the beginning of a long chain of injustices * * *."

"But Christopher Columbus was only the first. The conquistadors * * * of the American occupiers at the beginning of the twentieth [century] yielded nothing at all to him in the realm of contempt and brutality * * * The year 1992 marks five hundred years of robbery and five hundred years of resistance"—Ibid., p. 180.

"There is no question that there are common denominators between us and the makers of the French Revolution: 1789 is an essential reference point, as is 1793. The memory of the heroes of the rights of humanity should always be in our minds, as their texts are in our hands. Robespierre himself denounced the 'patripockets.' From Saint Just to Abbe Gregoire, how much I owe to the makers of the French Revolution! Most of them had a global vision of human liberation."—Ibid., p. 184[12]

FOOTNOTES

[1]Aristide quotes from his dismissal order in his book, Jean-Bertrand Aristide: An Autobiography (Maryknoll, N.Y.: Orbis Books, 1992), p. 105.

[2]The best pieces in English are Raymond Alcide Joseph, "Father Aristide and Other Myths," Forbes MediaCritic, Spring 1994, and Christopher Caldwell, "Aristide Development," The American Spectator, July 1994. Unless otherwise indicated, incidents occurring during Aristide's brief tenure have been drawn from these two sources.

[3]Howard W. French, "Ex-Backers of Ousted Haitian Say He Alienated His Allies," The New York Times, October 22, 1991, p. A11.

[4]The interview in which this comment is mentioned was conducted just four days before the Haitian presidential elections.

[5]Aristide was blaming the U.S. for its support of the provisional government (National Government Council) in the aftermath of Jean-Claude ("Baby Doc") Duvalier's departure from Haiti. This period was marked by exceptional turmoil, with one military leader after another assuming duties as the Haitian Head of State. Duvalier had fled after the Reagan Administration pressured him to leave and allow for a democratic transition. Haiti, along with the Philippines and Chile, was a target of President Reagan's second-term policy of withdrawing U.S. support for dictators of the right.

[6]At the time of this interview, Aristide was not a political candidate. Nicaragua had just held free and fair elections in which the Castro-supported Sandinista government was soundly defeated by Violeta Chamorro, a clear victory for U.S. policy in Central America. Elections in Haiti, strongly supported by the Bush Administration, were to be held at the end of the same year.

[7]"Macoutes" refers to the Ton-Ton Macoutes, the private security force established by long-time Haitian dictator Francois ("Papa Doc") Duvalier. Aristide's book "In the Parish of the Poor" is based in large part on sermons he gave while still a parish priest at St. Jean Bosco in the La Saline slum of Port-au-Prince.

[8]General Henri Namphy was head of the provisional government after the Reagan Administration convinced "Baby Doc" Duvalier to leave Haiti in 1986. Aristide's autobiography was written after the September 1991 coup against him. In it, he provides examples such as the swine fever epidemic to prove that the U.S. had a mercantilistic relationship with Haiti, by which it required urban, light manufacturing rather than agricultural production. This is evidently an oblique reference to Reagan's "Caribbean Basin Initiative," which offered incentives for U.S. business to establish production facilities in poor countries of the region.

[9]Aristide is writing about the Haitian peasants, whom he consistently held were being exploited by "imperialist" businesses from the U.S. and elsewhere. He is referring to their dormant defiance and alluding to the means they have to take control of their own futures, as had the Latin American revolutionary Simon Bolivar.

[10]These statements are excerpted from a lecture to the faithful by Aristide in Cap-Haitien. He is purportedly quoting from St. Luke's Gospel, Chapter 22, Verses 35-38. The actual citation, from the Saint Joseph Edition of the New American Bible, reads: "When I sent you on a mission without purse or traveling bag or sandals, were you in need of anything? "Not a thing," they replied. He said to them: "Now, however, the man who has a purse must carry it; the same with the traveling bag. And the man without a sword must sell his coat and buy one. It is written in Scripture, 'He was counted among the wicked,' and this, I tell you, must come to be fulfilled in me. All that has to do with me approaches its climax." They said, "Lord, here are two swords!" He answers, "Enough."

[11]Ernesto "Che" Guevara was Fidel Castro's closest confidant during the Cuban Revolution. His book "Guerrilla Warfare" became a primer for Latin American communist guerrilla movements in the 1960s and 1970s. He became a martyr for Latin American communism when he was killed by the Bolivian military while trying to incite a revolution in that country in 1967. Salvador Allende was the Marxist president of Chile who was killed in a military coup in 1973.

[12]Robespierre and St. Just were responsible for the worst abuses of the "Great Terror" of the French Revolution. Hundreds of people, including the French King and Queen, were guillotined at the order of Robespierre. He, too, was guillotined in the backlash that followed.

[From the Heritage Foundation, Sept. 20, 1994]

EXECUTIVE MEMORANDUM

NOW COMES THE HARD PART: THE U.S. OCCUPATION OF HAITI

(By Lawrence T. DiRite)

Everyone can draw a sigh of relief now that U.S. forces will not be invading Haiti. The loss of American lives that would have resulted from an invasion has been avoided. Nonetheless, for the first time in 80 years, large numbers of American troops are landing in Haiti. Within several weeks, as many as 15,000 U.S. forces are expected to be dispatched to that poor, chaotic nation. Thus, while an invasion of Haiti has been avoided, an occupation has not.

And this is precisely Bill Clinton's—and America's—new problem. The actual invasion of Haiti to reinstall Father Jan-Bertrand Aristide to power was never the main reason for opposition to Clinton's Haiti policy. Secretary of Defense William Perry

recently acknowledged that even an invasion that encountered resistance would have taken no more than "a few hours." Rather, people were against the invasion because of what would come afterward—a U.S. occupation of Haiti that they felt was unwise and unnecessary. Therefore, the original cause of opposition to Clinton's policy remains. With U.S. troops heading for Haiti, the easy part is over. Now the difficult task of pacifying and "restoring" democracy begins.

Public Wary About Clinton Policy. Having assumed responsibility for Haiti's future, the Clinton administration still has not convinced the American people that intervention in Haiti was necessary. Even after a speech to the nation on September 15, in which the President outlined his reasons for military action, more than 60 percent of Americans polled were against the use of U.S. force. In fact, as the hour of invasion drew closer, the more opposition to an invasion mounted. New reports reveal that Clinton was desperate for Jimmy Carter's peace mission to succeed. In the hours before the invasion was to begin, the President apparently began to realize that military action would be a big political mistake.

But the President may face an even bigger political headache in the future: managing the occupation of an extremely poor and divided Third World country. Clinton has yet to outline a convincing "exit strategy" for the U.S.—to define clearly the conditions that must be met in order to get the troops back home. Despite the President's assurances that U.S. troops will return soon, the Clinton Administration is underestimating the troubles U.S. forces will face in Haiti. Bringing Aristide back to Port-au-Prince will be easy. Keeping him there in power will not be.

Many Unanswered Questions. The precise terms of the agreement the Untied States and the Haitian military junta are unclear. According to the deal brokered by Jimmy Carter, by October 15, unless the Haitian parliament has acted sooner to offer them political reprieve, the junta must relinquish power to the elected government of Aristide. This poses a number of intriguing questions, including:

(1) To whom will the military and police forces owe their allegiance once their leaders have abdicated? Many of them were opponents of Aristide and his supporters. American peacekeepers may be left to contend with general lawlessness among thousands of armed forces whose leaders no longer control them. The U.S. troops will have to disarm these troops if they are to avoid becoming targets themselves. But the policy of disarming belligerents in Somalia failed, at the cost of more than three dozen American lives.

(2) What if General Raoul Cedras or other members of the junta refuse to leave Haiti they step down from power? In the press conference after the deal was announced, Secretary of State Warren Christopher said that "there will be no incentive for [the generals] to stay in Haiti" after October 15. But nothing in the agreement prevents them from staying in Haiti. Moreover, Cedras and his allies represent the most well-organized and determined opposition to Aristide. If Cedras stays and decides to run for parliament this year or for president next year, U.S. forces may find themselves caught between two diametrically opposed political factions. It is not inconceivable that Aristide, emboldened by the U.S. presence, might incite his followers to the same type of mob tactics he used as president to intimidate political opponents. In August 1991, he encouraged his supporters to surround the parliament building to prevent members from voting a motion of no-confidence against his government.

(3) How long before Aristide turns on his American mentors? The Clinton Administration has been able to extract promises of good behavior from Aristide as long as he has been living comfortably in Washington, D.C. Once he is back in Port-au-Prince, however, he could revert to the anti-Americanism that had been the hallmark of his political career. For example, in an April 1990 radio interview regarding U.S. support for the upcoming Haitian elections, Aristide claimed that "they [the Americans] want to hold our guts always in their hands. Thus, we will be economically, politically, and culturally dependent. For our part, we reject this . . ." If Aristide becomes unhappy with the United States—if aid is not enough or if he thinks the U.S. is equivocating in its support for him personally—this anti-Americanism is bound to resurface.

(4) What happens if Aristide decides not to step down at the end of his presidential term? In his September 15 address to the nation, President Clinton declared that "Aristide has pledged to step down when his term ends . . . [in 1996]." But that is a rather dramatic concession that may come as a surprise to Aristide's supporters in Haiti. Until now, Aristide has held firm to the belief that the period of his exile does not count as part of his five-year term in office. Will the U.S. blockade Haiti and impose economic sanctions if Aristide remains in office past 1996, in violation of the 1987 Haitian constitution?

(5) What happens when "democracy" fails to take root with Aristide's return? With the occupation of Haiti, the U.S. assumes responsibility for building "democracy" in a country where three-quarters of its presidents in nearly two centuries of independence have not completed their terms. The U.S. will soon be sending judicial, law enforcement, military, economic, and political advisers to help establish civil order there. Despite Clinton's claims to the contrary in his September 15 speech, this is nation-building pure and simple; it is a policy that failed miserably in Somalia last year with the unnecessary loss of some 40 American lives.

America's new venture into liberal colonialism has begun. The U.S. is about to occupy a country to install in power a left-wing priest who made a career out of denouncing America and everything it stands for. Meanwhile, a few hundred miles closer to U.S. shores, another Caribbean dictator abuses human rights, and rules undemocratically. Yet Fidel Castro is spared the fate of the Haitian generals. The reasons for this double standards are as mysterious as the reasons for occupying Haiti in the first place.

[From Port-au-Prince Radio Nationale, Sept. 27, 1991]

ARISTIDE ADDRESS 27 SEP AFTER VISIT TO UN

[Address by President Jean-Bertrand Aristide at the National Palace in Port-au-Prince on 27 September, on his return from the United Nations—live or recorded]

[Excerpts] [passage omitted including indistinct portions] to repent and say: I acknowledge that I made this money through malpractice and, from now on, watching the national pride dancing like a flag, I will cooperate by using the money [word indistinct] to create work opportunities, and to invest in economic activity so more people can get jobs.

If you [referring to bourgeoisie] do not do so, I feel sorry for you. Really I do. [laughter from crowd] It will not be my fault because this money you have is not really yours. You acquired it through criminal activity. You made it by plundering, by embezzling. You got it through the negative choices you made. You made it under oppressive regimes. You acquired it under a corrupt system. You made this money through means that you know were wrong. Today, seven months after 7 February, on a day ending in seven, I give you one last chance. I ask you to take this chance, because you will not have two or three more chances, only one. Otherwise, it will not be good for you. [applause]

If I speak to you this way, it is because I gave you a seven-month deadline for making amends. The seven-month deadline expires today. [applause] If I speak to you this way, it does not mean that I am unaware of my power to unleash public vindication, in the name of justice, against all these thieves, in an attempt to recover from them what is not theirs. A word to the wise is enough. You understand me because you and I speak Creole. [applause]

The saying goes: God's justice is slow. It appears that justice is going too slow. It is, however, a reasonable justice because seven months—during which people have been hungry and unemployed, while you had the power to reduce unemployment and hunger—have passed. As I told you, the deadline expires today. The ball is in your court. The 7 February ball is at your feet. If you want to shoot, go ahead. [applause]

Did all of the bourgeoisie make their money through ill practices? [crowd shouts "no"] [repeats sentence twice] Congratulations, intelligent people! [repeats sentence three times] [applause] We call the bourgeoisie who made their money through foul practices, and who refuse to invest in the country, false patriots [patripoch]. We call the bourgeoisie who earned their money through honest work, and who are cooperative, patriots. [applause] Congratulations to the patriotic bourgeoisie. Congratulations to the bourgeois patriots. They are few. Unfortunately, they are not the majority. Nevertheless they do exist. [passage omitted]

I want to use this very occasion to also address political parties. I want to hail and encourage them to walk on in unity—unity among them and with the entire population—to consolidate themselves so that, in accordance with the Constitution, we will build together a strong opposition on the basis of the law. We will thus foster democracy, unity in political pluralism, unity in political diversity.

Therefore, political leaders, I am passing to you the ball of understanding with great love as usual. If you do not catch the ball, dribble, and score goals, do not later accuse me because you will have failed to live up to expectations in order to gain in popularity that you [word indistinct]. [crowd cheers] I wish you all good luck, good luck to all the [words indistinct] parties.

I hope that deputies and senators will continue to work together with the people in order to personally feel the joy of working to satisfy the aspirations of the masses, because we prefer to fail with the masses than succeed without them, but with the masses, we cannot fail. [crowd cheers] I am encouraging all the ministers; [crowd cheers] I know, I know, all right! For those of you who are outside the palace, the brother here said that the deputies cannot do me any harm. I told them I know that. [loud cheers from crowd]

I am encouraging every minister to continue with the purge that we have already

started. I am also encouraging each state employee [words indistinct] because you are the ones pressing on the economic pedal now, so that the economic car can run twice as fast. I am encouraging each state employee—please, I encourage you to realize that, as a state employee, you must work twice as much so that the job can be done well and fast. You will thus increase, if not double, the output of public administration. We will all benefit from the increased effort that you all make. I encourage you to do so in the provinces and in the capital, wherever state employees work. If you feel that your work goes slowly, speed it up. You do not need anyone to supervise you. Be you own supervisor. This is because contrary to the past, when people used to say that embezzling state money is not stealing, today we know very well that diverting state money is stealing, and thieves do not deserve to stay in public administration. [crowd cheers] [passage indistinct]

You must greet visitors in the same warm way that Haitians are greeted—with the type of welcome we received abroad. Greet people with a smile in state offices. Give people the information that they need with a welcoming smile of understanding. You too, address the state employee with great courtesy so that we will make double economic effort. [passage omitted]

However if I catch a thief, a robber, a swindler, or an embezzler, if I catch a fake lavalas, if I catch a fake . . . [changes thought] If you catch someone who does not deserve to be where he is, do not fail to give him what he deserves. [crowd cheers] Do not fail to give him what he deserves! Do not fail to give him what he deserves! Do not fail to give him what he deserves!

Your tool is in your hands. Your instrument is in your hands. Your Constitution is in your hands. Do not fail to give him what he deserves. [loud cheers from crowd] That device is in your hands. Your trowel is in your hands. The bugle is in your hands. The Constitution is in your hands. Do not fail to give him what he deserves.

Article 291 of the Constitution, which is symbolized by the center of my head where there is no more hair, provides that macoutes are excluded from the political game. Macoutes are excluded from the political game. Macoutes are excluded from the political game. Do not fail to give them what they deserves. Do not fail to give them what they deserve. You spent three sleepless nights in front of the National Penitentiary. If one escapes, do not fail to give him what he deserves. [loud cheers crowd]

You are watching all macoute activities throughout the country. we are watching and praying. we are watching and praying. If we catch one, do not fail to give him what he deserves. What a nice tool! What a nice instrument! [loud cheers from crowd] What a nice device! [crowd cheers] It is a pretty one. It is elegant, attractive, splendorous, graceful, and dazzling. It smells good. Wherever you go, you feel like smelling it. [crowd cheer] It is provided for by the Constitution, which bans macoutes from the political scene.

Whatever happens to them is their problem. They should not look for it. [crowd cheers] As such, under the same flag of pride, dignity, and solidarity, and hand in hand, we will encourage one another, so that starting today, we will all receive due respect—the type of respect I share with you—and fulfill common aspiration for justice. Words will thus cease to be just words and will instead be translated into action.

Action on the economic front required me to get the ball and pass it over to you. You should dribble and kick hard at the ball once you are in front of the goal, and make sure to score a goal because if the people do not see the ball in the nest, as I told you, it would not be my fault if you are given what you deserve, as provided for in the Constitution. Alone we are weak, together we are strong, tightly united we are an avalanche. Are you feeling proud? Are you feeling proud? Go home now as your hearts are full of happiness, energy, and joy and show that you are working for the progress of the country, and to make elegant, graceful, and dazzling, show that you want to restore it former image. [loud cheers from crowd]

Mr. TORRICELLI. Mr. Chairman, I yield 4 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the gentleman from New Jersey [Mr. TORRICELLI] as the author of this resolution, and our Chairman of the House Committee on Foreign Affair, the gentleman from Indiana [Mr. HAMILTON] who is the chief cosponsor of this legislation.

Mr. Chairman, the lives and welfare of some 20,000 of our men and women in the armed services are at stake. I have no doubt that President Clinton and his top military advisers, and even the Members of this body, are very concerned as the situation is volatile and things can turn for the worse or even better at any given day.

Mr. Chairman, the President has made a very important decision to commit our military forces for the purpose of stabilizing the Government of Haiti and to return President Aristide as the duly elected leader of that country. But this does not mean that the President has the absolute authority to commit our forces anytime he feels like it.

Under the Constitution, Mr. Chairman, the Congress must also do its part as a co-partner in this matter now before us. The resolution, I believe, before us should address the concerns of the Congress relative to the President's actions on Haiti. I believe, Mr. Chairman, that although the resolution does not address every issue, or every problem, or any solution that could be conceivably thought of, I do believe the resolution at least gives notice to the President that he cannot unilaterally put our military forces in harm's way without close consultations with the Congress.

Mr. Chairman, I will not repeat the arguments for or against the President's Haiti policy and I believe Members of both sides of the aisle have been quite eloquent in advocating their points of view on this matter. I will say, Mr. Chairman, in my humble opinion that without question President Clinton's current policy on Haiti, its success or failure, rests entirely now upon the lives of our soldiers and sailors who are currently in Haiti as a consequence of his policy in that country.

I believe the resolution of the gentleman from New Jersey [Mr. TORRICELLI] is a reasonable solution to the current crisis in Haiti, and let us never forget the lessons that we have learned from Vietnam and Somalia. Let us support House Resolution 416.

Mr. GILMAN. Mr. Chairman, I yield 10 minutes to our final speaker, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman and my colleagues, I take to the floor again to speak on the issue of our failed policy in Haiti. Having been involved in Haiti prior to the fall of the Aristide government in an economic development project, I am familiar with some of the problems of that nation, and I think it is important tonight that we reflect on the history of the Clinton policy which, in fact, is a history of failure.

Mr. Chairman, it was a mistake when President-elect Clinton promised to reverse the Bush Haitian immigration policy.

It was a mistake when my State of Florida was left with 12,000 Haitians after 40,000 left that impoverished nation as a result of the change in the Clinton policy.

It was a mistake when President Clinton failed to hear the pleas of myself and 41 other House Members who asked him to appeal a court decision that would allow HIV-infected Haitians into the United States, and most of those people ended up in my State of Florida.

It was a mistake to ignore the Governors Island accord and international agreements.

It was a mistake to sail into Port-au-Prince harbor and then cut and run.

Mr. Chairman, it was a mistake to impose economic sanctions on a country with 53 cents per day per capita income.

Again it was a mistake, Mr. Chairman, to impose an economic embargo on the most impoverished nation in the Western Hemisphere, a policy that would kill thousands of Haitian babies, elderly and infirm.

Mr. Chairman, it was a mistake to destroy 60,000 manufacturing jobs in Haiti that fed nearly a third of the island's population.

Again, Mr. Chairman, it was a mistake to send our forces into Haiti and not consult with the United Nations and not consult with the United States Congress.

It was a mistake to have our troops stand by just recently while the balance of Haitian business was destroyed and decimated.

It is a mistake to think that by confiscating weapons and driving the military underground that all will be well in Haiti's future.

Mr. Chairman, it is a mistake to think that after October 15, when we have that great glorious parade when Aristide returns, all will be well in Haiti.

Mr. Chairman, it is a mistake that the U.S. taxpayers pay twice. They pay

once for the United Nations peacekeeping force, and now we will end up paying billions to continue another mistake.

Mr. Chairman, it is a mistake not to have learned from the lessons of Somalia.

Mr. Chairman, I say to my colleagues, you know there is a movie called "The Groundhog Day." I don't know if you have ever seen that movie, my colleagues, but it's an interesting movie, and I recommend it to each of you. The movie "The Groundhog Day" is a movie about an individual who keeps repeating over and over the same day.

Now I have only been in this Congress for about 20 months, but sometimes I feel like I am part of that movie, "The Groundhog Day." The character there keeps repeating that day over and over, and that is what we are doing here, and that is what we did with Somalia.

I ask my colleagues, don't we remember the cost in American lives? Don't we remember the cost in dollars?

Mr. Chairman, when we cannot afford to provide economic assistance to our citizens, to our veterans, to our cities, we are spending hundreds of millions, billions, of dollars, and we have not learned this lesson. We are participating in another Groundhog Day. We are repeating that day over and over again.

As my colleagues know, what is sad is we will leave Haiti, and I can predict it, and it will be part of this CONGRESSIONAL RECORD without changing the deep social and civil differences that lie embedded in that country. I have seen this firsthand. It is a country in which there is a very small, rich population, and they have a very large poor population.

□ 2340

We can send all the troops and we can spend all of our money; we can go again and destroy that country and pound it further into the ground; and then we can spend more American taxpayer dollars to try to raise it up.

Mr. Chairman, we will not solve that country's problems. We did not solve them in Somalia. We just left there, and we left the country in chaos.

So we do not have a defined mission. So we can set March 1, and March 1, my colleagues, I am afraid will be too late. We can set March 1, 1995, or 1996. It still may be too late. We are now being asked here in this Congress to legislate and authorize another mistake.

Mr. Chairman, again, I feel like I am part of that movie, "Groundhog Day," where we do not learn, where we keep repeating the same day over and over, where we keep making the same mistake, where we keep dragging the American taxpayer to pay for each and every one of these mistakes.

Somehow I wish, Mr. Chairman, that we would learn from the lessons of the past. Somehow I would hope that this body would learn that we cannot solve all the problems of the world, nor can the American taxpayer finance all of these mistakes.

So with these words, Mr. Chairman, for the RECORD, and I am sure these halls have heard all the different words and sermons, I caution my colleagues to think twice before they vote for this resolution, before they continue this legacy of mistakes, before they make another mistake.

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

Mr. GILMAN. Mr. Chairman, how much time remains?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 49 minutes remaining, and the gentleman from New Jersey [Mr. TORRICELLI] has 1 hour and 10 minutes remaining.

Mr. GILMAN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, President Clinton sent 20,000 American soldiers to defend Haitian democracy. Tonight I rise in the interest of another democracy, that of the United States.

In any Democratic society, no one man can be vested with the power to send thousands of men and women in risk of their own lives, in pursuit of a policy that potentially consumes not simply millions, but indeed hundreds of millions of dollars. By definition in any Democratic society, that power must be shared and balanced with other Democratic institutions. In the constitutional framework that is the United States of America, this institution, the U.S. Congress, is designed to provide that balance.

This Nation has painfully learned on other occasions the cost of entering into foreign commitments, sending our sons and daughters to fight, when the Nation is divided and this Congress is not consulted in the exercise of our powers. Indeed, it is the principal lesson of this generation, from the painful experiences of Vietnam, that if in our constitutional framework there is one principal imperfection, it has been the Founding Fathers inability, indeed, their failure, to more precisely define the respective roles of the institutions of government.

House Resolution 416, which I offer with the gentleman from Indiana [Mr. HAMILTON] is an attempt in this instance to avoid the division and provide the balance that was not provided for by exercising good judgment by the administration in seeking the consent of this Congress, and perhaps with not too sufficient clarity previously provided for in the law.

We do so because it is not simply good law, not simply consistent with the intentions of the Framers of our Constitution, no matter how vaguely that intention may have been expressed, but because it is also good policy.

No foreign foe, no less the Haitian military, should ever believe that this country is divided. No one should ever face our forces in combat believing a President stands alone. This resolution is an opportunity to demonstrate not division or lack of resolve, but simply to provide President Clinton with a degree of support for our forces that he, unfortunately, did not seek, and therefore did not receive.

It is an opportunity to speak with a loud voice, in providing a congressional vote for unity of purpose. It is particularly critical, however, not simply because of Haiti, but because Haiti is not the last, and, indeed, may be the first of a long series of post-cold-war involvements, in which the United States will be called upon to defend democracy, advance our interests, further the resolutions of the United Nations, and serve other peacekeeping purposes and vital interests.

A model therefore must be established, and that model cannot be consistent with the best interests of this country and the operation of our Democratic system, a formula by which the President of the United States simply orders the expenditure of such enormous sums of money and places the lives of so many people in jeopardy in pursuit of his own policy, without the collective actions of the U.S. Government.

I seek to define these missions not because I want the United States to play less of a role in the world, but because I want us to play more of a role in the world, with credibility, with force, but recognizing that the United States can provide no example of democracy, ironically, indeed, tragically, cannot give meaning to the Democratic institutions of other nations, if we defy the Democratic meaning of our own Constitution and ignore our own Democratic institutions.

This resolution is an opportunity to avoid what is certainly before us, an opportunity of division, and replace it with a common voice. The Armed Forces of the United States today, indeed the President himself, have in the last days provided an example of effective intervention militarily. But I think we all recognize that there are difficult days ahead, days that will test unity of purpose, days that may well divide the American people. Without this resolution, we will be on this floor again and again. The Haitian military will doubt our intentions or our resolve. With it, we will appear as united in difficult days as we are in those days when the mission is succeeding.

The framework that is provided therefore in House Resolution 416 attempts to do each of these things.

□ 2350

First, it defines our mission precisely, that American forces that are in Haiti to assist the transition to the legitimately elected government, to provide for the distribution of humanitarian assistance and security for those purposes. By providing this definition, we avoid the difficulty of an ever-expanding obligation, where each day or each week, with each new crisis taking on new obligations that have not been made clear to the American people, their elected representatives or even our forces in the field.

Second, the length of this commitment, exclusively under American auspices and leadership, is defined by a limit of time. By March 1, the President of the United States must either come to this Congress and seek an extension of authorization or he must remove U.S. forces and transfer our obligations to a U.N. command. He must provide reports on four different occasions explaining the financial costs, precise obligations and what our forces are undertaking in their objectives.

Every Member of this institution, after February 1, having received these reports, will have the opportunity to come to this floor on an expedited basis and, by resolution, seek the removal of American forces if they deem it to be the interest of this country.

But in fairness to the President, this opportunity is not accorded to Members until February 1 and withdrawal is not ordered until March 1, because to do so at an earlier date has been suggested by a resolution offered by the minority. Neither gives our military forces a reasonable amount of time to complete their mission or this Congress an opportunity to produce such a resolution. Congress simply will not be in session in November or December or much of January.

But after February 1, the Committee on Foreign Affairs will be organized. The Congress will be in session. And we can produce such a resolution of withdrawal if we deem it to be in our interest.

Finally, the resolution provides that at all times, until the U.N. command assumes responsibility, our forces will be under the exclusive command of a commander in the U.S. Armed Forces.

I recognize, Mr. Chairman, that many Members of this institution, indeed many of the American people, do not believe in our mission in Haiti. They are sensitive to the support of democracy, sympathetic to the plight of the Haitian people, and angered by the actions of the Haitian military. I share each and every one of those sentiments. But there are doubts in this institution whether the vital interests of the United States were so threatened in such a manner that it was necessary or wise to engage the Armed Forces of the United States at the risk of the lives of young men and women who have gone into the service of our country for the defense of this Nation to pursue these objectives.

While I am sympathetic with some of those beliefs, I also believe it is necessary, whether we supported those objectives, interpreted events in this fashion or not, that we deal responsibly with the reality that 20,000 young Americans are in Haiti. The mission has been undertaken. We are not being asked whether it should be pursued but now, simply, how it should be achieved successfully, given the reality of their deployment.

Resolution 416 is an attempt to deal with that reality for those who believe that the mission was necessary, for those who question it, but nevertheless want it to succeed and who believe now a premature withdrawal before the U.S. military is given that chance is to simply compromise any opportunity to do justice to their mission or fairness to our forces.

Others are arguing that the resolution is ill-advised because it might compromise the safety of our forces to set a date of withdrawal. I would argue strenuously, on the contrary. Each and every day that American forces remain in Haiti without any deadline for their removal, any date of departure, is an invitation for terrorists and assassins, for the brutal thugs in the Haitian military and their accomplices to attempt to take the lives of our young soldiers, to break the will of our people and to seek a date of withdrawal.

I believe that if our opponents recognize that our presence in Haiti is to restore the Aristide government, to provide for its security and then, on a date certain, to transfer authority to the United Nations, they recognize that there is no advantage in bringing harm to our forces, because it will not change the reality of our presence or adjust the date or our departure.

I want, finally, Mr. Chairman, to express again the admiration that I know every Member of this institution feels, whether they would have initially supported this mission or not, whether they want to set a deadline for departure or not, the admiration that is felt for every man and woman and every branch of our Armed Forces, for the extraordinary skill and courage that is being exemplified by each and every member of our Armed Forces.

Never in my memory have they performed more professionally, more selflessly, when called upon by the President of the United States.

Tomorrow this institution, while expressing that admiration, will have before it three alternatives. The gentleman from Indiana [Mr. HAMILTON] and I have provided House Resolution 416, adopted by the House Committee on Foreign Affairs, to provide for the March 1 withdrawal providing for a post-February 1st vote to force withdrawal by the House, if it deems it so necessary, limiting the mission.

An alternate resolution will be provided by the minority, defined by the gentleman from New York [Mr. GILMAN] for at some point after January 3d, without having provided any authorization for the mission prospectively or retroactively, a resolution will come in order for immediate withdrawal. And a final resolution offered by the gentleman from Florida [Mr. HASTINGS] and the gentleman from Pennsylvania [Mr. MURTHA] to provide for an authorization without a specific date of withdrawal.

□ 2400

Those three alternatives provide this Congress with a real choice, and the chance for a meaningful debate.

Mr. Chairman, my own position is clear. However, beyond the crisis in Haiti, in each of these resolutions, I trust when the debate ends we will have established one point, a point we believed was clear after Vietnam, certainly after Lebanon, without question after Panama and Grenada, and we had reason to believe after the Persian Gulf and Somalia; that in this democratic society, this Nation will not take lives, will not engage in foreign commitments, and will not wage war while operating within the confines of our own Constitution with respect for the judgments of our own people and the operations of our own institutions of government.

Mr. Chairman, democracy is a fragile instrument. The United States of America has been blessed with this form of government for 200 years, but at its inception, we were advised that the greatest threat to our freedoms existed in no foreign nation, in no despot or king or invading army, but by the very excesses of executive power.

Mr. Chairman, through these two centuries we have been blessed by men in the Presidency who have respected democracy and did not exceed their authority, but with each and every precedent we establish for the concentration of executive power in the Presidency, the decline of balance of powers in this institution, we risk not simply the freedom of those we would violate abroad, but more critically, our own.

Mr. Chairman, when we debate tomorrow, I trust that it is the operation of his Government, the balance of these powers, that Members will bear in mind as we debate House Resolution 416.

Mr. Chairman, I thank my colleagues for a meaningful debate this evening and look forward to reviewing it tomorrow.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. BARLOW].

TRIBUTE TO ROMANO L. MAZZOLI ON HIS RETIREMENT

Mr. BARLOW. Mr. Chairman, I ask for your own indulgence to speak out of order as I pay respects to you, sir.

Mr. Chairman, as a new Member from Kentucky in his first term in Congress, I, along with others in the delegation and others here in Congress, want to pay our respects to you for your many years of service as you come to your retirement from our institution here.

You were elected in 1970, and let me say that when I arrived here in January a year ago, Mr. Chairman, you reached out with friendship and with understanding at the process that I and every other freshman at that point was entering into as we come into the hall of reason which our forefathers consecrated for us as a nation.

Mr. Chairman, it is an amazing and wonderful institution that has been created. Every day that I serve here and serve with men of years of service such as you, men who show humility and dedication and strength of purpose and principle, I am constantly coming up against those principles that have served us as a nation so well down through the years.

When we have votes, I come home to my district, as I do every weekend, and talk with my constituents back in the district. Sometimes I am asked "Why are the votes so close, the numbers very evenly divided?" I often say that that is because, very purposefully, we have loaded them with very heavy, weighty issues, and the weightiness of those issues and the fact that we come up on that vote, and it so evenly divided, and yet, after that, when passions have cooled, we find that we are a stronger Nation, having stood the test of the heat of that moment.

You yourself, sir, in the years of your service, have brought your constituents and brought the House to the same type of weighted, heavily weighted, decisions of principle, and have come through elections by small margins.

Mr. Chairman, I would submit that that is not a sign of weakness, that is a sign of pushing yourself and your constituents and the State of Kentucky to very powerful limits of expansion, of moral purpose, of principle, and as we come out of those votes, we are stronger for it.

I pay my respects to you, Mr. Chairman, and the record of those votes will stand proudly the test of time as people look back.

Mr. Chairman, we are also in an institution where no one person is enabled to rise with ego, to dominate, to domineer. We have a wonderfully crafted set of rules which very wisely snares egos and winds them down, and wrings them out, so that reason can come to the surface.

You, in your years as chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, have labored hard to bring very difficult work to the force, to bring it in a progressive way forward. No matter how long any of us work and labor in this institution, we are always laying foundations for the future.

Mr. Chairman, you have laid very powerful foundations in the immigration law that you have brought forth in the 1980's and over the years of oversight for this whole area. It is an area that is going to be challenged in many powerful ways in coming years, because we as a nation are admired for our government, for the freedom, for our free enterprise.

We have triumphed over terror and institutions of terror in the world, governing structures which were very oppressive. Quite understandably, people will be wanting to come to the United States. As a measured process that you have established, we look forward to perfecting that so that our own institutions will prosper.

Mr. Chairman, my mother, her father was from Louisville, KY, and 40-some-odd years ago when I was very much a youngster I remember an old 78 record I played in my grandfather's living room. I do not know if you ever heard it. I am not going to sing the song, but I will recite it as I can from memory.

That is "Eight more miles to Louisville, the hometown of my heart. Eight more miles on this old road, I never more shall part. I knew some day that I would come back, I knew it from the start. Eight more miles to Louisville, the hometown of my heart."

Thank you, sir.

The CHAIRMAN. The Chair would take his prerogative to express thanks to the gentleman, and to all who have joined in that.

Mr. BROWDER. Mr. Speaker, I rise today to honor my colleague RON MAZZOLI of Kentucky who will be leaving this body at the conclusion of the 103d Congress.

As a freshman Member of Congress late in 1989, I faced the daunting prospect of having the major military installation in my district closed by a unilateral decision of the Department of Defense. Now, base closure is a fearsome challenge for any Member of Congress, but especially so for a Member only 9 months into his first term who succeeded a 21-year veteran who was a legendary senior member of the Armed Services Committee.

Base closure threw RON MAZZOLI and I into the same pot of trouble in 1990, and we quickly recognized that the 1990 closure list disproportionately targeted bases in Democratic districts and appeared to have no basis in military value.

Though not a member of the Armed Services Committee, RON MAZZOLI had a direct impact on the resulting legislation which established the Base Closure Commission and the current base-closure process because of his personal and professional support of me and my efforts on the committee. RON was one of the founding members of the Fairness Network which we established in the House originally to ensure that the defense establishment was not withholding funds from targeted bases while they are being evaluated for closure or realignment.

In his quite, unassuming and statesmanlike manner, RON MAZZOLI has had a profound impact on this House and on this Member in particular. His mentoring of my early efforts to slay the base-closure dragon have left me personally grateful of the contribution he has made to my career as the Representative to Congress from the State of Alabama and grateful as a citizen of this Nation for his contributions to what has become an effective, fair method for reducing military infrastructure.

While the military bases that RON and I represent have both emerged winners from the first three rounds of base closures, the House and our country will be the losers when he leaves this body in January for a much-deserved respite form the day-to-day political struggle. Mr. Speaker, I know you join me in thanking RON MAZZOLI for his service to America and in wishing him only the best in his future endeavors.

Mr. BRYANT. Mr. Speaker, while it is with much regret that we are here today saying farewell to one of our most distinguished colleagues, Congressman ROMANO MAZZOLI, I am pleased to be able to participate in recognizing him during this special tribute.

I am fortunate enough to be able to say that as a member of the International Law, Immigration, and Refugees Subcommittee, the subcommittee that Congressman MAZZOLI has so ably chaired for a number of years, I have worked with him on many issues.

Without pause, I can say that Congressman MAZZOLI has been a fair and fervent advocate in balancing the United States' interest to strengthen enforcement and illegal immigration, while at the same time recognizing the need to promote lawful immigration in furtherance of the United States interests as a heterogeneous and diverse society.

Congressman MAZZOLI has made many contributions to our society as a Member of Congress, and I am sure that I can speak for all of us in saying that his tenacity and responsiveness will be sorely missed, not only by his friends here in the U.S. Congress, but also by his constituents.

Mr. WOLF. Mr. Speaker, it is a pleasure for me to join with my colleagues in recognizing the outstanding service to Congress and our Nation of my friend and colleague, ROMANO (RON) MAZZOLI.

For the last 24 years, RON has distinguished himself as the representative of Kentucky's 3d District, which includes the city of Louisville and its suburbs. Without a doubt RON is one of the hardest working Members of this body; furthermore RON is a man of honesty and integrity. Millions of Americans who watch C–SPAN know RON as the fair and impartial Member who often moderates contentious House debates from the Speaker's chair. However, to all of us in the House, we know how deep RON's legacy runs.

RON was one of the authors of perhaps the most sweeping immigration reform legislation of our time, the Simpson-Mazzoli Immigration bill, which passed the House in 1986. I remember how hard RON worked over several years to shepherd this important landmark legislation through Congress, and know his perseverance is a major reason why this bill has been made into law. RON has also been a major force in the drive to reform campaign finance laws, and RON certainly backs up his

talk with action—during campaigns he would accept campaign contributions of no more than $100. His forceful presence on both these issues will be sorely missed.

Another thing that will be missed not only by his colleagues in the House but also the people of Kentucky's 3d District is RON's independence and dedication to his constituents. One of the reasons RON is one of the most respected Members of Congress is his ability to make difficult choices to help his constituents. He will not shy away from controversy even if what RON thinks is the right thing to do is not the most popular. In this age of "sound-bite" politics and constant opinion polls, this is a refreshing characteristic. This devotion and sincerity has earned my respect and admiration for RON, and I know my opinion is shared by many colleagues as well as individuals in Kentucky and around the Nation. RON's leadership and honesty will be missed, and I am pleased to join today in wishing RON, his wife Helen, and his family all the best as he begins his retirement.

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

Mr. Chairman, I would like to join, too, in congratulating you at the conclusion of a remarkable career in this institution. You have served the people of Kentucky and the people of the United States with extraordinary distinction.

While the people of Kentucky had their own reason to be proud, the people of Louisville had a particular reason to be proud, so do some of us who have come to know you as a member of the Italian-American caucus in this institution. We have our own reasons to be very proud of you.

You will be greatly missed, and I want to identify myself with the remarks of the gentleman from Kentucky [Mr. BARLOW].

I would also like, in the conclusion of this debate, to thank the gentleman from New York [Mr. GILMAN] and the gentleman from New York [Mr. OWENS] for beginning this discussion. We look forward to continuing tomorrow.

□ 0010

Mr. GILMAN. Mr. Chairman, before we conclude, I too would like to associate myself with the gentleman's remarks, to commend you for your outstanding service in the House. We will sorely miss you and miss your expertise in so many areas. We congratulate you for a job well done.

The CHAIRMAN. I thank the gentleman very much.

Mr. OWENS. Mr. Chairman, I also would like to associate myself with the remarks of the gentleman from Kentucky [Mr. BARLOW]. When the gentleman from Kentucky presides, we always have a very firm hand but a very fair hand. That is a demonstration to those of us who have not served with you on a committee of what a great contribution you have made to this body. We are going to certainly miss you.

Mr. HAMILTON. Mr. Speaker, I rise today to join my colleagues in recognition of Congressman RON MAZZOLI.

It has been a high privilege knowing RON MAZZOLI since he first joined the House in 1971. He has been a good friend and colleague, and I will certainly miss him.

I have had the good fortune over the years of working with RON on numerous issues and projects that affect the greater Louisville area. RON, of course, represents the city of Louisville and Jefferson County, KY; I represent the Indiana counties across the Ohio River. RON has been instrumental in promoting stronger ties between our States and communities and in working jointly to spur economic growth in the region. His retirement will be a loss not only to the people of his district and State, but to the Kentuckiana region in general.

I also want to recognize RON's contributions to this institution. Congress is not held in particularly high public esteem these days. Some of the criticisms are fair, some are unfair. It is especially unfortunate that in the rush to judge the institution, there is a tendency to overlook the outstanding efforts of individual members.

RON MAZZOLI has been a pillar of integrity in Congress. He is conscientious and hard-working. He is dedicated to serving his constituents and the nation. He has taken a leading role on some of the most important issues facing this country, including immigration reform and campaign finance reform, and has worked tirelessly to pass legislation that makes a difference in the lives of Americans. RON has been a model legislator, and should be saluted for his accomplishments.

I want to extend my congratulations to RON and commend him for his impressive record of service. His work in Congress is certainly a mark of distinction, and I want to join his friends and family in recognizing it. He has every right to look back on his service with a full measure of satisfaction.

I join all of my colleagues in wishing RON and Helen all the best. I know he will continue to apply the same dedication and energy to all his endeavors in the future.

Mr. EDWARDS of California. Mr. Speaker, I'm pleased to join in offering my appreciation for RON MAZZOLI's distinguished service over his 12 terms as a Member of this body.

I remember how pleased those of us opposed to the war in Southeast Asia were when RON was elected to the House in 1970. We applauded his courageous and principled stance and welcomed his involvement in efforts to end the United States' unhappy involvement in that conflict.

Although his original assignment was to the Education and Labor Committee, in 1975 he accepted a position on the Judiciary Committee. It has been my privilege since then to work with him on a wide range of issues, from his years-long effort to enact the 1986 Immigration Reform and Control Act, to more recent efforts to pass the Brady bill and the assault weapons ban legislation.

During the debate this year on the crime bill, I appreciated RON's stalwart support for the Racial Justice Act. Although this legislation was in the end dropped from the crime bill package, RON's support for ending racial bias in the imposition of the death penalty added greatly to the public debate on this important issue. His work on this was very much in keeping with RON's commitment to stand up for what's right, regardless of whether that is the popular position.

All of us know RON's diligence, his independence, and his genuine interest in the substance, not just the surface, of the issues. What I have especially appreciated in addition to these qualities is his fairness and genuine courtesy. He is a true gentleman, and the civility that he brings to his work is something that we could use more of around here.

As my colleagues know, I will also be leaving the Congress at the end of this session. I am looking forward to the pleasures of a more leisurely life, and I am sure RON is as well. I am happy to offer my best wishes to RON and Helen for a happy and productive future.

Mr. HUGHES. Mr. Speaker, it is a pleasure for me to join with my colleagues this evening in paying tribute to an outstanding Congressman and friend, RON MAZZOLI.

For the better part of my 20 years in office, I have sat next to RON on the Judiciary Committee. We also served together on the Subcommittees on Crime and Intellectual Property and Judicial Administration, which I had the privilege to Chair.

I have come to know RON as a fine lawyer, a good legislator, and a valued colleague.

RON is probably best known for his leadership in the field of immigration reform. Indeed, it is no accident that the landmark Simpson-Mazzoli immigration reform bill bears his name, since it was RON's hard work and dedication which enabled us to reach a compromise and enact this bill into law.

But immigration reform was only one of RON's many accomplishments in Congress. He and I have worked together for many years on a wide range of initiatives to improve our judicial and crime-fighting systems.

RON was one of my staunchest allies in the effort to develop some fair and reasonable gun laws, such as the Brady bill and the ban on armor-piercing ammunition. They were not easy votes in the face of fierce opposition.

We also worked together to enact the drug forfeiture and money laundering laws, and other important statutes dealing with child pornography, career criminals, arson, terrorism, computer crime and on and on.

There's no question but that RON MAZZOLI has left a lasting mark in the field of law enforcement and judicial reform. From a personal standpoint, RON brought to office the kind of honesty, integrity, and independence which his constituents have a right to expect. He never hesitates to vote his conscience, even when it put him in the difficult position of standing up to special interest groups such as the National Rifle Association, and even taking on his own party.

RON paid a price for his independence, but he never compromised his principles or his integrity. It's no wonder his constituents saw fit to put their trust in him for 12 consecutive elections.

RON will be truly missed in Kentucky and Washington. I want to wish him and his lovely wife Helen and their family my very best wishes for continued good health, happiness, and success in the years ahead. Godspeed my friend.

The CHAIRMAN. I thank the gentleman very much. I appreciate that.

Mr. TORRICELLI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BARLOW) having assumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 416) providing limited authorization for the participant of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Force from Haiti, has come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.J. RES. 416, LIMITED AUTHORIZATION FOR THE UNITED STATES-LED FORCE IN HAITI RESOLUTION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–840) on the resolution (H. Res. 570) providing for further consideration of the joint resolution (H.J. Res. 416) providing limited authorization for the participation of United States Armed Forces in the multinational force in Haiti and providing for the prompt withdrawal of United States Armed Forces from Haiti, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–841) on the resolution (H. Res. 571) amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

PERMISSION FOR MEMBERS TO INCLUDE EXTRANEOUS MATERIAL IN EXTENSIONS OF REMARKS ON CERTAIN DATES

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that for October 5, 6, and 7 all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks".

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

There was no objection.

CHINESE FORCED LABOR

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

Ms. PELOSI. Mr. Speaker, I very sadly rise today to call to the Members' attention these flowers, which are flowers which have been smuggled out of a Chinese prison labor camp to the United States for your attention.

Last night ABC news aired an alarming story about the continued export of forced labor products into this country from China in violation of U.S. laws, contrary to claims by the U.S. Government and the Chinese Government that this is not happening.

At great personal risk, a very courageous prisoner provided this evidence. His name is Chen Pokong, a young economics professor who is serving time for his pro-democratic activities in China. He sent a compelling appeal for help, relating the terrible tale of ill treatment and slave labor in a world where political prisoners labor 14 hours a day, are forced to haul stones all day, and make these flowers at night.

In his letter he says that when inmates do not work fast enough "Inmates are often brutally beaten until they are blood-stained all over. Nobody would believe such cruelty and barbarity."

Mr. Speaker, I call this to our Members' attention. I call upon you to protect the courageous Chen Pokong and call on our administration to stop the forced labor products coming into the United States, and the unfairness to American workers, as well.

Mr. Speaker, I include for the RECORD the following letter from Chen Pokong:

To: United Nations International Human Rights Organization, Voice of America, Asian Watch.

From: Chen Jingsong, Guangdong, China.

I am CHEN Jingsong, alias CHEN Pokong, formerly teacher, department of economics, Zhongshan University, Guangzhou. I was arrested as a "culprit" for participating, and leading, in the pro-democracy movement in Guangdong area in 1989, and sentenced to 3-year imprisonment on charges of "counterrevolutionary propaganda and instigation". In July 1992, upon completing my term, I was released. However, I continued engaging in political activities—disseminating ideas of democracy, creating progressive publications and disseminating them. In August 1993 I was again wanted by the authorities. I fled to Hong Kong and applied to the Hong Kong government for political asylum, but to no avail. On September 1, 1993 I was again arrested in Zhengcheng, Guangdong. 2 months later I was sent to re-education through labor for a duration of 2 years.

To vent their bitter hatred on me, the Guangdong authorities sent me to a most vicious RTL—Guangdong No. 1 RTL, Quarry 1, Company 9 in Chini Town, Hua County, Guangdong Province, where I am engaged in long-hours and high-intensity slave labor.

Reeducation through labor is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations RTL is lighter than LR (labor reform): inmates get their pays, have their benefits and holidays, enjoy the right of correspondence, cultural, recreational and sports activities, do not labor more than 8 hours daily, can visit their families on holidays, can be bailed for medical treatment, etc. In reality, RTL is hell.

Here, we labor over 14 hours daily. In daytime, we transport stone materials on a wharf and load them in boats. At night we make handicrafts: artificial flowers. On Sunday, and holidays we labor as usual (except for 3 days during the Spring Festival). We labor rain or shine. Inmates are just tools of labor, by no means "trainees", as we are called.

Here, Labor intensity is extremely high. "Production" quotas are heavy. Those who fail to complete have their "points" reduced (i.e., their RTL duration lengthened). To complete our quotas, we must often labor overtime, sometimes even through the night. Without the discreet assistance from my fellow inmates, I would have to labor almost always through the night. Inmates who labor slightly slower are brutally beaten and misused by supervisors and team leaders (themselves inmates). Inmates are often beaten until they are blood-stained all over, collapse or lose consciousness (shortly before I was sent here, one inmate was beaten to death). Nobody would believe such cruelty and barbarity, should he not see all this with his own eyes. Though discreetly taken care of by the company commander, several times I was beaten by the team leader. I am constantly exposed to terror.

Living conditions here are harsh. Every meal consists of coarse rice and rotten vegetable leaves. Hardly can we see any grease. We have a little bit meat only on major holidays (Spring Festival, for instance). We make our own daily arrangements: bedding, clothing, daily necessities, even medical treatment, which is a great burden for us.

Inmates are seldom given leave when they are injured on the job or sick, to say nothing of being bailed for medical treatment. Still, they have to labor. Many inmates, including myself, their hands and feet squashed by big stones, stained with blood and pus, have to labor as usual. As a consequence, many inmates were crippled for life.

There are almost no cultural, recreational and sports facilities. The only entertainment is watching TV series for ½ or 1 hour in the evening when production quotas are not too heavy. No books at all, very few newspapers, no broadcasts to listen in to. Complete cultural and press blockade. For me, there is something more: correspondence blockade, as I receive and mail almost no letters.

The artificial flowers we make are for export. The trade marks are in English, the prices in USD (see appendix). Even the company commander and the quarry director said the flowers are made in cooperation with a Hong Kong company that exports them. This is in serious violence of international human rights norms, international law, even the Chinese government's law.

As a matter of fact in the recent decade and more all products turned out by LR, RTL and detention facilities in Guangdong Province are almost exclusively for export (usually in cooperation with Hong Kong and Taiwan companies). For instance, Huanghua Detention Center in Guangzhou, at least since 1989, when I was there and experienced everything myself, has been forcing detainees to make artificial flowers, necklaces, jewelry (trade marks in English, prices in USD). This can be testified to by anybody who was there, including Hong Kongers.

What I testify to above is wanton trampling not only upon international human rights norms, but upon basic humanitarian norms as well. Here in RTL, the concept of human rights is zero!

I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge all progressive forces the world over to pay close attention to human rights conditions in China, to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically!

I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But, I have no choice!

Thank you!

CHEN POKONG.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the house, the following Members will be recognized for 5 minutes each.

TRIBUTE TO ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I congratulate my colleague and friend from Georgia on a distinguished and accomplished career in Congress and deeply regret he will retire. When ROY ROWLAND was elected to the House of Representatives, he was one of only three practicing physicians here. Later, he made history by being the only doctor in the House. It was clear from the start that ROY would make important contributions in the areas of medicine, health care, and on important social issues. I wanted him to serve on our committee and called him soon after the was elected to ask him to do so.

As a doctor with a friendly manner, ROY was nicknamed "Marcus Welby, M.D.," while serving in the Georgia State legislature. While he is courteous and soft-mannered, when tough health issues came before Congress, ROY ROWLAND rolled up his sleeves and tackled those subjects.

It is difficult to think of anyone in Congress who could match the efforts and talents ROY always has demonstrated on a number of issues. Whether it is AIDS research, education and prevention, health care for the unemployed, streamlining Medicare claims, reducing infant mortality or a number of other personal interests of his, ROY has shown valiant effort in developing solutions on Capitol Hill. He was a leader in drafting the bipartisan health care reform measure and made some of the most complicated health care reform issues understandable to other Members when national health care reform was being considered.

To borrow slightly, from a long-running television advertisement: "On Capitol Hill, when medical issues are mentioned—people listen to ROY ROWLAND." No other statement could be more true than at the Committee on Veterans' Affairs. We were fortunate to have ROY's expertise on health and medical issues and we relied on his insight and judgment to help us assist our Nation's veterans.

We counted on ROY when our committee considered and passed legislation to compensate veterans exposed to radiation during atomic bomb tests, the so-called atomic veterans. He also lead efforts promoting access for women veterans to health care, and mental health issues on our committee. And, more recently, ROY gave us his wise counsel on the Persian Gulf illness issue.

This institution and this Nation certainly will be missing an important voice when it considers national health care reform. Congressman ROY ROWLAND will not be here, but one thing we can be sure of, ROY ROWLAND will be active and very much involved in health care reform when the debate resumes in the next Congress. This Member and the membership of our committee will surely miss our friend and colleague in the coming years. Congratulations, ROY, we wish you, your lovely wife, Luella, and your family much happiness and all the best.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–99

(Mr. SABO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to section 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 5, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of September 30, 1994.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years will not be considered this session.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations are printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490).

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 21, 1994 (H. Rept. 103–735).

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

MARTIN OLAV SABO,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218

REFLECTING ACTION COMPLETED AS OF SEPTEMBER 30, 1994

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal years 1995–99
Appropriate level (as set by H. Con. Res. 218):		
Budget authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget authority	1,235,319	(1)
Outlays	1,216,798	(1)
Revenues	977,699	5,393,061
Current level over(+)/under(−) appropriate level:		
Budget authority	−3,386	(1)
Outlays	−807	(1)
Revenues	−1	−22,139

[1] Not applicable because annual appropriations Acts for Fiscal Years 1996 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $3,386 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $807

million (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
Armed Services:						
Allocation	0	0	0	0	0	0
Current level	42	34	0	221	210	82
Difference	42	34	0	221	210	82
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−25	−25	0	−75	−75	0
Difference	−25	−25	0	−75	−75	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	309	0	0	5,943
Current level	0	−20	0	0	−20	0
difference	0	−20	−309	0	−20	−5,943
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current level	−4	−4	0	2	2	0
Difference	−4	−4	0	2	2	0
Government Operations:						
Allocation	0	0	0	0	0	4,861
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	−4,861
House Administration:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	2	2	0	20	20	0
Difference	2	2	0	20	20	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	0	0	0
Current level	0	3	0	0	−2	0
Difference	0	3	0	0	−2	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Post Office and Civil Service:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Allocation	2,161	0	0	64,741	0	0
Current level	2,161	0	0	6,545	0	0
Difference	0	0	0	−58,196	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–99		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	2	2	−2	3	3	−8
Difference	2	2	−342	3	3	−5,751
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	0	0	−13	−10	−10	−884
Difference	0	0	−13	−10	−10	−1,098
Perm. Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (September 21, 1994		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
General purposes:						
Agriculture	13,397	13,945	13,396	13,945	−1	0
Commerce, Justice, State	24,031	24,247	24,001	24,247	−30	0
Defense	243,432	250,515	243,430	250,463	−2	−52
District of Columbia	720	722	712	714	−8	−8
Energy & Water	20,493	20,888	20,493	20,884	0	−4
Foreign Operations	13,785	13,735	13,634	13,735	−151	0
Interior	13,521	13,916	13,517	13,916	−4	0
Labor, HHS & Education	69,978	69,819	69,978	69,819	0	0
Legislative Branch	2,368	2,380	2,367	2,380	−1	0
Military Construction	8,837	8,553	8,836	8,525	−1	−28
Transportation	13,704	36,513	13,694	36,513	−10	0
Treasury-Postal Service	11,741	12,256	11,575	12,220	−166	−36
VA-HUD	70,418	72,781	70,417	72,780	−1	−1
Reserve	2,311	6	0	0	−2,311	−6
Subtotal	508,736	540,276	506,050	540,141	−2,686	−135
Violent crime reduction trust fund:						
Commerce, Justice, State	2,345	667	2,345	667	0	0
Labor, HHS & Education	38	8	38	7	0	−1
Treasury-Postal Service	40	28	39	28	−1	0
Subtotal	2,423	703	2,422	702	−1	−1
Total	511,159	540,979	508,472	540,843	−2,687	−136

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 1994.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995 in comparison with the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and is current through September 30, 1994. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget authority	1,235,319	1,238,705	−3,386
Outlays	1,216,798	1,217,605	−807
Revenues:			
1995	977,699	977,700	−1
1995–99	5,393,061	5,415,200	−22,139

Since my last report dated September 12, 1994, Congress has cleared and the President has signed the following appropriation bills: Veterans, HUD, and Independent Agencies (P.L. 103–327), Treasury-Postal Service (P.L. 103–329), Agriculture (P.L. 103–330), Interior (P.L. 103–332), Labor-HHS-Education (P.L. 103–333), Transportation (P.L. 103–331), Defense (P.L. 103–335), and District of Columbia (P.L. 103–334). In addition, Congress has cleared for the President's signature the National Defense Authorization Act for 1995 (S. 2182), and the Uniformed Services Employment and Reemployment Rights Act (H.R. 995). These actions changed the current level of budget authority and outlays.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer.)

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			977,700
Permanents and other spending legislation	747,135	705,985	
Appropriation legislation		242,066	
Offsetting receipts	(203,681)	(203,682)	
Total previously enacted	543,454	744,371	977,700
ENACTED THIS SESSION			
Appropriation bills			
Emergency Supplemental, FY 1994 (P.L. 103–211)	18	(832)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
1994 FHA Supplemental (P.L. 103–275)	(2)		
Agriculture (P.L. 103–330)	67,515	43,218	
Commerce, Justice, State (P.L. 103–317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Defense (P.L. 103–335)	243,628	164,182	
District of Columbia (P.L. 103–334)	712	712	
Energy and Water (P.L. 103–316)	20,493	12,083	
Foreign Assistance (P.L. 103–306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Interior (P.L. 103–332)	13,198	8,873	
Labor, HHS, Education (P.L. 103–333)	213,377	176,469	
Offseting receitps	(38,233)	(38,233)	
Legislative Branch (P.L. 103–283)	2,367	2,174	
Military Construction (P.L. 103–307)	8,836	2,181	
Transportation (P.L. 103–331)	14,266	12,449	
Treasury, Postal Service (P.L. 103–329)	23,221	20,900	
Offsetting receipts	(7,340)	(7,340)	
Veterans, HUD and Independent Agencies (P.L. 103–327)	89,751	48,436	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	

PARLIAMENTARIAN STATUS REPORT 103D CONGRESS, 2D SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS SEPTEMBER 30, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Marine Mammal Protection Act Amendments (P.L. 103–238)	.....	3	.....
Independent Counsel Reauthorization Act (P.L.103–270)	2	2	.....
Independent Agency Act (P.L. 103–296)	.....	.....	(2)
Aviation Infrastructure Investment Act (P.L. 103–305)	2,161	.....	.....
Crime Control Act of 1994 (P.L. 103–322)	.....	(20)	1
Community Development Act of 1994 (P.L. 103–325)	(25)	(25)	.....
Total enacted this session	694,424	469,866	(1)
PENDING SIGNATURE			
National Defense Authorization Act, FY 1995 (S. 2182)	42	34	.....
Uniformed Services Employment and Reemployment Rights Act (H.R. 995)	2	2	.....
Total pending signature ..	44	36	.....
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [1]	(2,603)	2,525	.....
Total current level [2] [3]	1,235,319	1,216,798	997,699
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution ..	3,386	807	1
Over budget resolution	.....	.....	.....

[1] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–296.

[2] In accordance with the Budget Enforcement Act, the total does not include $200 million in budget authority and $5,159 in outlays for funding of emergencies that have been designated as such by the President and the Congress, and $2,010 million in budget authority and $2,042 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[3] At the request of Committee staff, current level does not include scoring of section 601 of P.L.102–391.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CALLAHAN (at the request of Mr. MICHEL) for today from 12 noon to 7 p.m., on account of attending a funeral.

Mr. BACHUS of Alabama (at the request of Mr. MICHEL) for today from 12 noon to 7 p.m., on account of attending a funeral.

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. GILMAN) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 5 minutes, on October 6.

Mrs. FOWLER, for 5 minutes, on October 6.

Mrs. MORELLA, for 5 minutes, on October 6.

Mr. THOMAS of California, for 5 minutes, on October 6.

Mrs. BENTLEY, for 5 minutes, today.

(The following Members (at the request of Mr. PAYNE of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. BARLOW, for 5 minutes, today.

Mr. BRYANT, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. FINGERHUT, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 927. An act for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

S. 2341. An act to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the United States Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

S. 2457. An act for the relief of Benchmark Rail Group, Inc.; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 810. An act for the relief of Elizabeth M. Hill.

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day."

H.J. Res. 398. Joint resolution to establish the fourth Sunday of July as "Parents' Day."

H.J. Res. 415. Joint resolution designating the week beginning October 16, 1994, as "National Penny Charity Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233. An act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On September 30, 1994:

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

On October 4, 1994:

H.R. 995. An act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

H.R. 4543. An act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the "Matthew J. Perry, Jr. United States Courthouse."

H.R. 3694. An act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees 'Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.

H.R. 4299. An act to authorize appropriations for the fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until today, Thursday, October 6, 1994, 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:

3908. A letter from the Director of Legislation, Department of the Navy, transmitting notice that the Navy intends to renew the lease of the *Albert David* (FF 1050), pursuant to 10 U.S.C. 7307(B)(2); to the Committee on Armed Services.

3909. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1993 annual report on the operations of the Office of General Counsel, pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Education and Labor.

3910. A letter from the Administrator, Environmental Protection Agency, transmitting a report on nitrogen oxide emissions and their control from uninstalled aircraft engines in enclosed test cells, pursuant to 42 U.S.C. 7521(a)(3)(E); to the Committee on Energy and Commerce.

3911. A letter from the Secretary of Energy, transmitting a report on barriers to the increased utilization of coal combustion, desulfurization byproducts by governmental and commercial sectors; to the Committee on Energy and Commerce.

3912. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Jerome Gary Cooper, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States to Jamaica and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3913. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting certification that no U.N. agency or U.N. affiliated agency grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 102(g); to the Committee on Foreign Affairs.

3914. A communication from the President of the United States, transmitting a report on sanctions on Vietnam, pursuant to section 522 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (Public Law 103-236); to the Committee on Foreign Affairs.

3915. A letter from the Manager, Western Farm Credit Bank, transmitting the Bank's 1993 annual report on Federal Government pension plans, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3916. A letter from the Secretary of Transportation, transmitting the Department's annual report on relative cost of shipbuilding for fiscal year 1993; to the Committee on Merchant Marine and Fisheries.

3917. A communication from the President of the United States, transmitting notification of the intent of the Department of Defense to make purchases and purchase commitments, and to enter into cost sharing arrangements for equipment to develop manufacturing processes under the Defense Production Act of 1950, pursuant to 50 U.S.C. App. 2093 (H. Doc. No. 103-322); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs, and ordered to be printed.

3918. A letter from the Administrator, Federal Aviation Administration, transmitting the FAA report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS] for the period April through June 1994, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

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. MILLER of California: Committee on Natural Resources. S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes (Rept. 103-838). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 568. Resolution waiving points of order against the conference report to accompany the bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes (Rept. 103-839). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 570. Resolution providing for further consideration of the joint resolution (H.J. 416) providing limited authorization for the participation of United States Armed Forces in multinational force in Haiti and providing for the prompt withdrawal of United States Forces for Haiti (Rept. 103-840). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 571. Resolution amending the Rules of the House of Representative to apply certain laws to the House of Representatives, and for other purposes (Rept. 103-841). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. BROOKS: Committee on the Judiciary. H.R. 3344. A bill for the relief of Lloyd B. Gamble (Rept. 103-836). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 3917. A bill for the relief of Arthur A. Carron, Jr., (Rept. 103-837). 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. FILNER (for himself, Ms. SCHENK, and Mr. CUNNINGHAM):

H.R. 5176. A bill to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Ms. SNOWE (for herself and Mr. ANDREWS of New Jersey):

H.R. 5177. A bill to authorize the Secretary of State to deny passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on Foreign Affairs.

By Mr. GONZALEZ (for himself, Mr. LEACH, Mr. KENNEDY, Mr. MCCANDLESS, and Mr. LAROCCO):

H.R. 5178. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. NORTON:

H.R. 5179. A bill to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Government Operations, and Foreign Affairs.

By Mr. ANDREWS of New Jersey:

H.R. 5180. A bill to reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States; jointly, to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. BAKER of Louisiana:

H.R. 5181. A bill to amend section 18 of the United States Housing Act of 1937 to improve the program providing for demolition and disposition of public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARTON of Texas:

H.R. 5182. A bill to adjust the designation of controlled airspace around the Dallas/Fort Worth Airport, TX, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. GUNDERSON, Mr. ROSE, Mr. SMITH of Oregon, Mr. INSLEE, Mr. COMBEST, Mr. ALLARD, Mr. SKEEN, Mr. THOMAS of Wyoming, Mr. BONILLA, Mr. MCINNIS, Mr. CRAPO, Mr. BARLOW, Mr. HOLDEN, Mr. PENNY, Mrs. VUCANOVICH, Mr. VOLKMER, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. EDWARDS of Texas, and Mr. JOHNSON of South Dakota):

H.R. 5183. A bill to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself and Mr. ROBERTS):

H.R. 5184. A bill to enable the Secretary of Agriculture to adjust the base period of milk production when calculating refunds of assessments made in calendar year 1994 under section 204(h) of the Agricultural Act of 1949 on milk producers affected by floods and excessive moisture during calendar year 1993; to the Committee on Agriculture.

By Mr. HERGER:

H.R. 5185. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places, and for other purposes; to the Committee on Natural Resources.

By Mr. HUGHES (by request):

H.R. 5186. A bill to amend title 18, United States Code, with respect to the Bureau of Prisons; jointly, to the Committee on the Judiciary and Government Operations.

By Mr. KILDEE:

H.R. 5187. A bill to amend section 7(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco; to the Committee on Education and Labor.

By Mr. KIM:

H.R. 5188. A bill to authorize the export of medical devices to countries which have approved such devices; to the Committee on Energy and Commerce.

By Mr. LIVINGSTON:

H.R. 5189. A bill to amend title 28, United States Code, to provide that a reasonable attorney's fee shall be awarded as a part of the cost to prevailing defendants in Federal civil actions; to the Committee on the Judiciary.

By Mr. MINGE:

H.R. 5190. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY:

H.R. 5191. A bill to amend the charter of the Veterans of Foreign Wars; to the Committee on the Judiciary.

By Mr. PAYNE of New Jersey (for himself, Mr. RUSH, Mr. EVANS, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. MFUME, Mr. BONIOR, and Mr. MACHTLEY):

H.R. 5192. A bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots; to

the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI:

H.R. 5193. A bill to amend the Internal Revenue Code of 1986 to reform the earned income tax credit; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mrs. MORELLA):

H.R. 5194. A bill to amend title 13, United States Code, to require the Bureau of the Census to measure the status of women, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.R. 5195. A bill to require the Federal Trade Commission to issue a trade regulation rule which requires the release of prescriptions for contact lenses; to the Committee on Energy and Commerce.

By Mr. TAUZIN:

H.R. 5196. A bill to suspend temporarily the duty on C.I. Pigment Yellow 139; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 5197: A bill to suspend temporarily the duty on nickel isoindoline pigment; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress regarding the U.S. position on the disinsection of aircraft at the 11th meeting of the Facilitation Division of the International Civil Aviation Organization; jointly, to the Committees on Foreign Affairs and Public Works and Transportation.

By Mr. HOYER (for himself and Mr. WOLF):

H. Con. Res. 308. Concurrent resolution concerning the removal of Russian troops from the independent nation of Moldova; to the Committee on Foreign Affairs.

By Mr. LEWIS of Kentucky (for himself, Mr. CALVERT, Mr. SAM JOHNSON, Mr. HUTCHINSON, Mr. CANADY, Mr. DOOLITTLE, Mr. TALENT, Mr. EHLERS, and Mr. LUCAS):

H. Res. 569. Resolution expressing the sense of the House of Representatives that the work of grassroots organizations should not be considered lobbying; to the Commission on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. WILSON introduced a bill (H.R. 5198) to authorize the Secretary of Agriculture to convey certain lands in the Sam Houston National Forest in the State of Texas to the current occupant of the lands, the Gulf Coast Trades Center; which was referred to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SAXTON.

H.R. 417: Mr. REGULA, Mr. LEWIS of California, Mr. DORNAN, Mr. HEFLEY, Mr. KLINK, Mr. MCINNIS, Mr. TUCKER, and Mr. GRAMS.

H.R. 1500: Mr. COYNE and Mr. REYNOLDS.

H.R. 2420: Mr. DIXON.

H.R. 2460: Mrs. CLAYTON.

H.R. 2898: Mr. OWENS.

H.R. 2959: Mr. HUTCHINSON.

H.R. 3059: Ms. DELAURO, Mr. CAMP, and Mr. MANTON.

H.R. 3247: Mr. BONIOR.

H.R. 3523: Mr. BROWN of California and Mr. COPPERSMITH.

H.R. 3949: Mr. WILSON.

H.R. 4260: Ms. KAPTUR, Mr. EVANS, Mr. PAYNE of New Jersey, and Mr. DEUTSCH.

H.R. 4271: Ms. DELAURO.

H.R. 4303: Mr. DARDEN.

H.R. 4416: Mr. HAMILTON, Mr. MCCLOSKEY, Mr. KINGSTON, Mr. SANDERS, Mr. POSHARD, Mr. EMERSON, and Ms. LONG.

H.R. 4491: Mr. FIELDS of Texas, Mr. DUNCAN, Mr. PORTER, and Mr. HEFLEY.

H.R. 4514: Mr. DIXON.

H.R. 4566: Mr. DREIER.

H.R. 4610: Mr. ROBERTS, Mr. COYNE, Mr. DE LA GARZA, Mr. HUGHES, and Mrs. JOHNSON of Connecticut.

H.R. 4636: Mr. SAWYER and Mr. HUGHES.

H.R. 4698: Mr. LEWIS of Georgia and Mr. EVANS.

H.R. 4786: Mr. BEILENSON.

H.R. 4789: Mr. MCDERMOTT.

H.R. 4809: Ms. ESHOO, Mr. MENENDEZ, Mrs. UNSOELD, Mr. SAWYER, Mr. BOUCHER, Mr. BARCA of Wisconsin, Mr. STUPAK, Mr. HOCHBRUECKNER, Mr. BEREUTER, Mr. MCHALE, and Mr. GINGRICH.

H.R. 4936: Mr. THOMPSON, Mr. VISCLOSKY, and Mr. KINGSTON.

H.R. 4955: Mr. LEWIS OF GEORGIA, MR. FINGERHUT, Mr. BERMAN, Mr. MINETA, and Mr. SANDERS.

H.R. 4994: Mr. SANDERS.

H.R. 5005: Mr. ENGEL and Mr. ACKERMAN.

H.R. 5033: Mr. CLINGER, Mr. BOEHNER, Mr. DICKEY, Mr. LIVINGSTON, Mr. COSTELLO, Mr. BACHUS of Alabama, Mr. TORKILDSEN, and Mr. MCCANDLESS.

H.R. 5037: Mr. EHLERS.

H.R. 5062: Mr. PETERSON of Minnesota, Mr. BONILLA, Mr. CLEMENT, Mr. SERRANO, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. CAMP, Mr. TUCKER, and Ms. MARGOLIES-MEZVINSKY.

H.R. 5071: Mr. APPLEGATE, Mr. VOLKMER, Mr. MCCURDY, Mr. JACOBS, Ms. PRYCE of Ohio, Mr. DINGELL, Mr. OXLEY, and Mr. WILLIAMS.

H.R. 5082: Mr. ZIMMER, Mr. KYL, Mr. STUMP, Mr. STEARNS, Mr. BARTON of Texas, Mr. SAWYER, Mr. GENE GREEN of Texas, Mr. SHAW, Mr. DE LA GARZA, Mr. MICA, Mr. GALLEGLY, Mr. KLECZKA, Mr. FINGERHUT, Mr. BUYER, Mr. FRANKS of Connecticut, Ms. WOOLSEY, Mr. LEWIS of Florida, Mr. FROST, Mr. SHAYS, Mr. STENHOLM, Mr. EHLERS, Mr. BARRETT of Wisconsin, Mr. SENSENBRENNER, Mr. OXLEY, Mr. SWIFT, Mr. HYDE, Mr. BURTON of Indiana, Mr. BONILLA, Mr. WILSON, Mr. BRYANT, Mr. BROOKS, Mr. SARPALIUS, Mr. LAZIO, Mr. COMBEST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VENTO, Ms. KAPTUR, Mr. HOAGLAND, Mr. CHAPMAN, Mr. PETE GEREN of Texas, Mr. TALENT, Mr. SMITH of Texas, Mr. EDWARDS of Texas, Mr. ORTIZ, Mr. TEJEDA, Mr. LAUGHLIN, Mr. COLEMAN, Mr. SAM JOHNSON, Mr. SKELTON, Mr. BAESLER, Mr. HAMILTON, Mr. HALL of Ohio, Mr. APPLEGATE, Mr. GOODLING, Mr. GEJDENSON, Mr. BROWN of California, and Mr. HOKE.

H.R. 5111: Ms. ENGLISH of Arizona, Mr. HAYES, Mr. ROBERTS, and Mr. HUTCHINSON.

H.R. 5141: Mr. DEUTSCH, Mr. BONIOR, Mr. GENE GREEN of Texas, Mr. BROWN of California, Mr. LANTOS, Mr. ABERCROMBIE, Mr. JOHNSTON of Florida, Mr. FILNER, Mr. STOKES, Mr. STARK, Mr. LAZIO, Mr. PENNY, Mr. SWETT, Mr. MORAN, Ms. WATERS, Ms. SCHENK, Mr. CALVERT, Mr. EVANS, Mr. BILBRAY, and Mr. GEJDENSON.

H.J. Res. 184: Mr. WYNN, Mr. RANGEL, Mr. JEFFERSON, Mr. CALLAHAN, Mr. CONYERS, Mr. KILDEE, Ms. BROWN of Florida, Mr. CALVERT, and Mr. CRANE.

H.J. Res. 332: Mr. MCHALE, Mr. HOBSON, Mr. LEVIN, Mr. ABERCROMBIE, Mr. ROWLAND, Mr. HOYER, Mr. DEUTSCH, Mr. SABO, Mr. FISH, Mr. CAMP, and Mr. OBERSTAR.

H.J. Res. 385: Mr. SWETT and Mr. GORDON.

H.J. Res. 400: Mr. PARKER, Mr. LEWIS of Florida, and Mr. MARTINEZ.

H.J. Res. 411: Mr. LANTOS, Mr. MINETA, Mr. FISH, Mrs. MALONEY, Mr. WYNN, Mr. UNDERWOOD, Mr. RICHARDSON, Mr. COPPERSMITH, Mr. DORNAN, Mr. PACKARD, Mr. HEFNER, Mr. TAYLOR of North Carolina, Mr. WATT, Mr. CLEMENT, Mr. ROWLAND, and Mr. SPRATT.

H. Con. Res. 20: Mr. MOORHEAD.

H. Con. Res. 148: Mr. HOLDEN and Mr. MOORHEAD.

H. Con. Res. 166: Mr. DREIER.

H. Con. Res. 262: Mr. CAMP and Mr. HOYER.

H. Con. Res. 281: Mr. DEUTSCH.

H. Con. Res. 297: Mr. STUMP.

H. Res. 234: Mr. COX, Mr. ROHRABACHER, Mr. SHAW, and Mr. ACKERMAN.

H. Res. 464: Mr. MARTINEZ.

H. Res. 525: Mr. ZIMMER and Ms. PRYCE of Ohio.

H. Res. 541: Mr. MFUME.

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. 173: Mr. HEFLEY.

H.R. 1420: Mr. PETERSON of Minnesota.

H.R. 3949: Mr. RANGEL.

H.R. 4129: Mr. BAESLER.