

Mr. WOLF, Mr. SMITH of New Jersey and I sent a letter to President Clinton earlier this year, calling on him to present a statement on this crucial issue, and to fulfill his pledge to appoint a special adviser on religious persecution. As evidenced by the need for this legislation, the White House has failed to act. I am hopeful that this resolution will prompt strong action by the administration, placing the full force of our Nation's moral authority behind efforts to end persecution of religious minorities.

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

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

The SPEAKER pro tempore. (Mr. GUNDERSON). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 515, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

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

There was no objection.

#### NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3217) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3217

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

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the "National Invasive Species Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

#### SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) FINDINGS; DEFINITIONS.—

(1) FINDINGS.—Section 1002(a) (16 U.S.C. 4701(a)) is amended—

(A) by striking paragraphs (2) and (3) and inserting the following new paragraphs:

"(2) when environmental conditions are favorable, nonindigenous species become established, may compete with or prey upon native species of plants, fish, and wildlife, may carry diseases or parasites that affect native species, and may disrupt the aquatic environment and economy of affected near-shore areas;

"(3) the zebra mussel was unintentionally introduced into the Great Lakes and has infested—

"(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

"(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

"(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;"

(B) in paragraph (4)—

(i) by inserting "by the zebra mussel and ruffe, round goby, and other nonindigenous species" after "other species"; and

(ii) by striking "and" at the end;

(C) in paragraph (5), by striking the period and inserting a semicolon; and

(D) by adding at the end the following new paragraphs:

"(6) in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;

"(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

"(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

"(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

"(10) since their introduction in the early 1980's in ballast water discharges, ruffe—

"(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

"(B) have spread to Lake Huron; and

"(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

"(11) examples of nonindigenous species that, as of the date of enactment of the National Invasive Species Act of 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—

"(A) the mitten crab (*Eriocheir sinensis*) that has become established on the Pacific Coast;

"(B) the green crab (*Carcinus maenas*) that has become established in the coastal waters of the Atlantic Ocean;

"(C) the brown mussel (*Perna perna*) that has become established along the Gulf of Mexico; and

"(D) certain shellfish pathogens;

"(12) many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

"(13) if preventive management measures are not taken nationwide to prevent and control unintentionally introduced nonindigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

"(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced

into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

"(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of the Federal Government and State governments, and investment in the development of prevention technologies."

(2) DEFINITIONS.—Section 1003 (16 U.S.C. 4702) is amended—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph, by striking "assistant Secretary" and inserting "Assistant Secretary";

(C) by redesignating paragraphs (9) through (15) as paragraphs (11) through (17), respectively; and

(D) by inserting after paragraph (7), as redesignated by subparagraph (A) of this paragraph, the following:

"(8) 'Great Lakes region' means the 8 States that border on the Great Lakes;

"(9) 'Indian tribe' means any Indian tribe, band, nation, 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.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(10) 'interstate organization' means an entity—

"(A) established by—

"(i) an interstate compact that is approved by Congress;

"(ii) a Federal statute; or

"(iii) a treaty or other international agreement with respect to which the United States is a party; and

"(B)(i) that represents 2 or more—

"(I) States or political subdivisions thereof; or

"(II) Indian tribes; or

"(ii) that represents—

"(I) 1 or more States or political subdivisions thereof; and

"(II) 1 or more Indian tribes; or

"(iii) that represents the Federal Government and 1 or more foreign governments; and

"(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;"

(b) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—

(1) AMENDMENT TO HEADING.—The heading to subtitle B (16 U.S.C. 4711 et seq.) is amended to read as follows:

**"Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species"**

(2) AQUATIC NUISANCE SPECIES.—Section 1101 (16 U.S.C. 4711) is amended to read as follows:

**"SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.**

**"(a) GREAT LAKES GUIDELINES.—**

**"(1) IN GENERAL.—**Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

**"(2) CONTENT OF GUIDELINES.—**The guidelines issued under this subsection shall—

**"(A)** ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

"(B) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(C) take into consideration different vessel operating conditions; and

"(D) be based on the best scientific information available.

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

"(2) CONTENT OF REGULATIONS.—The regulations issued under this subsection shall—

"(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

"(B) require a vessel to—

"(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

"(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

"(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

"(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

"(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

"(F) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(G) take into consideration different operating conditions; and

"(H) be based on the best scientific information available.

"(3) ADDITIONAL REGULATIONS.—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

"(4) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the regulations issued under this subsection.

"(c) VOLUNTARY NATIONAL GUIDELINES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue vol-

untary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

"(2) CONTENT OF GUIDELINES.—The voluntary guidelines issued under this subsection shall—

"(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

"(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

"(C) protect the safety of—

"(i) each vessel; and

"(ii) the crew and passengers of each vessel;

"(D) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

"(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

"(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

"(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast water tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

"(E) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

"(i) ship operations other than ballast water discharge; and

"(ii) ballasting practices of vessels that enter waters of the United States with no ballast water on board;

"(F) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (i), in order to enable the Secretary to determine compliance with the guidelines, including—

"(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and

"(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;

"(G) provide for sampling procedures to monitor compliance with the guidelines;

"(H) take into consideration—

"(i) vessel types;

"(ii) variations in the characteristics of point of origin and receiving water bodies;

"(iii) variations in the ecological conditions of waters and coastal areas of the United States; and

"(iv) different operating conditions;

"(I) be based on the best scientific information available;

"(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

"(K) provide an exemption from ballast water exchange requirements to passenger vessels with operating ballast water systems that are equipped with treatment systems

designed to kill aquatic organisms in ballast water, unless the Secretary determines that such treatment systems are less effective than ballast water exchange at reducing the risk of transfers of invasive species in the ballast water of passenger vessels; and

"(L) not apply to crude oil tankers engaged in the coastwise trade.

"(3) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

"(d) REPORT TO CONGRESS.—Not sooner than 24 months after the date of issuance of guidelines pursuant to subsection (c) and not later than 30 months after such date, and after consultation with interested and affected persons, the Secretary shall prepare and submit to Congress a report containing the information required pursuant to paragraphs (1) and (2) of subsection (e).

"(e) PERIODIC REVIEW AND REVISION.—

"(1) IN GENERAL.—Not later than 3 years after the date of issuance of guidelines pursuant to subsection (c), and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—

"(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;

"(B) establish the rate of compliance that is based on the assessment under subparagraph (A);

"(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and

"(D) as necessary, on the basis of the best scientific information available—

"(i) revise the guidelines and regulations referred to in subparagraph (A);

"(ii) promulgate additional regulations pursuant to subsection (f)(1); or

"(iii) carry out each of clauses (i) and (ii).

"(2) SPECIAL REVIEW AND REVISION.—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—

"(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and

"(B) as necessary, in the same manner as provided under paragraph (1)(D)—

"(i) revise those guidelines;

"(ii) promulgate additional regulations pursuant to subsection (f)(1); or

"(iii) carry out each of clauses (i) and (ii).

"(3) CRITERIA FOR EFFECTIVENESS.—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).

"(f) AUTHORITY OF SECRETARY.—

"(1) GENERAL REGULATIONS.—If, on the basis of a periodic review conducted under subsection (e)(1) or a special review conducted under subsection (e)(2), the Secretary determines that—

"(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

"(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those

guidelines and provide a rate of compliance of vessels, including the assessment of the rate of compliance of vessels under subsection (e)(2),

the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

“(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated by the Secretary under paragraph (1)—

“(A) shall—

“(i) not be promulgated sooner than 180 days following the issuance of the report to Congress submitted pursuant to subsection (d);

“(ii) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

“(iii) provide for the enforcement of the regulations; and

“(B) may be regional in scope.

“(3) INTERNATIONAL REGULATIONS.—The Secretary shall revise regulations promulgated under this subsection to the extent required to make such regulations consistent with the treatment of a particular matter in any international agreement, agreed to by the United States, governing management of the transfer of nonindigenous aquatic species by vessel.

“(g) SANCTIONS.—

“(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under subsection (b) or (f) shall be liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

“(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under subsection (b) or (f) is guilty of a class C felony.

“(3) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (f).

“(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

“(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

“(B) the recordkeeping and reporting requirements of the Act are complied with.

“(h) COORDINATION WITH OTHER AGENCIES.—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots' associations.

“(i) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

“(j) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Inter-

national Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

“(k) SAFETY EXEMPTION.—

“(1) MASTER DISCRETION.—The master of a vessel is not required to conduct a ballast water exchange if the master decides that the exchange would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, vessel architectural design, equipment failure, or any other extraordinary conditions.

“(2) OTHER REQUIREMENTS.—A vessel that does not exchange ballast water on the high seas under paragraph (1) shall not be restricted from discharging ballast water in any harbor unless the Secretary issues requirements applicable to such vessel under subsection (b)(2)(B)(ii), (b)(2)(B)(iii), (c)(2)(D)(ii), or (c)(2)(D)(iii).

“(l) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.”

(c) NATIONAL BALLAST WATER MANAGEMENT INFORMATION.—Section 1102 (16 U.S.C. 4712) is amended—

(1) by striking the section heading and inserting the following:

“**SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.**”;

(2) in subsection (a)—

(A) in paragraphs (1) and (2), by inserting “, in cooperation with the Secretary,” before “shall conduct” each place it appears;

(B) in paragraph (2), by inserting “Lake Champlain and other” after “economic uses of”;

(3) by striking subsection (b) and inserting the following:

“(b) ECOLOGICAL AND BALLAST WATER DISCHARGE SURVEYS.—

“(1) ECOLOGICAL SURVEYS.—

“(A) IN GENERAL.—The Task Force, in cooperation with the Secretary, shall conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, and Honolulu Harbor and, as necessary, of other estuaries of national significance and other waters that the Task Force determines—

“(i) to be highly susceptible to invasion by aquatic nuisance species resulting from ballast water operations and other operations of vessels; and

“(ii) to require further study.

“(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

“(i) examine the attributes and patterns of invasions of aquatic nuisance species; and

“(ii) provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued and regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

“(2) BALLAST WATER DISCHARGE SURVEYS.—

“(A) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast water discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

“(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

“(i) examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and

“(ii) assess the effectiveness of voluntary guidelines issued, and regulations promulgated, under this subtitle in altering ballast water discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.

“(3) COLUMBIA RIVER.—The Secretary, in cooperation with the Task Force and academic institutions in each of the States affected, shall conduct an ecological and ballast water discharge survey of the Columbia River system consistent with the requirements of paragraphs (1) and (2).”; and

(4) by adding at the end the following new subsections:

“(e) REGIONAL RESEARCH GRANTS.—Out of amounts appropriated to carry out this subsection for a fiscal year, the Under Secretary shall—

“(1) make available not to exceed \$750,000 to fund research on aquatic nuisance species prevention and control in the Chesapeake Bay through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

“(2) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control in the Gulf of Mexico through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

“(3) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Pacific Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

“(4) make available not to exceed \$500,000 to fund research on aquatic nuisance species prevention and control for the Atlantic Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions; and

“(5) make available not to exceed \$750,000 to fund research on aquatic nuisance species prevention and control in the San Francisco Bay-Delta Estuary through grants, to be competitively awarded and subject to peer review, to universities and research institutions.

“(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

“(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

“(A) ballasting practices;

“(B) compliance with the guidelines issued pursuant to section 1101(c); and

“(C) any other information obtained by the Task Force under subsection (b).

“(2) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the Congress, on a biannual basis, a report that synthesizes and analyzes the data referred to in paragraph (1) relating to—

“(A) ballast water delivery and management; and

“(B) invasions of aquatic nuisance species resulting from ballast water.”

(d) ARMED SERVICES BALLAST WATER PROGRAM; BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new sections:

**"SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.**

"(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

"(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

**"SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.**

"(a) TECHNOLOGIES AND PRACTICES DEFINED.—For purposes of this section, the term 'technologies and practices' means those technologies and practices that—

"(1) may be retrofitted—

"(A) on existing vessels or incorporated in new vessel designs; and

"(B) on existing land-based ballast water treatment facilities;

"(2) may be designed into new water treatment facilities;

"(3) are operationally practical;

"(4) are safe for a vessel and crew;

"(5) are environmentally sound;

"(6) are cost-effective;

"(7) a vessel operator is capable of monitoring; and

"(8) are effective against a broad range of aquatic nuisance species.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior and the Secretary of Commerce, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.

"(2) LOCATION.—The installation and construction of the technologies and practices used in the demonstration program conducted under this subsection shall be performed in the United States.

"(3) VESSEL SELECTION.—In demonstrating technologies and practices on vessels under this subsection, the Secretary of the Interior and the Secretary of Commerce, shall—

"(A) use only vessels that—

"(i) are approved by the Secretary;

"(ii) have ballast water systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and

"(iii) are—

"(I) publicly or privately owned; and

"(II) in active use for trade or other cargo shipment purposes during the demonstration;

"(B) select vessels for participation in the program by giving priority consideration—

"(i) first, to vessels documented under chapter 121 of title 46, United States Code;

"(ii) second, to vessels that are a majority owned by citizens of the United States, as determined by the Secretary; and

"(iii) third, to any other vessels that regularly call on ports in the United States; and

"(C) seek to use a variety of vessel types, including vessels that—

"(i) call on ports in the United States and on the Great Lakes; and

"(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.

"(4) SELECTION OF TECHNOLOGIES AND PRACTICES.—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior and the Secretary of Commerce shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National Academy of Sciences in its report on ships' ballast water operations issued in July 1996.

"(5) REPORT.—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, the Secretary of the Interior and the Secretary of Commerce shall prepare and submit a report to the Congress on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations of the Secretary of the Interior and the Secretary of Commerce concerning technologies and practices.

"(c) AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.—

"(1) AUTHORITIES.—In conducting the demonstration program under subsection (b), the Secretary of the Interior may—

"(A) enter into cooperative agreements with appropriate officials of other agencies of the Federal Government, agencies of States and political subdivisions thereof, and private entities;

"(B) accept funds, facilities, equipment, or personnel from other Federal agencies; and

"(C) accept donations of property and services.

"(2) CONSULTATION AND COOPERATION.—The Secretary of the Interior shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section."

(e) AMENDMENTS TO SUBTITLE C.—

(1) SUBTITLE HEADING.—The heading to subtitle C (16 U.S.C. 4721 et seq.) is amended to read as follows:

**"Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal".**

(2) TASK FORCE.—Section 1201 (16 U.S.C. 4721) is amended—

(A) in subsection (b)—

(i) by striking "and" at the end of paragraph (5);

(ii) by redesignating paragraph (6) as paragraph (7); and

(iii) by inserting after paragraph (5) the following new paragraph:

"(6) the Secretary of Agriculture; and";

and

(B) in subsection (c), by inserting "the Chesapeake Bay Program, the San Francisco Bay-Delta Estuary Program," before "and State agencies".

(3) RESEARCH PROGRAM.—Section 1202 (16 U.S.C. 4722) is amended—

(A) in subsection (f)(1)(A), by inserting "and impacts" after "economic risks"; and

(B) in subsection (i)—

(i) in paragraph (1)—

(I) by striking "(1) IN GENERAL.—The Task Force" and inserting the following:

"(1) ZEBRA MUSSEL.—

"(A) IN GENERAL.—The Task Force";

(II) by striking "(A) research" and inserting the following:

"(i) research";

(III) by striking "(B) tracking" and inserting the following:

"(ii) tracking";

(IV) by striking "(C) development" and inserting the following:

"(iii) development"; and

(V) by striking "(D) provision" and inserting the following:

"(iv) provision";

(ii) in paragraph (2), by striking "(2) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—" and inserting the following:

"(B) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—";

(iii) in subparagraph (B) of paragraph (1), as so redesignated, by striking the first sentence and inserting the following: "The Assistant Secretary, in consultation with the Task Force, shall develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities.";

(iv) in paragraph (1), by adding after subparagraph (B), as so redesignated, the following new subparagraph:

"(C) VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this subparagraph, the Task Force shall develop and submit to the Secretary voluntary guidelines for controlling the spread of the zebra mussel and, if appropriate, other aquatic nuisance species through recreational activities, including boating and fishing. Not later than 4 months after the date of such submission, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines that are based on the guidelines developed by the Task Force under this subparagraph."; and

(v) by adding at the end the following new paragraphs:

"(2) DISPERSAL CONTAINMENT ANALYSIS.—

"(A) RESEARCH.—The Administrator of the Environmental Protection Agency, in cooperation with the National Science Foundation and the Task Force, shall provide research grants on a competitive basis for projects that—

"(i) identify environmentally sound methods for controlling the dispersal of aquatic nuisance species, such as the zebra mussel; and

"(ii) adhere to research protocols developed pursuant to subsection (f)(2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this paragraph, \$500,000.

"(3) DISPERSAL BARRIER DEMONSTRATION.—

"(A) IN GENERAL.—The Assistant Secretary, in consultation with the Task Force, shall investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.

"(B) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the Assistant Secretary shall issue a report to the Congress that includes recommendations concerning—

"(i) which of the methods that are identified under the study conducted under this paragraph are most promising with respect to preventing and reducing the dispersal of aquatic nuisance species; and

"(ii) ways to incorporate those methods into ongoing operations of the United States Army Corps of Engineers that are conducted at the Chicago River Ship and Sanitary Canal.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army, to carry out this paragraph, \$750,000.

"(4) CONTRIBUTIONS.—To the extent allowable by law, in carrying out the studies under paragraphs (2) and (3), the Administrator of the Environmental Protection

Agency and the Secretary of the Army may enter into an agreement with an interested party under which that party provides in kind or monetary contributions for the study.

"(5) TECHNICAL ASSISTANCE.—The Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration shall provide technical assistance to appropriate entities to assist in the research conducted pursuant to this subsection."

(4) IMPLEMENTATION.—Section 1202(j)(1) (16 U.S.C. 4722(j)(1)) is amended by striking "Not later than 18 months after the date of the enactment of this Act, the Director" and inserting "The Director, the Secretary,".

(5) REGIONAL COORDINATION.—Section 1203 (16 U.S.C. 4723) is amended—

(A) by striking the section heading and inserting the following:

**"SEC. 1203. REGIONAL COORDINATION.:"**

(B) in subsection (a)—

(i) by striking "(a) IN GENERAL.—Not" and inserting the following:

"(a) GREAT LAKES PANEL.—

"(1) IN GENERAL.—Not";

(ii) by striking "(1) identify" and inserting the following:

"(A) identify";

(iii) by striking "(2) make" and inserting the following:

"(B) make";

(iv) by striking "(3) assist" and inserting the following:

"(C) assist";

(v) by striking "(4) coordinate" and inserting the following:

"(D) coordinate";

(vi) by striking "(5) provide" and inserting the following:

"(E) provide";

(vii) by striking "(6) submit" and inserting the following:

"(F) submit";

(viii) in paragraph (1), as so redesignated—

(I) in the matter preceding subparagraph (A), by inserting "region" before "representatives"; and

(II) in subparagraphs (A) through (F), by striking "Great Lakes" each place it appears and inserting "Great Lakes region";

(C) by striking "(b) CONSULTATION.—The Task Force" and inserting the following:

"(2) CONSULTATION.—The Task Force";

(D) by striking "(c) CANADIAN PARTICIPATION.—The panel" and inserting the following:

"(3) CANADIAN PARTICIPATION.—The panel";

(E) in paragraphs (2) and (3) of subsection (a), as so redesignated, by striking "this section" and inserting "this subsection"; and

(F) by adding at the end the following new subsections:

"(b) WESTERN REGIONAL PANEL.—Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to—

"(1) identify priorities for the Western region with respect to aquatic nuisance species;

"(2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

"(3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;

"(4) develop an emergency response strategy for Federal, State, and local entities for

stemming new invasions of aquatic nuisance species in the region;

"(5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

"(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.

"(c) ADDITIONAL REGIONAL PANELS.—The Task Force shall—

"(1) encourage the development and use of regional panels and other similar entities in regions in addition to the Great Lakes and Western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsections (a) and (b); and

"(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1)."

(6) STATE OR INTERSTATE WATERSHED AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—Section 1204 (16 U.S.C. 4724) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading and inserting the following:

"(a) STATE OR INTERSTATE INVASIVE SPECIES MANAGEMENT PLANS.—";

(ii) in paragraph (1)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

"(1) IN GENERAL.—After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit—";

(II) in subparagraph (A), by striking "technical and financial assistance" and inserting "technical, enforcement, or financial assistance (or any combination thereof)"; and

(III) in subparagraphs (A) and (B), by inserting "or within the interstate region involved" after "within the State" each place it appears;

(iii) in paragraph (2)—

(I) in subparagraph (B), by striking "and" at the end of the subparagraph;

(II) by redesignating subparagraph (C) as subparagraph (D);

(III) by inserting after subparagraph (B) the following:

"(C) identify any authority that the State (or any State or Indian tribe involved in the interstate organization) does not have at the time of the development of the plan that may be necessary for the State (or any State or Indian tribe involved in the interstate organization) to protect public health, property, and the environment from harm by aquatic nuisance species; and"; and

(IV) in subparagraph (D), as so redesignated, by inserting "and enabling legislation" before the period;

(iv) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by inserting "or interstate organization" after "the State"; and

(bb) by inserting "Indian tribes," after "local governments and regional entities,"; and

(II) in subparagraph (B), by inserting "or the appropriate official of an interstate organization" after "a State"; and

(v) in paragraph (4), by inserting "or the interstate organization" after "the Governor";

(B) in subsection (b)(1)—

(i) by striking "or the Assistant Secretary, as appropriate under subsection (a),"; and

(ii) by striking "approved management plans" and inserting "management plans approved under subsection (a)"; and

(C) by adding at the end the following new subsection:

"(c) ENFORCEMENT ASSISTANCE.—Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141 of title 14, United States Code, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan."

(f) AUTHORIZATIONS OF APPROPRIATIONS.—Section 1301 (16 U.S.C. 4741) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking paragraph (3) and inserting the following:

"(3) to the Secretary to carry out section 1101—

"(A) \$2,000,000 for each of fiscal years 1997 and 1998; and

"(B) \$3,000,000 for each of fiscal years 1999 through 2002"; and

(C) by adding at the end the following new paragraphs:

"(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—

"(A) \$1,000,000 to the Department of the Interior, to be used by the Director; and

"(B) \$1,000,000 to the Secretary; and

"(5) for each of fiscal years 1997 through 2002—

"(A) \$3,000,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to the Under Secretary to carry out section 1102(e); and

"(B) \$500,000 to the Secretary to carry out section 1102(f).";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "1991, 1992, 1993, 1994, and 1995" and inserting "1997 through 2002"; and

(B) by striking paragraphs (1) through (7) and inserting the following:

"(1) \$6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;

"(2) \$1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;

"(3) \$1,625,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration, of which \$500,000 shall be made available for grants, to be competitively awarded and subject to peer review, for research relating to Lake Champlain;

"(4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:

"(A) \$2,800,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund grants under section 205 of the National Sea Grant College Program Act (33 U.S.C. 1124);

"(B) \$1,200,000 to fund grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322); and

"(C) \$1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;

"(5) \$3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and

"(6) \$300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 1203, of which \$100,000 shall be used to fund activities of the Great Lakes Commission.";

(3) by striking subsection (c) and inserting the following:

"(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1997 through 2002 \$4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which \$1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species."; and

(4) by adding at the end the following new subsection:

"(e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—There are authorized to be appropriated \$2,500,000 to carry out section 1104.".

(g) REFERENCES TO APPROPRIATE COMMITTEES.—The Act (16 U.S.C. 4701 et seq.) is amended by striking "appropriate Committees" each place it appears and inserting "Congress".

(h) TECHNICAL CORRECTIONS.—Public Law 101-646 (16 U.S.C. 4701 et seq.) is amended—

(1) in titles I, II, and IV, by striking the quotation marks at the beginning of any title, subtitle, section, subsection, paragraph, subparagraph, clause, subclause, or undesignated provision;

(2) at the end of titles II and IV, by striking the closing quotation marks and the final period; and

(3) in section 1003—

(A) by striking each single opening quotation mark and inserting double opening quotation marks; and

(B) by striking each single closing quotation mark and inserting double closing quotations marks.

### SEC. 3. STATUTORY CONSTRUCTION.

Nothing in this Act or the amendments made by this Act is intended to affect the authorities and responsibilities of the Great Lakes Fishery Commission established under article II of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington on September 10, 1954 (hereafter in this section referred to as the "Convention"), including the authorities and responsibilities of the Great Lakes Fishery Commission—

(1) for developing and implementing a comprehensive program for eradicating or minimizing populations of sea lamprey in the Great Lakes watershed; and

(2) carrying out the duties of the Commission specified in the Convention (including any amendment thereto) and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. BOEHLERT] and the gentleman from Tennessee [Mr. CLEMENT] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BOEHLERT].

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

Mr. Speaker, this broadly supported bipartisan legislation, and I stress, broadly supported and bipartisan legislation, was introduced and championed by Mr. LATOURETTE. It builds upon the 1990 act that addressed zebra mussels and other invasive species in the Great Lakes.

H.R. 3217 is national in scope, extending a voluntary incentive-based ap-

proach to all coasts and regions at risk. Whether you call them invasive, exotic or nonindigenous, these species of plants, animals and invertebrates can wreak havoc on infrastructure, on commerce, on recreation and tourism, and the environment.

H.R. 3217 coordinates agencies, research institutions and others to prevent and control the introduction and spread of invasive species primarily through voluntary ballast water exchange and management education and research.

The Committee on Transportation and Infrastructure's report on H.R. 3217 provides a detailed description of the bill and our committee's intent.

Changes have been made in the suspension motion. In brief, these changes improve the bill by: incorporating recommendations by other committees on matters ranging from research grants and peer review to NOAA and the Smithsonian Institution; ensuring a fair and reasonable transition from voluntary guidelines to regulations, if necessary; tailoring the scope and content of the guidelines to account for special factors and situations; targeting research funding and assistance to additional areas at risk in the West; and ensuring the master of the vessel continues to have discretion to ensure the health and safety of the crew and the vessel.

Finally, I would be remiss if I did not thank some of the members of the committees instrumental in moving this important legislation. But more than anyone else, the gentleman from Ohio [Mr. LATOURETTE] is responsible for this bill and its movement through the House. He has worked with all interests to build broadly supported legislation. He has also worked closely with his colleagues from Ohio and in the other body, Senator GLENN, who worked on the 1990 law and the companion Senate bill to H.R. 3217.

Mr. Speaker, I do not want anyone to think that because of all the hard work on this that Mr. LATOURETTE is one-dimensional. He has cosponsored and been a leader in a number of legislative vehicles in this session of Congress dealing with the Great Lakes. Let me point out that the Great Lakes incorporate 20 percent of the world's fresh water surface water. So Mr. LATOURETTE has proven by performance very early in his distinguished career that he is a leader and a good legislator.

We have had the Committee on Transportation and Infrastructure members who also deserve a great deal of congratulations for their efforts, particularly the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee. The chairman and ranking member of the Subcommittee on Water Resources and Environment, the gentleman from Pennsylvania [Mr. BORSKI], who is my ranking member, and I am privileged to serve as chair of that subcommittee, and the chairman and ranking member

of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from North Carolina [Mr. COBLE], and the gentleman from Tennessee [Mr. CLEMENT].

Other committees have been helpful as well, particularly the Committee on Resources, also the Committee on Science, the Committee on House Oversight, the Committee on International Relations, the Committee on National Security and the Committee on Agriculture. I think you get the picture here. Everyone worked together on this one, and Mr. LATOURETTE is the guy who brought everyone together.

Mr. Speaker, I strongly urge my colleagues to support this very important legislation.

Mr. Speaker, I include for the RECORD a brief summary of the manager's amendment, as follows:

H.R. 3217, NATIONAL INVASIVE SPECIES ACT OF 1996—SUMMARY OF MANAGER'S AMENDMENT

The amendment in the nature of a substitute makes certain minor changes to the bill to clarify certain exemptions, add a requirement to report to Congress prior to issuing national regulations, authorize additional research funding, address comments made by other committees, and make other technical and conforming changes.

A new subparagraph (K) is added to section 1101(c)(2) to clarify the intent that passenger vessels equipped with certain environmentally sound and protective ballast water treatment systems be exempt from otherwise applicable requirements to exchange ballast water. As noted in the Committee Report, H. Rept. 104-815, certain passenger vessels use sodium hypochlorite solutions or metal electrolytic cathodes to kill undesirable organisms in ballast water. Passenger vessels equipped with such treatment systems are exempt from any requirement to exchange ballast water, unless the Secretary of Transportation determines that such ballast water treatment systems are not as environmentally sound and effective as ballast water exchange.

A new subparagraph (L) also is added to section 1101(c)(2) to codify an exemption from the national voluntary guidelines for crude oil tankers engaged in coastwide trade from Alaska. Under the laws of some states, these tankers are forbidden to travel within the exclusive economic zone ("EEZ"). By obeying the laws of those states and traveling a short distance outside the EEZ, these tankers could become subject to requirements to exchange ballast water under this Act. Such tankers have been engaged in coastwide trade for many years with no known adverse effect on ecosystems in Alaska or the West Coast. We expect the regional research funding authorized under this bill for the Pacific Coast to be used in part to conduct monitoring to verify that this remains true.

The amendment adds a safety exemption from ballast water change requirements under this Act in new section 1101(k). This language codifies the existing exemption found in the Great Lakes regulations and makes it applicable to any new national regulations that may be issued. This exemption applies only to a requirement under the Act to exchange ballast water, and is based on the fact that ballast water exchange may be unsafe for certain vessels. We note that the bill authorizes the Secretary to identify other methods of managing ballast water or other locations for ballast water exchange. If safe and available, a vessel may be required,

by regulation, following notice and an opportunity for comment, to conduct such other ballast water management practices as are identified by the Secretary, in accordance with subsection (b) of the Act (for the Great Lakes) or (c) and (e) of the Act (for other waters of the United States). If no such alternative exists, a vessel exercising the safety exemption may not be precluded from discharging ballast. We also note that ballast water exchange by many passengers vessels may be unsafe, and such vessels also are likely to be eligible for the safety exemption from ballast water exchange added by this new paragraph (k).

The amendment also adds a requirement for the Secretary of Transportation to submit a report to Congress in new section 1101(d), prior to issuing any national regulations under section 1101(e). The purpose of this report is to provide Congress with an opportunity to review compliance with and the effectiveness of the national program for controlling aquatic nuisance species, before the program becomes enforceable regulations.

Several amendments are made to section 1102(e), relating to the regional research grants. First, due to its status as one of the most threatened estuaries, the amendment adds in section 1102(e) an authorization of \$750,000 a year for research relating to the San Francisco Bay-Delta Estuary. The reported bill included \$500,000 for grants for research on the Pacific Coast. We intend that the Pacific Coast funding be used for research in Pacific Coast areas other than the San Francisco Bay-Delta Estuary.

Second, because the Smithsonian does not generally act as a granting entity, the money for the regional research grants is authorized to be appropriated to the Under Secretary of Commerce, to allow the National Oceanic and Atmospheric Administration (NOAA) to act as the granting entity, rather than the Smithsonian Institution.

Third, the amendment deletes references to specific research consortia in section 1102(e) and elsewhere in the bill. This change does not reflect any intent to preclude the use of research consortia to assist in administering the regional research grants authorized by section 1102(e) or research under section 1202. The reported bill identified the Chesapeake Bay Consortium, the Louisiana Universities Consortium, and the Lake Champlain Research Consortium as appropriate entities to administer research grants. We encourage NOAA to make use of these research consortia in carrying out the research authorized by this Act.

The amendment also makes minor changes to the authorization of appropriations in section 1301(f). First, language is added to the authorization of appropriations to NOAA for aquatic nuisance species research to clarify the intent that the authorization in this bill is not an increase above the funding levels for all of NOAA's environmental research authorization in H.R. 3322, should H.R. 3322 be enacted into law.

Second, the amendment modifies the \$4,000,000 a year authorized in the reported bill to be appropriated to NOAA's National Sea Grant College Program and land grant agricultural colleges for competitive grants for university research on aquatic nuisance species under section 1202(f)(3). The amendment clarifies this authorization by specifically authorizing \$2,800,000 for NOAA and \$1,200,000 for the land grant colleges.

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

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

It is a pleasure to be working with the gentleman from New York [Mr.

BOEHLERT] on this legislation. We now call him Mr. Bulldog because he was honored for saving the taxpayers money, and we are proud of the gentleman from New York.

Mr. Speaker, I rise in strong support of H.R. 3217, the National Invasive Species Act of 1996. On July 17, the Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources held a joint hearing on this important legislation.

While Members from the Great Lakes region were very aware of the threat posed by foreign plants and animals that arrive in the United States in the ballast tanks of ships, we received much testimony on the ever growing threat that these nuisance species pose to communities outside the Great Lakes Region. For example, the Corps of Engineers has found that Zebra Mussels have spread from the Great Lakes region into the Mississippi River system and into my home state of Tennessee.

Congress enacted the Nonindigenous Aquatic Nuisance Prevention and Control of 1990 to address these issues on the Great Lakes. It is now time to expand this program nationally in order to protect our ecosystems and our communities. These exotic animals and plants are costing our communities additional money to keep our water and power systems operating. They threaten our commercial and recreational fisheries.

This bill will go a long way toward preventing the spread of existing aquatic nuisance species and the introduction of new species. Among the major accomplishments of this bill are:

Requiring voluntary guidelines will be developed to prevent the spread of all types of aquatic nuisance species by recreational vessels including zebra mussels.

Helping us develop and implement new technologies to prevent ships from further polluting our waters with these creatures.

Helping State and local governments coordinate their efforts in this fight with the various Federal agencies that are involved.

Requiring the Aquatic Nuisance Species Task Force to conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, Honolulu Harbor, Prince William Sound, and other waters that may be highly susceptible to invasion by aquatic nuisance species from ballast water operations and other operations of vessels.

Establishing a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nuisance species from being introduced and spread through ballast water in the Great Lakes and other waters of the United States.

Encouraging the formation of Regional panels to form and participate in activities to control introduction of aquatic nuisance species in their region.

Establishing a competitive research grant program on aquatic nuisance species prevention and control for the Chesapeake Bay, the Gulf of Mexico, the Pacific Coast, and the Atlantic Coast.

And providing continued funding for the 1990 Nonindigenous Aquatic Nuisance Prevention and Control program.

Mr. Speaker, this is a very bipartisan bill. Aquatic Nuisance Species can affect all of our communities. I believe that H.R. 3217 will help prevent other communities around the country from having to incur the costs and environmental damage that we have throughout the Great Lakes. I therefore urge my colleagues to support the passage of H.R. 3217, the National Invasive Species Act of 1996.

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

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE], the author and prime mover of this bill.

Mr. LATOURETTE. I very much thank the gentleman from New York [Mr. BOEHLERT] for yielding me this time, and thank him also for those kind words.

Mr. Speaker, I want to add my thanks to Chairman SHUSTER, the chairman of our full Committee on Transportation and Infrastructure, for helping expedite consideration of H.R. 3217 together with the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, and also the ranking members of the other two subcommittees. This would not have been possible without the leadership of the gentleman from New York [Mr. BOEHLERT], our chairman of the Subcommittee on Water Resources and Environment.

I think it is also appropriate, and sometimes we do not take time to thank the staff, not only the staff of the Transportation and Infrastructure Committee but also the staff at the Northeast-Midwest Institute and in particular a woman by the name of Allegra Cangelosi who was talking about zebra mussels and its infestation in the Great Lakes before many other people were even recognizing it as a problem throughout the United States.

I have to praise all of the staff for working to gain a consensus of the interested parties including maritime organizations, environmental organizations, and water users throughout the coastal United States. It is also appropriate to recognize that the Committee on Resources and also the Committee on Science, which had jurisdiction over portions of this legislation, worked hard to get together with the Transportation and Infrastructure staff to present this final version before the House today.

Mr. Speaker, there is an urgent need for this particular piece of legislation. A single aquatic nuisance like the zebra mussel can literally cost our economy billions of dollars. In Cleveland, OH, which is just to the west of



the district which I have the honor of representing, the vessel that brings in water from Lake Erie for our drinking water system becomes encrusted and literally costs hundreds of thousands of dollars each year to have the zebra mussels removed. Water users along the Great Lakes experience a similar cost and a similar problem, and no one can accurately predict where or when the next invasion will occur.

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The 1990 Invasive Species Act addressed the invasion of nonindigenous species in the Great Lakes only. This bill expands the scope of the 1990 act to all waters of the United States. However, it does not take the same regulatory approach. Instead of mandating ballast water exchange, NISA begins with voluntary guidelines which will become enforceable only if the Secretary of Transportation determines that the maritime industry is not complying.

This approach gives the benefit of the doubt to the maritime industry's intention to act in good faith while maintaining the teeth of the bill to ensure that the program is taken seriously by all affected parties.

This balanced, moderate approach has broad bipartisan support. There are now 40 cosponsors to this legislation. There are some interests who want an enforceable regulatory program immediately, while there are others who only want voluntary guidelines with no possibility of mandatory regulations. This bill chose to take the middle ground, the compromise approach of requiring mandatory regulations only if they are necessary.

The bill we are considering today includes both amendments passed by the Committee on Transportation and Infrastructure, as well as amendments subsequently worked out in consultation with the House Committees on Resources, Science and Agriculture, with personnel staff, with the Senate staff, and representatives of the maritime industries and Federal agencies.

These amendments represent a compromise position which works to the satisfaction of all involved parties, and I believe has the strongest possibility and probability of being passed into law this Congress.

I sincerely urge my colleagues to support this bill. It takes major steps to address the threat of invasion of aquatic nuisance species into our Nation's waters. Again, I thank the gentleman from New York, Chairman BOEHLERT, for his kind words and all Members for their attention.

Mr. CLEMENT. Mr. Speaker, I yield such time as he may consume to the outstanding gentleman from Minnesota [Mr. OBERSTAR], the ranking Democrat on the Committee on Transportation and Infrastructure, who I have had the opportunity to work with for a number of years.

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

Mr. Speaker, we have got a good bill here, and I am proud to be a cosponsor of it. I appreciate the initiative that the gentleman from Ohio, Mr. LATOURETTE, has taken, in moving the bill initially, the work that the gentleman from New York Chairman BOEHLERT, has undertaken on our committee to move this legislation along, and the support that the gentleman from Pennsylvania, Chairman SHUSTER, has demonstrated, and the work that our ranking member, the gentleman from the inland waterways, the gentleman from Tennessee, Mr. CLEMENT. It shows the great consensus that we can build and good legislation that can come in response to a very serious problem, a very serious environmental problem, that is a by-product of our enormous waterborne commerce.

It took about 130 years for the first devastating effect of an invasive species to be felt upon the fisheries of the United States, when in the mid-1950's the lake trout fishery on Lake Superior and Lake Michigan plummeted dramatically from 3 million pounds of lake trout caught in a year down to 300,000 pounds over a 2-year period, the light fish fishery plummeted from nearly 2 million pounds to under 250,000 pounds in scarcely a year and a half.

Suddenly, the Great Lakes States, the Nation, realized there was an ecological disaster at hand, and little understanding of what caused it. And we found what caused it, the lamprey eel, first introduced into the Great Lakes through the Welland Canal when it was opened to commerce in 1829, carried in as part of ballast water, discharged into the Great Lakes, and undisturbed, unchallenged by natural predators, it grew to enormous proportions, and then in one 2-year period, devastated a multimillion dollar fishery, now a multibillion dollar fishery.

Forever, we shall have to apply lampreycide to the estuaries of the rivers discharging into the Great Lakes to control this invasive species; we, Canada and the United States together, spending millions of dollars a year, to correct a mistake.

You would think we had learned that the source of that aquatic problem, aquatic disaster, was ballast water from foreign vessels coming into the Great Lakes, but we did not. We did not take sufficient control steps. And then came the zebra mussel, and the Eurasian milfoil, and then the European ruffe, which is now one of the most abundant fish in the harbors of Lake Superior, destroying other species, eating up the forage for other species, crowding them out. And there was a simple way to control this, and that is control the ballast water.

That is what we did on the Great Lakes. It has taken 5 years for our program of ballast water control to take hold in Great Lakes ports and to begin to control these devastating, nonindigenous species.

In the meantime, the problem multiplied on the salt water ports of the

United States, as we have learned in the port of San Francisco, where every 12 weeks a new nonindigenous species is introduced into that harbor causing devastation upon the native species in their harbor. And just a few miles from here, 3,000 miles across the continent, in the Chesapeake Bay, we have nonindigenous species introduced into this greatest of all the estuaries in the world, the Chesapeake Bay, where over 100 nonindigenous species have been introduced into those unique waters, where the fresh and the salt water meet and create new forms of life, but not new forms of life introduced by ballast water, because those forms of life are brought in without native controls, without other environmental conditions that control the growth of those species.

So how are we going to deal with this issue? Well, we have here a legislative package that provides a framework for protecting our waters against the spiny water flea, the purple lustrife, the zebra mussel that I have already mentioned, and numbers of others, hundreds of other species that wreak devastation upon our fisheries, upon our water intakes, upon the quality of the waters, not just in the salt water ports, not just in the Chesapeake Bay estuary, not just in the Great Lakes waters themselves. But as fishermen go into the Great Lakes and move their boats from the Great Lakes into inland lakes, they carry these same species with them, and now we find zebra mussel spread all through lakes in Michigan, Wisconsin, and Minnesota, reaching down into the Mississippi River, and some of the zebra mussels are now being found as far south as New Orleans.

We have to use good judgment, learn from the past, and put into effect control measures that are reasonable, that will do the job effectively, and that is what this legislation does. It strikes a balance, as the gentleman from Ohio said so well and the gentleman from New York, not a hard regulatory program right from the outset, although frankly, given the experience we have had in the Great Lakes, I would welcome such a program.

I think we need to get tough right from the outset, because we know what the problem is, we know what to do with it. But this is a balance. We have struck a balance between a totally voluntary program on one hand and a regulatory program on the other.

This legislation expands the scope of the 1990 Great Lakes law that is now coming to be effective in controlling ballast water in the Great Lakes, to apply it to the salt water ports as well, a voluntary national ballast exchange program under which the vessels that operate outside of the exclusive economic zone exchange their ballast, purge the nonindigenous species in the high waters of the oceans, and thereby prevent their introduction into U.S. harbors.

But we also recognize that there are safety problems. The newer vessels in



the international ocean trades have chambered ballast control measures. They can empty one chamber, fill it, and then empty another chamber and refill it, without endangering the safety of the vessel. Older vessels do not have that same ability. They have to pump all the ballast out at once on one side and load it with new ballast and then move to another side. So there are safety concerns about the stability of the vessel under those conditions, particularly if you have rough waters.

So the legislation recognizes that the safety of the crew or passengers or safety and stability of the vessel is paramount. So if the master of the vessel determines it would be unsafe to exchange ballast water under existing weather conditions or other conditions, then the judgment of the master of the vessel is paramount and ballast exchange is not required.

But our legislation does say that when a regulatory program is in place, and goodness knows, experience on the Great Lakes means it will take 5 years, then you have to comply with those regulations, but even then the judgment of the master of the vessel is paramount.

The legislation does keep in place our very effective and strong Great Lakes program. It authorizes continued funding for invasive species prevention programs, provides for demonstration programs and new technologies such as filtration for preventing the spread of invasive species in U.S. waters.

Since ballast water exchange is not a feasible control technique once the species are already into the Great Lakes, new technologies are critical to prevent the spread of dangerous species into the Great Lakes.

I just want to address another matter that has been added late in our negotiating process and which I fully support, and that is for our colleague from the great State of Alaska, the chairman of the Committee on Resources, Mr. YOUNG, who has had a lot of experience with crude oil tankers engaged in the coastwide trade.

The exemption included in this legislation is based on our understanding that the current practice of these oil tankers is to discharge their ballast into tanks where the ballast water is treated, thereby avoiding the discharge of nonindigenous species into U.S. salt water harbors. It is our expectation that crude oil tankers will continue their practice of treating their ballast water prior to discharge.

For these and for many other reasons that I will not go into at this point in order to save time, I think we have a good piece of legislation here. It will prevent the introduction of new time bombs into the salt water ports of this country. It will strengthen our ability to prevent introduction of new aquatic time bombs into the Great Lakes and the other inland waters of the United States, and it will give us tools to protect and take control of our own environment.

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

Mr. BOEHLERT. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan, Dr. EHLERS, who is an interesting person to speak on this legislation, because he also serves as a member of the Committee on Science. He is a Ph.D., he is a fellow of the American Physical Society, so he brings a scientific background to his analysis of this very important legislation, and he also represents a State that the Great Lakes are very important to.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time and for his kind words.

Mr. Speaker, there is a very important environmental principle, first publicized by Garrett Hardin some 30 years ago, that states: "You cannot do just one thing." We as a Nation have had to learn that the hard way. We thought we could simply apply DDT everywhere and eliminate a number of insects in this country. It did not work that way.

First of all, the insects developed resistance and were not eliminated, but secondly, we found the DDT was affecting many organisms other than insects and we eventually had to ban it.

We have also learned that principle with issues, such as the public works projects which we are proud of in this Nation. And one of those projects was opening the St. Lawrence Seaway, which was a boon to my State of Michigan. But my State of Michigan also touches 4 of the 5 Great Lakes. So if anything goes wrong, we are affected more than any other State.

Things did go wrong. You have already heard from the gentleman from Minnesota about the lamprey eel, and now the zebra mussel. The zebra mussel certainly has hit Michigan harder than any other State. Yet when I arrived in the Congress, last year a bill came up which would zero out zebra mussel funding.

This funding was regarded as a laughingstock by those who were proposing zeroing it out. They thought it was another government boondoggle. I told them before this session ended they would probably have zebra mussels in their district. They do indeed now have problems with them.

Mr. Speaker, the problem is serious, and I am very pleased to get up and lend my support to this bill, because this bill is a very good first step at addressing the problems we face with invasive species. It is not just the lamprey eel, and it is not just the zebra mussel, which we now estimate is costing the Nation approximately \$2 billion in cleanup costs every year; it is a matter of stopping all the future invasive species of one sort or another that create trouble not just in the Great Lakes, but in many parts of this Nation.

In addition to that, there is an even greater danger looming on the horizon, and that danger is bacterial contamination. Already we have evidence of

some cholera appearing in some of the sea water ports of this Nation, and there is little to prevent them from also getting into the fresh water ports.

As you know, that is a disease which we are not used to dealing with in this Nation. It manifests itself primarily in Third World countries. We are not sure how we would address it. Clearly it is important to stop that disease before it even begins.

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For those reasons and many more, I am pleased to lend my strong support to this bill and urge that this Congress pass this bill as soon as possible.

Mr. CLEMENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan, Mr. BART STUPAK, who represents three of the five Great Lakes.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Tennessee [Mr. CLEMENT] for yielding me this time.

Mr. Speaker, the National Invasive Species Act is an extremely important bill that reauthorizes and improves the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to protect the fragile ecosystems of U.S. waterways by further preventing the introduction and spread of aquatic nuisance species.

As the gentleman from Tennessee said, my district does border in part three of the five Great Lakes, and aquatic nuisance species are a threat to our aquatic ecosystem and the overall health of the Great Lakes and our economic vitality as a region.

Aquatic nuisance species are a serious threat to our water systems and the natural balance of our ecosystems. In the Great Lakes region alone, the zebra mussel, the sea lamprey, and the round goby are severely threatening the fishing industry of the Great Lakes and causing millions of dollars in damages to drinking and sewer systems.

A recent study of the Office of Technology Assessment estimates that the power industry alone will spend more than \$3 billion over the next 10 years just to control zebra mussel infestation in the water intake systems of the Great Lakes.

These species are not only invading our Great Lakes region but, as has been pointed out, the zebra mussel is rapidly spreading across the United States, having been found in the Mississippi Valley, the Gulf Coast, the Chesapeake Bay, and in locations as far as away as California, both inland and in coastal waters.

H.R. 3217 will provide the vital resources for communities to combat this damaging invasion. Through the implementation of a national voluntary ballast management program for vessels visiting U.S. ports, as the gentleman from Minnesota [Mr. OBERSTAR] has stated, this bill will reduce the threat of aquatic nuisance species by eliminating their mode of transportation.

Mr. Speaker, the National Invasive Species Act will greatly benefit the environment, industry, and the public by

authorizing funding for fighting as well as improving the methods to fight the introduction and spread of invasive species in U.S. Waters.

Finally, I want to extend my thank you to the gentleman from Ohio [Mr. LATOURETTE], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Tennessee [Mr. CLEMENT], the gentleman from New York [Mr. BOEHLERT], the gentleman from North Carolina [Mr. COBLE], and the gentleman from Pennsylvania [Mr. BORSKI], for moving forward this important legislation. I urge the passage of H.R. 3217.

Mr. DINGELL. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 3217, the National Invasive Species Act.

As a cochair of the House Great Lakes Task Force and a citizen of the Great Lakes State, I know all too well how much damage can be caused by nonindigenous, or non-native, nuisance species. Even as our Great Lakes have made a tremendous comeback from industrial and other pollution as a result of the Clean Water Act, we continue to see a significant threat from biological invasions. Over the past few decades these invasions have included the sea lamprey, the zebra mussel, and the Eurasian ruffe.

My colleagues may remember the lively floor debate that took place during consideration of the Commerce-Justice-State appropriations bill over funding for sea lamprey control. The sea lamprey is an eel-like creature that attaches itself to lake fish. With federal assistance, we have been somewhat successful at controlling sea lamprey infestation, meaning the preservation of a multi-billion dollar fishery. Despite the best efforts of the Great Lakes Fishery Commission (GLFC), however, the lamprey still exist in the lakes and remain a threat to be controlled.

Most commonly known today is the zebra mussel, which became widely known in 1989 when millions of the mussels became encrusted in the water intake in Monroe, MI, threatening Monroe's water supplies for several days. Since that time, the mussel has clogged other water supply intakes on American and Canadian shores, creating drinking water shortages and public safety hazards. Power plants, industrial cooling operations, and other large water users now spend an average of almost \$400,000 per year to keep their investments clear of the zebra mussel.

Since 1989, the zebra mussel has spread throughout much of the nation, threatening waterways from coast to coast. According to Dr. Alfred M. Beeton, Acting Chief Scientist at that National Oceanic and Atmospheric Administration (NOAA), the rapid growth of the zebra mussel has caused not only added business costs for big industry, but for small intakes as well. The filtering activities of the zebra mussel, while increasing water clarity, have taken away desirable algae by 86 percent while helping bring the amount of native clams in Lake Erie and Lake St. Clair to near-extinction.

As a result of the Great Lakes problem, Congress passed the Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101-646). While this act has been successful, more efforts are needed to help States and communities nationwide control the biological integrity of their waters. The Na-

tional Invasive Species Act will achieve that by establishing a national ballast plan for ships entering our seaports, lakes, and rivers. It also authorizes greatly needed funding to further research ways to prevent and control the growth of nonindigenous species.

This research will be carried out in part by the Great Lakes Environmental Research Laboratory (GLERL) in Ann Arbor, MI, in cooperation with several universities under the National Sea Grant College Program and other agencies.

Mr. Speaker, the National Invasive Species Act provides necessary help to States, cities, and industry while helping protect our native plant, animal and aquatic species. I urge my colleagues to support its passage.

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

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

The SPEAKER pro tempore (Mr. GUNDERSON). The question is on the motion offered by the gentleman from New York [Mr. BOEHLERT] that the House suspend the rules and pass the bill, H.R. 3217, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include extraneous material on the bill just passed.

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

There was no objection.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2202, ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. QUILLEN from the Committee on Rules, submitted a privileged report (Report No. 104-829) on the resolution (H. Res. 528) waiving points of order against the conference report to accompany the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. QUILLEN, from the Committee on Rules, submitted a privileged report (Rept. No. 104-830) on the resolution (H. Res. 529) waiving points of order against the conference report to accompany the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 525 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 525

*Resolved*, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee for the remainder of the second session of the One Hundred Fourth Congress providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1997, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1997, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SEC. 2. It shall be in order at any time for the remainder of the second session of the One Hundred Fourth Congress for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

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

Mr. SOLOMON. Mr. Speaker, House Resolution 525 is the customary rule