

MODIFICATION TO UNANIMOUS-CONSENT AGREEMENT PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. ROGERS. Mr. Speaker, last night I offered a unanimous-consent request that was agreed to for the further consideration of H.R. 3814. There was an inadvertent error in that request that I would now like to correct. I ask unanimous consent that the earlier agreement be modified so that the gentleman from Iowa [Mr. GANSKE] may offer an amendment regarding the patenting of medical procedures for 20 minutes instead of amendment No. 16 printed in the RECORD that is on the same subject.

Mr. Speaker, I understand this has been cleared with the minority.

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

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3814, and that I may and include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 479 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3814.

□ 1023

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 further consideration of the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 23, 1996, the amendment offered by the gentleman from Florida [Mr. MILLER] had been disposed of and the bill was open for amendment from page 49, line 3, through page 116, line 5.

Are there further amendments made in order by the order of the House of Tuesday, July 23, 1996?

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS:

On page 55, line 22, strike "\$66,000,000" and insert in lieu thereof "\$68,000,000".

On page 56, line 4, strike "\$1,837,176,000" and insert in lieu thereof "\$1,839,176,000".

On page 56, line 6, strike "\$71,276,000" and insert in lieu thereof "\$73,276,000".

On page 56, line 10, strike "\$292,907,000" and insert in lieu thereof "\$298,907,000".

On page 56, line 13, strike "\$429,897,000" and insert in lieu thereof "\$425,897,000".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Kentucky [Mr. ROGERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, this is a non-controversial amendment. I am offering this amendment to address concerns raised by some coastal Members on both sides of the aisle. The amendment would make some minor internal shifts within NOAA in order to restore funding for endangered species recovery programs, primarily for salmon recovery in the Pacific Northwest.

Funding for these activities would be offset from within NOAA. It would cost no extra money. I know of no objections.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the chairman for yielding me the time, and I rise in strong support of this amendment. It will ensure adequate funding for two of NOAA's programs that are critical to our coastal ecosystems and to the fishing industry. It is an amendment which will help the endangered species and, indeed, endangered fishermen and endangered coastal communities.

It will restore to the fiscal year 1996 level the endangered species recovery programs. These are NOAA programs. When a species is listed, the recovery is in place.

As many as 16 million salmon once made it up the Columbia River, and they were just a basis of our economy. But as recently as 1988 those species began to diminish. The recovery plans will mean that our environmental protection will be in place for those species, and it will also help us recover nearly 50,000 jobs that have been lost.

Mr. Chairman, this amendment is supported by Oregon's Governor, by the commercial and sports fishing industry, and it is also supported by those who represent several billion dollars in annual economic activity and more than 100,000 family wage jobs.

This is a vote for the environment. It is a vote for America's fishing men and women. It is a vote in favor of rec-

reational fishing and critical tourism dollars. It is a small investment, but it will have an enormous benefit for working Americans.

Mr. Chairman, I want very much to thank the gentleman from Kentucky, Chairman ROGERS, and the gentleman from West Virginia, Mr. MOLLOHAN, the ranking member for working on this amendment, for bringing it forward. I believe that it is a great amendment. I thank you for looking out for our fishing men and women and our coastal communities, and I really support this amendment. I thank the Members for all their fine work on it.

Mr. ROGERS. Reclaiming my time, congratulations to the gentlewoman. She has been a real stalwart supporter of this cause. We congratulate her on this effort.

Mr. Chairman, I know of no opposition, no other speakers. I urge adoption of the amendment.

Mrs. SMITH of Washington. Mr. Chairman, I would like to commend Chairman ROGERS for his very responsible amendment to increase funding for the NOAA Operations, Research and Facilities account.

I am hopeful that some of these funds will be used to augment one of most important programs in this appropriations bill, the Mitchell Act hatcheries. For decades the Federal Government has financed a hatchery program to compensate for the loss of salmon due to hydroelectric projects on the Columbia River. These facilities supported by the so-called Mitchell Act are critical to the maintenance of the region's multi-million dollar commercial and sports fishing industries.

The funding in this bill for Mitchell Act hatcheries was initially less than we need to maintain this vital program. However, I am pleased that Chairman ROGERS has agreed to increase the funds for NOAA activities so that the agency has more flexibility to fund the Mitchell Act hatcheries at a level that ensures a viable fishery in the Northwest.

While I am a strong proponent of balancing the budget, I believe that deep cuts in the Mitchell Act program will actually create more economic hardship for the already depressed fishing industry. I look forward to working with my colleagues in the Senate to ensure that we pass a bill that keeps our commitment to the people of the Northwest.

I urge my colleagues to adopt this amendment.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLARD:

Page 58, strike lines 18 through 23 (relating to the Under Secretary for Technology and the Office of Technology Policy).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Colorado [Mr.

ALLARD] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

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

Mr. Chairman, I want to commend my colleague from Kentucky and the Appropriations Committee for their diligence and commitment to reducing government spending. However, we must not pass up an opportunity to eliminate a needless layer of bureaucracy and an unauthorized appropriation of \$5 million for the Commerce Department's Under Secretary for Technology.

Both the Authorization Committee and the Budget Committee have now recommended that the Under Secretary for Technology be terminated. The Budget Committee has accurately labeled this a redundant bureaucracy.

Mr. Chairman, we are never going to balance this budget unless we stop funding unauthorized and redundant programs.

This amendment is supported by the Citizens for a Sound Economy, the National Taxpayers Union, and the Citizens Against Government Waste. In fact, Citizens Against Government Waste will be including this vote in its deficit reduction vote rating.

Last year, this amendment nearly passed. This year there is no reason for it not to pass. When I offered the amendment in 1995, opponents argued that the appropriations bill was the wrong vehicle to make these changes and that the authorizing process would be the proper place to review this issue. Well, the authorization process has been completed, and this office was not reauthorized by the Science Committee in H.R. 3322, the Omnibus Civilian Science Authorization Act, approved by the House on May 30, 1996.

Not one Member voted for funding this office in the authorization legislation when it passed the House. If the Appropriations Committee is against this amendment, then I ask why you were not fighting for this office on the House floor on May 30.

By the Department of Commerce's own description, the Technology Administration leads the Department's advanced civilian technology strategy. We do not need a central command and control office to direct the private sector's commercialization of technology. This industrial policy office is especially no longer needed in light of Chairman ROGERS' amendment earlier to close out the Advanced Technology Program.

The Under Secretary for Technology is nothing more than another layer of bureaucracy. It is time to end this needless bureaucracy. The Federal Government should not be attempting to pick winners and losers in the area of technology, the marketplace can do this quite well. Let us follow through on our commitment to end corporate subsidies and excess government regulation. I do not believe Microsoft or

Netscape or any other technology company needs another bureaucrat to keep them competitive.

If Congress is determined to spend this \$5 million, or a portion thereof, it would certainly be preferable to spend it directly on research programs, rather than on a 47-person Federal bureaucracy.

Therefore, I urge my colleagues to support this amendment and end this unauthorized \$5 million appropriation.

□ 1030

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. MOLLOHAN. Mr. Chairman, I seek time in opposition.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment to eliminate funding for the Technology Administration.

The world is changing, Mr. Chairman, and technology is the driving force. Technology is changing the way we work, the way we live, and the way we compete in the world.

If the United States is to maintain world economic leadership into the 21st century, we must respond quickly and precisely to these economic changes. The Technology Administration is the engine behind this critical effort. I do not know of any public servant who is more capable, more dedicated, more effective in the performance of her responsibilities than Under Secretary for Technology, Dr. Mary Good.

The Technology Administration serves as an advocate for American industries, ensuring that government policies, government programs and regulations promote U.S. competitiveness. Additionally, the Technology Administration is the only Federal agency that analyzes the civilian technology activities of our foreign competitors, working to promote and protect the U.S. technology interests in global research and development efforts.

While eliminating the Technology Administration will only have a negligible impact on the budget deficit, it will deprive U.S. industry of an effective advocate for technology innovation at a time of intensifying global competition. In fact, eliminating the Technology Administration in the heat of today's battle for global markets is like eliminating the Department of Defense at the height of the cold war.

In an era where U.S. economic prosperity will largely be determined on our ability to develop and commercialize new technology, we cannot afford to eliminate this important advocate for American industry.

To this end, Mr. Chairman, I urge my colleagues to join me and many others

in this body in protecting U.S. interests, U.S. jobs, and economic growth by voting against this amendment.

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

Mr. ALLARD. Mr. Chairman, I yield myself the balance of my time.

Let me make a few comments in response to the gentleman's comments from West Virginia.

First of all, we are just eliminating an unnecessary bureaucracy. We have had an opportunity to reauthorize this Under Secretary position and the Congress refused to do that. So we are not talking about reducing the ability for us to compete on the international market. These functions are already performed and can easily be performed by the International Trade Administration. Under the ITA there is a Trade Advocacy, Trade Law Enforcement, Trade Development, an International Economic Policy, and U.S. and Foreign Commercial Service offices.

Wayne Berman, a former Assistant Secretary and Counselor to the Secretary of Commerce Department, asserted that the Technology Department should be terminated immediately. He assured the committee no harm would come to the core programs under the Commerce Department's jurisdiction, and in fact the agencies would probably perform its core functions better at less cost.

As I pointed out last year, the Department of Commerce seems particularly bureaucratic. Below the Secretary level there is a Deputy Secretary, an Under Secretary and Administrator, an Under Secretary for International Trade, an Under Secretary for Export Administration, an Under Secretary for Economic Affairs, an Assistant Secretary for Oceans and Atmosphere and Deputy Administrator, an Assistant Secretary for International Economic Policy, an Assistant Secretary for Export Administration, an Assistant Secretary for Export Enforcement, an Assistant Secretary and Director General for the U.S. and Foreign Commercial Service, and the bureaucracy goes on and on and on.

I just think that this should be an easy vote for Members of the House. This is an unauthorized program. We should not continue to fund programs that are redundant in nature, continue to fund programs that are unauthorized. If we want to balance the budget, this is one place that we ought to address that concern. It is something that needs to be done for the future of our children and grandchildren. It is one small step for their future.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute and 40 seconds to the distinguished gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for the excellent job that he has done in this regard.

Mr. Chairman, this may be one of the more shortsighted amendments that we address in the Congress this year,

unfortunately. In fact, it may be the most shortsighted amendment.

As the gentleman from West Virginia [Mr. MOLLOHAN] said in his comments, in a time of global competition the Technology Administration is the one place in the Federal Government where the Government is an ally, not an enemy of business.

The Technology Administration acts as a focal point for all industry concerns, both foreign and domestic, such as monitoring the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations that emanate from here and, as I said, a rapidly changing global economy.

This place in our Government is the one place where industry and American business has an ally. It is an advocate for industry in our country at a time when businesses need help to meet this worldwide competition. A recent report by the Council on Competitiveness and a position statement by the Industrial Research Institute urge our Government to work more closely with industry and to strengthen existing ties. This amendment is a step backward from that, the very essence of what we are trying to do in terms of an ally of our American businesses.

It manages and oversees the very things that make our businesses competitive, or helps make them so, and in a time when the short-term marketplace, and the pressures there, is squeezing the ability of American firms to do necessary long-term high-risk research and development, this is the one thing we need to do as a nation.

Mr. MOLLOHAN. Mr. Chairman, I yield myself the balance of my time. I thought there was someone on the majority side that wanted to speak and I was going to yield them time, but they have not arrived.

I will close, Mr. Chairman, by saying I think this is a very ill-advised amendment. The Commerce Department generally, and Dr. Good's office specifically, is the headquarters for strategic thinking about how we deal with the new economic challenges facing this Nation.

The gentleman from Colorado talked a lot about trade, and that is certainly a dimension to the strategic effort; however, Dr. Good does not focus on trade advocacy. Dr. Good focuses on technology development advocacy, identifying core areas where the United States has to be particularly competent if we are going to be particularly competitive into the future.

Again, I urge opposition to this very unwise amendment, and hope that the body will defeat it.

Mr. BROWN of California. Mr. Chairman, this week is the first anniversary of the House of Representatives' last rejection of an amendment by Congressman ALLARD to strike all

funding for the Technology Administration from a Commerce, Justice, State, and the judiciary appropriations bill. The reasons for rejecting this amendment are just as valid today as they were then. I urge my colleagues once again reject this short-sighted amendment.

The vote is a rather hollow, symbolic gesture to cut Government spending. The Technology Administration costs taxpayers 2 to 3 cents each per year. Any savings, by the time we finish the appropriations process, will be spent on something else. Alternatively, they will be lost in the rounding error when computing next year's deficit.

The program is hardly corporate welfare either. Most of the funds pay for the Office of Technology Policy of the Department of Commerce, which from the Reagan administration onward has been a tiny, but strong advocate for the private sector. Over the years this office has successfully advocated antitrust reform, a pro-industry Federal patent policy, a technology transfer policy that makes sure the results of Federal research are readily available to U.S. companies, and for making sure that the needs of U.S. manufacturers, especially small businessmen who manufacture goods, and a U.S. trade policy that is sensitive to the needs of U.S. manufacturers. I expect that the millions spent on this office over the years have brought returns in the hundreds of millions if not billions to private sector companies who have benefited from the policy changes the office has advocated.

Someone in the Government needs to be an advocate for American technology-based industry, and the Technology Administration has been unrelenting in its support of U.S. business in economic, trade, tax, and regulatory matters. In each successive administration, successful business men and women have joined the Technology Administration to spend a few years providing a fresh private sector perspective within the Government. They have kept an eye on foreign competitors to help ensure that U.S. firms are not handicapped in the global marketplace. They have done much of the interagency coordination related to technology. If the Technology Administration did not exist, and we wished to be effective and competitive in world commerce, we would have to create it.

Therefore, please join me in striking a blow for U.S. manufacturers and U.S. competitiveness and once again vote to defeat an Allard amendment to strike Technology Administration funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Colorado [Mr. ALLARD] will be postponed.

Does any Member seek recognition?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 479, proceedings will now

resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Florida [Mr. GOSS] and the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote.

AMENDMENT OFFERED BY MR. GOSS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. GOSS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOSS:

Page 48, line 7, after the dollar amount, insert the following: "(reduced by \$98,550,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 113, noes 301, not voting 19, as follows:

[Roll No. 346]

AYES—113

Allard	Franks (NJ)	Paxon
Archer	Frelinghuysen	Petri
Armey	Goss	Pombo
Bachus	Greene (UT)	Porter
Baker (CA)	Gunderson	Pryce
Ballenger	Gutknecht	Radanovich
Barr	Hancock	Ramstad
Barrett (NE)	Hansen	Rohrabacher
Barton	Hastert	Roukema
Bass	Hayworth	Royce
Bereuter	Hefley	Salmon
Bilirakis	Hobson	Sanford
Bliley	Hoekstra	Saxton
Boehner	Hoke	Scarborough
Bono	Hostettler	Schaefer
Brownback	Hyde	Schumer
Bunning	Inglis	Seastrand
Burton	Istook	Sensenbrenner
Callahan	Johnson, Sam	Shadegg
Chabot	Kasich	Shaw
Christensen	Kim	Smith (MI)
Chrysler	Klug	Solomon
Coble	Kolbe	Souder
Combest	Largent	Stearns
Cooley	Laughlin	Stockman
Cox	Leach	Stump
Cremeans	Manzullo	Talent
Cubin	McCollum	Tate
Cunningham	McInnis	Thomas
Doolittle	McIntosh	Thornberry
Dreier	McKeon	Tiahrt
Dunn	Metcalf	Walker
Ehlers	Mica	Weller
Ensign	Miller (FL)	White
Fawell	Moorhead	Wolf
Fields (TX)	Myrick	Zeliff
Foley	Nethercutt	Zimmer
Fowler	Neumann	

NOES—301

Abercrombie	Barrett (WI)	Bevill
Ackerman	Bartlett	Billray
Andrews	Bateman	Bishop
Baesler	Becerra	Blumenauer
Baker (LA)	Beilenson	Blute
Baldacci	Bentsen	Boehrlert
Barcia	Berman	Bonilla

Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doooley
Dornan
Doyle
Duncan
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling

NOT VOTING—19

Collins (IL)
Collins (MI)
Crane

Flake
Hinchey
Horn

Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Holden
Houghton
Hoyer
Hunter
Hutchinson
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Klecicka
Klink
Knollenberg
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Meyers
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Neal
Ney

Lincoln
McDade
Menendez

Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Scott
Serrano
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torrice
Towns
Trafigant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Yates

Collins (GA)
Combest
Condit
Cooley
Cox
Crapo

Molinari
Morella
Nadler
Peterson (FL)
Riggs
Vucanovich
Weldon (PA)
Wilson

□ 1100

Mr. ROTH changed his vote from "aye" to "no."

Mrs. FOWLER changed her vote from "no" to "aye."

So the amendment was rejected.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 346, I could not be present to vote due to an unavoidable conflict. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. ALLARD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. ALLARD] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.
The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 229, not voting 21, as follows:

[Roll No. 347]

AYES—183

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bibray
Bilirakis
Bilely
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chryslers
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crapo

Portman
Poshard
Pryce
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
Diaz-Laurio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest

Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Soudler
Spence
Stearns
Stump
Talent
Tate

NOES—229

Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinche
Holden
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecicka
Klink
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McDonald
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NOT VOTING—21

Barr
Collins (IL)
Crane

Flake
Horn
Hunter

Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Visclosky
Walker
Wamp
Watts (OK)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Rogers
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Kaptur
Kelly
Kennedy (MA)
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Lewis (CA)
Lincoln
McDade

McInnis	Nadler	Weldon (PA)
Menendez	Peterson (FL)	Wilson
Molinari	Riggs	Young (AK)
Morella	Vucanovich	Young (FL)

□ 1109

Messrs. CALVERT, DELAY, ROBERTS, HUTCHINSON, DICKEY, and BARRETT of Wisconsin changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 347, I could not be present to vote due to other business. Had I been present, I would have voted "yes."

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. FOWLER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . . None of the funds made available in this Act for Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to an entity that is eligible to receive funds under such part when it is made known to the Federal official having authority to obligate or expend such funds that the application for funds by such an entity proposes to expend funds for a purpose other than to prevent crimes against persons or private property.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentlewoman from Florida [Mrs. FOWLER] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I want to bring to my colleagues' attention some concerns I have about grants which have been offered under the COPS Program. Several grants recently awarded by the Department of Justice under the COPS Program have made me concerned that the Justice Department is more interested in the number of police they fund as opposed to where the police go and how they are used.

On July 2 the Department of Justice awarded the Florida Department of Environmental Protection a \$3.5 million COPS grant. When I learned of the grant I was curious to know how the funds would be used so I wrote to the Justice Department seeking an explanation for the grant. I have not received a response from the Justice Department; however, in an article which recently appeared in Investors Business Daily, a representative of the Florida Department of Environmental Protection claimed that the \$3.5 million grant would be used to protect the coral sanctuary. In fact he explained, and this is a quote, that instead of our program being in a city's neighborhood, our neighborhood is marine environment itself.

Now while I wholeheartedly support conservation efforts and protecting natural resources, I personally do not consider patrolling a coral sanctuary to be community-oriented policing.

□ 1115

Frankly, I do not believe that the Justice Department knows how this grant is being used. In view of both the fact that these grants are supposed to be using taxpayers' money to protect taxpayers in their communities and the fact that there is other funding available for law enforcement and enforcement of environmental rules in parks and sanctuaries, I am concerned about the criteria used in awarding these COPS grants.

My hope is that we can work together to insert language into the conference report on this legislation to make the Justice Department aware of these concerns and indicate that Congress is not only interested in how many police are hired but how and where they are being used.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman from Florida for raising this issue. Obviously, I agree that we need to make sure that the funds awarded under the COPS grant program by the administration are in fact being used for fighting crime in our communities. I do not know of any coral reefs that they are guarding. I do not know that we have a problem with crime in the coral reefs.

There are legitimate sources of Federal funds for protecting a coral sanctuary, but I do not believe that the Congress intended that the COPS program be one of them.

Further, I would be happy to work with the gentlewoman to develop report language with would help to resolve these concerns, and I congratulate her for bringing this matter to our attention.

Mrs. FOWLER. I thank the gentleman. I know the chairman of the subcommittee has worked very hard to make sure we maintain our crime efforts, and I look forward to working with him to make sure that the Justice Department uses these funds properly.

Mr. Chairman, I include for the RECORD the following article from Investor's Business Daily.

The article referred to is as follows:

[From the Investor's Business Daily, Los Angeles, CA, July 16, 1996]

CLINTON'S COPS: A SHELL GAME?

(By Adrienne Fox)

In his 1994 State of the Union Address, President Clinton pledge to put 100,000 more police officers on America's streets. That speech spawned the Community Oriented Policing Services, and has become one of Clinton's pet anti-crime success stories.

But the number of new police on the street falls way short of that lofty goal, and a significant number are patrolling parks and marine sanctuaries, not tough inner city streets or even suburban enclaves.

Investor's Business Daily has obtained documents showing the Clinton Justice Department is awarding a portion of the COPS funding to state parks and EPA officers—not to prevent violent crime.

At least \$7.2 million in COPS grants has been used to hire 86 officers for state parks, marinas and other areas seemingly far removed from violent crime. Moreover, though Justice, and later Clinton, claimed some 43,000 new cops had been put on the streets by the program, Attorney General Janet Reno has since publicly cut that number to 17,000.

This wasn't the way it was supposed to happen.

"During the presidential campaign," Clinton said in the '94 State of the Union message, "I promised the American people that I would cut 100,000 federal bureaucrats in Washington and use those savings to put 100,000 new police officers on America's streets."

Later in 1994, Congress approved \$8.8 billion over the next six years for the COPS program.

And in '95, Clinton hailed the program in a radio address, "Police departments all around the country are putting this effort to work, hiring, training, and deploying officers as fast as we can give a go-ahead," he said.

Even though the number of officers hired for the questionable jobs is small, it raises questions about the program among elected officials who approved the funding. The list reads more like an Interior Department or Environmental Protection Agency budget than a Justice crime-fighting program.

In Florida, 30 "enviro-cops" were added to the state Department of Environmental Protection to keep watch over a coral sanctuary off the Florida Keys. The cost \$3.5 million.

"(The cops) would be law enforcement officers to cover the new Florida Keys National Marine Sanctuary," said Maj. Kenneth Willoughby of the Florida DEP. "These officers would help patrol and protect these areas."

Florida also received a \$1.8 million grant to hire 25 cops for its state parks.

Both grants were approved by and paid out of the COPS program, which covers 75% of the cost of each officer up to \$75,000 annually for three years.

When Rep. Tillie Fowler, R-Fla., first learned of the Florida DEP award, she wrote to Reno asking her to explain the grant.

"The Florida EPA grant appears to be completely inconsistent with the intent of the program, which is to put more police on the streets to protect our communities," Fowler wrote.

Her colleague, Rep. Bill McCollum, R-Fla., agrees environmental police are not what Congress envisioned when it passed the program. He heads the Judiciary Subcommittee on Crime, which oversees the grants.

"Nobody debated that," McCollum said, "I can guarantee you there's not a single person in the U.S. House who would have thought that it was going toward the purpose of anything other than a street cop."

McCollum said that when Clinton gives stump speeches on how he's putting "100,000 cops on the streets," most people picture a cop walking the beat in a crime-infested area.

"This is just one further sign of how much this administration wants to puff and exaggerate the success of this program," McCollum said.

At the same time the Florida DEP received its \$3.5 million grant, Justice rejected a request from the St. Augustine Police Department in northern Florida to fund a one-year anti-domestic violence program.

The program would have cost \$80,000 to hire one officer.

"It was to help build partnerships so that hopefully after the year, we could continue it," said St. Augustine Police Chief Bill Robinson. "I guess we were in competition with other departments out there wanting money for domestic violence. And we weren't selected."

His response to the \$3.5 million DEP grant was one of disbelief. "Thirty people to go watch some coral? I'm not sure that's what people are afraid of in our communities."

Six months ago, Donald Coventry, chief of the park police in Decatur, Ill., won a \$71,300 grant from the COPS program. He will use the money the way Congress intended—to teach youths about the dangers of drugs.

When told that some of the money is not being used to prevent violent crime, the 30-year police veteran said, "Cut them off, and send me my check. It amazes me how these people get their hands on this money."

The Murfreesboro, Tenn., Parks and Recreation Department got its hands on a \$281,159 grant from Justice to hire five park rangers.

"They will not only be public information officers," explained Lanny Goodwin, deputy director of the park department. "But they will also have the policing powers to enforce the rules and regulations of the parks."

Those rules forbid drinking and overnight camping and make certain parking restrictions.

The Texas city of Shavano won a similar grant for \$275,865 to add five park police.

And the Maryland Natural Resource Police received two grants totaling \$1 million from the Justice Department's Web site as "a number of grant initiatives to put more officers on America's streets and promote community policing strategies."

Local agencies are supposed to be awarded grants if the money will be used for community policing. Other programs funded include problem-solving programs, anti-gang efforts, equipment and overtime budgets, combating youth violence and training retiring soldiers to become cops.

But, according to the data, that's not what happens, Charles Miller, spokesman for the COPS program, said as long as an agency hires law enforcement officers who have gone through a police academy and the budget meets COPS' guidelines the grant is approved.

He also said the guidelines don't include whether there has been a history of violent crime in an area to be covered or whether people even reside there.

There's no question that violent crimes are committed in state and national parks. But have they reached a crisis? In some cases yes, and in some cases no," Miller responded. "The mandate we have received is to fund additional officers. And those jurisdictions are qualified if they hire sworn officers."

But hasn't Clinton said repeatedly that the COPS program is to combat violent crime? "No. Well, there is violent crime in parks," Miller stressed. "But the whole point of this (program) was to add 100,000 police to the nation's streets and to have them involved in community policing."

The dictionary definition of community is being stretched beyond the standard "unified body of persons."

For instance, the COPS office believes the coral reef off the Florida Keys is a community—even though it's marine life. "But it's very unique." Florida DEP's Willoughby explained.

"Instead of our program being in a city's neighborhood, our neighborhood is the marine environment itself," he added.

The Justice Department points out that the bulk of the funding is going to cities and police departments.

Justice also said Congress is aware of all the grants approved and how the money is

being awarded. The COPS application form, for instance, asks the local agency to check areas of priority. Two of the areas listed are agriculture crime and wildlife crime.

But Rep. McCollum and Coventry, Decatur's park police chief, agreed there are higher priorities.

"With the task we have before us, law enforcement should not be abusing one red cent of federal money to help fight crime," Coventry said.

McCollum said, "Unless there truly is a law enforcement nexus that is real, this is just a sham."

McCollum adds that while there may be a real need for more environmental policing, it should not come out of the COPS budget.

The House Subcommittee on Crime is starting an investigation into the COPS grants, McCollum suggested he might craft a bill setting limits on how the money can be spent.

Cops On the Beat—How Some U.S. Law Enforcement Grants Were Used

	<i>Amount</i>
Florida:	
National Marine Sanctuary	\$3,500,000
Park patrol	2,800,000
Illinois: Water reclamation	150,000
Maryland: Natural resources	1,000,000
Tennessee: Murfreesboro parks and recreations	281,159
Texas: Shavano park police	275,865
Source: Justice Department.	

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Ms. BROWN of Florida. Reserving the right to object, Mr. Chairman, I rise in support of the COPS Program.

I want to commend my colleague, the gentlewoman from Florida, who has brought this forward. Many times we get some erroneous information from the paper, and we want to clear this up. We want to be sure that everybody understands that Florida is not Baywatch.

Mr. DEUTSCH. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. Under my reservation, I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, I thank the gentlewoman for yielding.

A question to the gentlewoman from Florida [Ms. BROWN], if we can enter into a little dialog, and even with the gentlewoman from Florida [Mrs. FOWLER] as well; that the article that she cites, after followup with the agencies involved in Florida, provides some factually inaccurate information. I would ask, would she believe, but I think it is pretty self-evident, some of the statements, they were talking about, that in fact the money they went to Florida under the COPS Program was not for coral reefs watching; but some of the marine patrol organizations were in fact marine patrols offshore, catching drug dealers offshore. Even though they might be in boats and it might seem like a little more fun than walking the beat of an inner city, it is as dangerous and as important for law enforcement as those innercity cops that are doing that.

Ms. BROWN of Florida. I want to submit my statement for the RECORD, Mr. Chairman. But I want to point out that the Florida department of environment protection officers seized more cocaine last year than the U.S. Customs. This year the Florida State law enforcement officer of the year was a marine patrol officer who was involved in a shooting outside of Miami.

The COPS Program is an excellent program for Florida. We received over 200 cops, and in fact a child was killed in a campsite in a Florida park in 1993 before the COPS Program. In light of some of the other incidents going on around the country, I would suggest that we do not cut this program and in any way prohibit the States from having park police or marine patrol participate in the program.

Mr. Chairman, I rise today in the strongest opposition to any attempt to cut COPS awards from park police or marine patrols. I am outraged that Members, some from my State of Florida, have erroneously criticized the award of COPS funds to park police in general and specifically to the Florida Marine Patrol. I am disappointed that a Member of this House would complain about a grant award that benefits their State and their constituents—that provides badly needed assistance that officials in that State have told the Federal Government they need.

Claims that grants to Park Police are not appropriate uses of Federal crime fighting funds are absurd. Park Police provide important protection and crime prevention in our Nation's parks and waterways. This is critical for my State of Florida.

Scores of Florida law enforcement agencies have already applied for, and been awarded, badly needed crime fighting resources through the COPS Program. Thus far, the Third Congressional District has received almost 200 additional cops in 23 different communities through the COPS Programs and crime has gone down as a result.

Park Police and Florida Marine Patrol officers have helped bust drug dealers in Florida parks. In fact, Florida Department of Environmental Protection officers seized more cocaine last year than U.S. Customs. This year's Florida State Law Enforcement Officer of the Year was a marine patrol officer who was involved in a shooting outside Miami.

These important officers are doing more than guarding a coral reef. They are on duty 24 hours a day. In fact a child was killed at a campsite in a Florida park in 1993 before the COPS Program was put in place. In light of the terrible murder earlier this year of two young women in the Shenandoah Park, it makes no sense to cut back on Park Police in areas that have acknowledged that they need extra help.

Mr. Chairman, this is a horrible amendment and I urge my colleagues to oppose it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, I really appreciate the Members from Florida raising this issue. I think it gives us an opportunity to point out that one of the

really strong aspects of the COPS Program is the wonderful way in which it has been administered, the expeditious way in which these grants have been let out across the Nation, getting these cops on the beat, getting policemen on the beat.

Also, I think the gentlewoman's interest raises a very real strength with regard to the COPS Program. That it has flexibility, and the ability to adapt to different environments and provide additional law enforcement resources to local communities.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I do not know the facts of the newspaper account. All I know is I have seen the newspaper account. If in fact the administration is giving money that we intended in the Congress to go to fighting crime, COPS on the beat, as advertised, if they are in fact giving that money to people who are swimming and guarding the coral reef in Florida, I want to know whether or not they have a badge on if they swim down there, if they are fighting crime under the waters of Florida. I doubt that they are. I suspect that some of this money in the COPS Program is going for this type of activity, if not this particular one.

Mrs. FOWLER. If the gentleman will yield, Mr. Chairman, the reason I withdrew the amendment was to give the ranking member and the chairman the opportunity during the conference to make sure that the language in our guidelines is appropriate and strong enough to ensure that the funding for these cops, for these policemen, is going to make our streets and neighborhoods safer, which was the original intent. I am assured that he will be working on that in the conference report.

Mr. ROGERS. Mr. Chairman, I withdraw my reservation of objection.

Ms BROWN of Florida. Mr. Chairman, I rise today in the strongest opposition to any attempt to cut COPS awards from park police or marine patrols. I am outraged that Members, some from my State of Florida, have erroneously criticized the award of COPS funds to park police, in general, and specifically to the Florida Marine Patrol. I am disappointed that a Member of this House would complain about a grant award that benefits their State and their constituents—that provides badly needed assistance that officials in that State have told the Federal Government they need.

Claims that grants to park police are not appropriate uses of Federal crime fighting funds are absurd. We are not talking about fictional "Baywatch lifeguards," as one of my colleagues misstated to the press. These are badge-carrying, sworn officers with full arrest authority. The officers are on duty 24 hours a day and put their lives on the line every time they go to work. The underlying fallacy of the criticism of COPS funds for park police or marine patrols is that there is no crime in parks. According to the Florida Department of Envi-

ronmental Protection, the nature of criminal activity in these parks is no different than any other community. Unfortunately, murders, sexual batteries, arson, child abuses, assaults and other heinous crimes cannot be kept outside of park boundaries. Serial criminals, escaped convicts, and other dangerous felons often drop out of society and seek out parks and woodlands as temporary campsites.

Park police provide important protection and crime prevention in our Nation's parks and waterways. This is critical for my State of Florida where shore areas make up such a large part of our State and where over 2 million people visit Florida parks each year.

Park police and marine patrol officers are not guarding coral reefs, as some have erroneously claimed. They are patrolling on bike and on foot protecting campers, hikers, boaters, and families trying to enjoy our parks. Scores of Florida law enforcement agencies have already applied for, and been awarded, badly needed crime fighting resources through the COPS program. Thus far, the Third Congressional District has received almost 200 additional cops. State-wide, Florida has received 2,200 officers through the COPS programs and crime has gone down as a result.

Park police and Florida Marine Patrol officers have helped bust drug dealers in Florida parks. In fact, Florida Department of Environmental Protection Officers seized more cocaine in Florida last year than U.S. Customs. This year's Florida State Law Enforcement Officer of the Year was a marine patrol officer who was involved in a shooting outside Miami. Just 2 weeks ago, a park officer was hospitalized after apprehending a violent suspect of domestic violence. In fact, a child was brutally murdered at a campsite in a Florida park in 1993 before the COPS program was put in place. In light of the terrible murder earlier this year of two young women in the Shenandoah Park, it makes no sense to cut back on park police in areas that have acknowledged that they need extra help.

Mr. Chairman, this is a horrible amendment and I urge my colleagues to oppose it. I would also like to include in the RECORD a letter from the Florida Department of Environmental Protection and a news article from the Tampa Tribune.

DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
Tallahassee, FL, July 24, 1996.

Hon. CORRINE BROWN,
Congressional Representative, District 3, U.S.
House of Representatives, Jacksonville, FL.

DEAR CONGRESSWOMAN BROWN: Recently, the Florida Department of Environmental Protection (FDEP) has been criticized for receiving a grant award under the United States Department of Justice's Community Oriented Policing Services (COPS) program. Congresswomen Tillie Kidd Fowler, District 4, and Congressman Bill McCollum, District 8, were quoted in July 16, 1996 Investor's Business Daily article expressing their displeasure with COPS funding being provided to the FDEP's Division of Law Enforcement. Particularly disconcerting is the fact that neither of your Florida Congressional colleagues contacted our agency to determine the proposed usage of the funds before making the disparaging comments, which included comparing our Division of Law Enforcement's Marine Patrol officers to "Baywatch lifeguards." On the positive side, it was nice to receive support from your office and I will attempt to provide a brief explanation of the function of the FDEP's Divi-

sion of Law Enforcement and our intended use of COPS grant dollars.

FDEP's Division of Law Enforcement is comprised of four bureaus, three of which are the Bureau of Florida Marine Patrol, the Bureau of Florida Park Patrol, and the Bureau of Emergency Response. The Bureaus of Marine Patrol and Park Patrol employ over 450 State of Florida certified sworn law enforcement officers. These officers are duly constituted police officers for the State of Florida, pursuant to Florida State Statutes, Chapter 943, and are authorized to make arrests for all misdemeanors and felonies occurring within the State of Florida. The officers of the Marine Patrol and Park Patrol are represented by the Police Benevolent Association, the same collective bargaining entity that represents the Florida Highway Patrol and other state law enforcement officers.

The Florida Marine Patrol (FMP) is Florida's oldest state law enforcement agency, dating back to 1913. Officers in the Florida Marine Patrol enforce boating laws, environmental laws, conservation statutes, and fisheries laws as a primary duty. Incidentally, these officers are required to enforce crimes against persons and property, and to provide frontline enforcement of laws prohibiting the importation of dangerous drugs into our nation. The Florida Marine Patrol was the first state law enforcement agency to be deployed to the Northwest Florida area impacted by Hurricane Opal last year. FMP officers were summoned due to their advanced training and specialized equipment available, allowing these officers to rapidly assist in aiding hurricane survivors, protecting the barrier island homes from waterborne looters, and providing general law enforcement for the citizens and visitors in the affected area. Similarly, in Congressman McCollum's district, FMP officers are currently augmenting federal law enforcement authorities in providing law enforcement for the Orlando soccer venue for the 1996 Olympic Games. Florida Marine Patrol officers, like landborne officers, are frequently placed in danger while making arrests. FMP officers have been confronted with gunfire, physical attacks, and even assaults by felons armed with spear guns. The State Law Enforcement Officer of the Year for 1996 was FMP Officer Kurt Kaloostian, who engaged in a battle with drug traffickers outside the waters of Miami, Florida, eventually arresting both after an extended chase into the Atlantic Ocean. FMP officers are often the first available search and rescue asset available to distressed boaters, waterborne immigrants, and other law enforcement agencies needing marine assistance.

The Florida Park Patrol is responsible for patrolling over 500,000 acres of State of Florida park properties, greenways, and trails. With over 145 parks and less than 80 officers to patrol these facilities, the task at hand is difficult. Over two million people visit Florida parks each year and the nature of criminal activity in these parks is no different than any other community. Unfortunately, murders, sexual batteries, arson, child abuses, assaults and other heinous crimes cannot be kept outside park boundaries. Serial criminals, escaped convicts, and other dangerous felons often "drop out" of society and seek out parks and woodlands as temporary campsites. Professionally trained, well equipped law enforcement officers are vital to ensure that park visitors are protected, thus the reason for our initial COPS grant application.

The COPS funding for the FMP officers assigned to the Florida Keys National Marine Sanctuary has received criticism from individuals who probably are unaware of the scope of the law enforcement needs for an

area the size of the states of Delaware and Rhode Island combined. To assert that these officers will be "watching coral" is insulting, degrading, and shows a lack of understanding for the nature of police work in protected areas. I can assure you that the COPS funds we sought are destined for quality law enforcement service, to protect the people and resources of the State of Florida from further harm.

Again, thank you for the opportunity to explain our duties and purposes. Your assistance is greatly appreciated by the many officers who place their lives in harm's way daily to make the State of Florida a better place.

If we may be of further assistance, please do not hesitate to call me at (904) 488-5600, extension 76. The Florida Marine Patrol can be reached 24 hours a day at 1-800-DIAL-FMP.

Sincerely,

ERIC W. MILLER,
Deputy Director/Field Operations,
Division of Law Enforcement.

[From the Tampa Tribune, June 24, 1996]

MARINE PATROL NOT LAUGHING AT
'BAYWATCH' JOKE

(By Gady A. Epstein)

TALLAHASSEE—The state Democratic and Republican party attack dogs relish in taking jabs at each other's candidates, but even the GOP chairman admits his operatives went too far last week.

The Republican Party of Florida's missive last week poked fun at the Florida Marine Patrol, which received a \$3.5 million grant to help hire 30 officers to patrol the Florida Keys.

The fax criticized President Clinton for spending federal cash to put cops "on the beach" instead of on the street, and praised the Clinton administration for "making a dent in this state's coral reef crime." "We may need to fear a request for funding more lifeguards for 'Baywatch,'" the GOP wrote.

The Department of Environmental Protection, which oversees the marine patrol, was not amused.

"This agency is shocked and we're distressed that the Florida Republican Party would even suggest that Florida Marine Patrol officers, who risk their lives every single day, are even comparable to 'Baywatch' lifeguards," said Edie Ousley, DPE spokeswoman.

"Criminals don't discriminate about where they are going to commit a crime, whether it's in the streets of a downtown urban area or on the waterway."

State GOP Chairman Tom Slade acknowledged his party went too far this time. "Probably we got a bit carried away with the press release," Slade said Tuesday. "We certainly didn't mean to offend them. The target of that press release was the president, not the Florida Marine Patrol."

The author of the release was the party's communications director, Bob Sparks, who Slade said was unavailable Tuesday afternoon.

"Let me assume full responsibility," Slade said. "I scanned it before it went out. If I had really read it, I probably would have doctored it a little bit."

Ideally, Slade said, the parties should stick closely to the issues in its press releases, but then the media wouldn't pay attention. He said the point of the latest release was that if Clinton was going to hire officers to patrol the fishing reefs, then he should have said as much.

Ousley said the officers will be "cross-deputized" to enforce federal laws, including narcotics laws, as well as state laws.

"They're obviously not 'Baywatch' lifeguards," she said. "They're real-life cops."

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. MORAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN. Mr. Chairman, my fellow colleague, the gentleman from Virginia [Mr. DAVIS], and I would like to engage our colleague, the gentleman from Kentucky [Mr. ROGERS], in a brief colloquy on the status of the Office of Cuba Broadcasting, which is funded under this appropriation. In the 1996 appropriation, Congress directed that the headquarters of the Office of Cuba Broadcasting be moved from Washington, DC, to south Florida. That is all the legislation said.

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

Mr. MORAN. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, now the USIA and the International Broadcasting Bureau are in the process of determining exactly how to carry out that vague mandate. They have been directed by the White House to move not just the headquarters but the entire broadcasting operation, nearly 200 people, and to move them as soon as possible. I never, never heard of a situation where the law specifies headquarters but affects the entire organization. This concerns me, as someone whose constituents are being face with an unwanted move.

Mr. MORAN. Reclaiming my time, Mr. Chairman, I am concerned as well for any constituents, who do not want to move, and for the independent integrity of the program.

As a member of the Committee on International Relations, which has jurisdiction over Radio and TV Marti, I am also concerned that before this language was inserted we had not had any hearings on this subject. I know this concerns the gentleman from Kentucky, and I would like to explore the issue very briefly.

The report that accompanies this appropriation directs USIA and the Broadcasting Board of Governors to provide to the Committee on Appropriations a report on the employees that are expected to move, the cost of the move, and the source of funds for the move.

I applaud the committee for requiring this report. Obviously, this report has not been completed as yet, and legislation has not been enacted, and yet people are being asked to pack their bags for Florida pronto.

My question for the gentleman is this: Does the committee intend for the Agency to wait until the Agency has completed this report and submitted it to the committee before it begins car-

rying out the move? I know that the chairman would agree that that makes the most sense, to complete the report before taking any action, both from a management and a cost point of view.

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

Mr. MORAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising this point. It is a valid point, obviously. Certainly it is my intention that the agency have a very firm grasp of the costs and the numbers and the source of funds before beginning to put the move into effect.

It is also my intent that this information be submitted to the committee as soon as it becomes available to the agency's managers. I do not see how a plan can move forward until there is a plan. So we would expect to see a plan right away.

Mr. MORAN. Reclaiming my time, Mr. Chairman, that certainly makes a great deal of sense. I thank the gentleman. That is very helpful.

Mr. DAVIS. If the gentleman will continue to yield, that is most reassuring. I thank the chairman as well.

AMENDMENT OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENSIGN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

The CHAIRMAN. Pursuant to the order of the House of yesterday, the gentleman from Nevada [Mr. ENSIGN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

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

Mr. Chairman, I am offering an amendment that will end Federal inmates' access to pornographic material. This commonsense proposal is long overdue.

My amendment, which is part of a larger crime package I introduced earlier this month, will prohibit the distribution of sexually explicit materials and other information to prisoners. Congress should not be fueling the sexual appetites of offenders, especially those who have been convicted of despicable sex offenses against women and children. Magazines that portray and exploit sex acts have no place in the rehabilitative environment of prison, nor should we pay Bureau of Prison staff to distribute them.

The infamous serial killer Ted Bundy, executed several years ago in Florida's electric chair, stated before his death his belief that pornographic materials directly contributed to his violent crimes. While a number of factors determine whether a prisoner will become a law abiding citizen upon release from prison, cutting prisoners off from their sexually explicit magazines will certainly do no harm.

Over 100,000 inmates are locked up in Federal prisons around the country. Each year it costs well over \$21,000 to house, feed, clothe, and provide medical care to each prisoner. This cost will continue to rise. When taxpayers are footing the bill for their room and board, I think it is entirely reasonable to expect inmates to conform to acceptable levels of behavior and civility.

The bill we are considering today contains a \$23 million increase in funding for the Violence Against Women Act. I support this increase and am glad we were able to dedicate resources to this important program. However, if we do not adopt my amendment, we are sending the message that it is OK to provide sexually explicit magazines and books to the very prisoners who have committed violent acts against women.

Ironically, the House-passed version of the Defense Authorization Act included a provision which prohibits commissaries on military installations from selling magazines such as Playboy and Penthouse. It is reprehensible that this Congress would contemplate denying these magazines to members of the armed services while distributing them to Federal prisoners in their daily mail.

I planned on offering a broader amendment which would have also banned materials which are vulgar, demeaning to women, disrespectful to law enforcement, and glamorize gang activity. Due to concerns of the authorizing committee and subcommittee, I narrowed my amendment to accommodate the Judiciary Committee's comments about the definition of some of these terms. It is not my intent to create confusing terminology that will create more demands on the Bureau of Prisons staff. Nevertheless, I do encourage the authorizing committee and subcommittee to take a close look at the types of materials prisoners have access to in the Federal prison system.

I hope all Members can join me in voting for this reasonable effort. It deserves our collective support.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

It is deplorable, Mr. Chairman, to think that America's Federal prisoners are granted access to vulgar, sexually explicit materials while serving time in our Federal prisons.

Those predators who prey upon our families deserve to be treated like they are behind bars, not like they are in an adult book store.

Far too often, those individuals convicted of crimes have the opportunity, while in prison, to use materials that

glamorize the very acts for which they were convicted.

It's amazing to think that after this House passed the Defense authorization bill, which banned pornography from our Nation's military bases, that we would still allow Federal prisoners to use sexually explicit materials. If restrictions are placed on those men and women in our Armed Forces, then the same should apply to Federal prisoners.

The time to reform our Federal prisons has come. For too long liberal judges, slick criminal defense attorneys, and misguided policies have turned prisons into playhouses. It is time to fix these problems and I believe that this piece of legislation will help us reach this attainable goal.

It is time to stop this ridiculous cycle of hypocrisy and end prisoner's access to sexually explicit materials.

I believe this bill will make sure prisons are punishment, not playgrounds.

Vote "yes" on the Ensign amendment. It's the right thing to do.

Mr. ENSIGN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee.

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

Mr. Chairman, I have no objection to this amendment offered by the gentleman from Nevada [Mr. ENSIGN]. I thank the gentleman for working with the authorizing committee to develop the language of the amendment, and I congratulate him and his other colleagues for recognizing this as a major accomplishment and achievement.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer amendment No. 20.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BROWN of California: Page 56, line 11, after the dollar amount insert "(reduced by \$4,099,000)".

Page 56, line 12, after the dollar amount insert "(increased by \$4,099,000)".

Page 56, beginning at line 12, after "National Weather Service," insert "including \$429,715,000 for Operations and Research, Local Warnings and Forecasts".

Page 56, line 15, after the period add the following: "No funds made available under this heading may be used for the Great Lakes sea lampicide eradication program administered by the Department of State or the Regional Climate Centers of the National Weather Service."

□ 1130

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from California [Mr. BROWN] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment which I think would correct a major shortcoming in the bill related to the base operations for the National Weather Service.

The bill before us reduces the operations and research account of the National Weather Service by \$18 million below current spending levels. Within this reduction, the bill eliminates all funding for the much-needed replacement of the radiosonde network and also reduces funding for the local warnings and forecast activities of the National Weather Service. These reductions will have very far-reaching negative consequences that Members should be aware of.

First, the reductions will virtually eliminate the National Weather Service forecast function in Silver Spring, MD. This vital office compiles weather data from satellite, radar, and ground observations and uses this data to run high resolution computer simulations of weather patterns on NOAA's supercomputers, the kind of weather patterns that we can see out in the Speaker's lobby broadcast over television. It is this central forecast model that is, in fact, the basis for the weather products that are then forwarded to the local offices. Without those, we are left with a "mom and pop" forecast system that we had decades ago.

It may be fashionable these days to cut personnel in Washington headquarters, as suggested by the bill's report language; but in this case it is in fact the Weather Service Headquarters that operates the forecast model that is essential to the rest of the system. It is the central office that does this. This is simply not something that can be done locally.

Another effect of the bill will be to eliminate the staffing needed for the three new weather offices that the Secretary of Commerce recently identified as being essential to regaining full coverage in critical areas such as northern Indiana and Alabama. We have worked long and hard to ensure that the new NEXRAD system will have the capability to provide adequate coverage. It is simply foolish to cut the very funding that will be needed to operate these new sites, and the Members from these areas have frequently indicated their strong support for the kind of coverage that this would provide.

Although the report language of the bill expresses an intent that only headquarters staffing should be impacted by the proposed reduction, the National Weather Service has determined that it will be impossible to meet the reduction with headquarters RIF's alone.

Additional reductions in the field would need to be made. This, in all likelihood, would mean a reduction of one shift in each field office nationwide.

Finally, the bill would cancel the radiosonde replacement network program of the National Weather Service thus terminating the principal source of upper air data required for all weather forecasts and warnings. Specifically, this network is critical for up-to-date data for major events such as hurricanes, snow storms, and major flooding.

It is ironic that we are taking this action at the outset of the hurricane season when national attention will be focused on the ability of the Weather Service to give us accurate information on the path and potential hazards of such major tropical storms.

Mr. Chairman, unfortunately my amendment would not fully restore the funding that was eliminated in the bill. I have taken only a very modest first step by proposing the elimination of several unauthorized programs that were never requested by the administration.

These programs include the Great Lakes lamprey eradication program that is presently being administered by the Department of State and also the Regional Climate Centers that were part of NOAA's old weather forecast network. Together, these programs have received \$6 million in the bill, and my amendment would direct the funding freed up to the Operations and Research account of the Weather Service.

Mr. Chairman, it was never my intent, and I want to make this very clear, to eliminate the Great Lakes lampricide program which I fully support. I firmly believe, however, that it should remain in the State Department and the intended effect of my amendment was to accomplish this. This is the same aim that I understand most, if not all, the Members from that region would also prefer to have. I am aware, however, that the supporters of this program are uncomfortable with my amendment; and for that reason, Mr. Chairman, I do plan to withdraw it after this brief discussion.

I am certainly willing to work with the supporters of this program to put it on a firmer footing in conference and to ensure that it ends up in an agency that can sustain it.

I hope by offering my amendment that we can fully focus on the real problems this bill creates for the National Weather Service. I would ask the distinguished chairman and my colleagues to help rectify this problem before the bill gets to the President.

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

The CHAIRMAN. Does the gentleman from Kentucky continue his reservation?

Mr. ROGERS. I do, Mr. Chairman, but pending that, I seek time to oppose the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Chairman, let me simply say that I think that those of us in the Great Lakes region who are concerned with the lamprey program agree with the intent of the gentleman in terms of who ought to be administering the program. We also agree with him in terms of the inadequacy of the funds provided for the Weather Service. But we do not like the third result of the gentleman's amendment, which would be to eliminate the program, because the lamprey eradication program is absolutely crucial to the retention of a healthy Great Lakes fisheries industry.

Mr. Chairman, I would simply say that I for one, and I know many others, would be very happy to work with the gentleman from California to work out the problems that he has indicated; but we appreciate the fact that he recognizes that it also has an additional result which would not be acceptable to us in the region, given our concern about the Great Lakes fisheries in general.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I want to express my thanks to the distinguished gentleman from Kentucky for yielding me this time. I want to begin by expressing great respect and affection for my dear friend from California, Mr. BROWN. I agree with him fully with regard to the impropriety of cutting the money to the Weather Service. I also agree with him with regard to the urgent need to see to it that that program is properly funded and that the conduct of the lamprey program should be within the State Department. However, I would like my colleagues to understand something about the importance of the lamprey control program in the Great Lakes. The cost of this program is miniscule. The value of the fishery in the Great Lakes alone is better than \$4 billion. Each salmon and each lake trout which are a part of the prey of the lamprey is worth better than \$70 each, to each of the States in which it is caught. So the value of this fishery is enormous. A great and prosperous fishery is threatened by an alien species which has come into the Great Lakes. A few years ago better than 1 in 3 fish caught in the Great Lakes had a lamprey attached to it. The destruction of the fishery was enormous and the cost to the people both in terms of aesthetics and in terms of fish and wildlife values and just plain cash money was enormous. It is my hope that this program can be continued unimpaired.

I recognize the value of the suggestions of the gentleman from California for whom I reiterate great respect, but

I urge my colleagues to support this protection of one of the great treasures of the United States, the Great Lakes, and the precious fishery resources which are utilized for the benefit of all the people of this country.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I was prepared to rise in opposition to the gentleman from California's amendment today; and I, like my colleagues from the Great Lakes, appreciate his offer to withdraw the amendment.

Mr. Chairman, I appreciate the support that Chairman ROGERS has shown in controlling the sea lamprey in the Great Lakes by providing level funding in this bill of over \$8 million for the sea lamprey program.

The bill before us, however, already redirects over \$4 million to the Department of Commerce for administration by NOAA. This in my opinion and the opinion of others from the Great Lakes region, jeopardizes a program that has been very successful, so successful in fact that we have seen an eradication to over 90 percent from record levels of the sea lamprey.

For those in the Chamber who are not familiar with the sea lamprey, let me assure you that it is not something you want in your backyard. In the Great Lakes we have seen an invasion of this eel-like nonindigenous species. In addition to being just a hideous-looking thing, it is parasitic and during its parasitic period can devour between 10 and 40 pounds of fish.

Before the creation of this commission, the sea lamprey virtually destroyed our entire region's prosperous recreational and commercial fisheries, practically wiped it out. We cannot backslide on these efforts.

I look forward to not only working with the chairman, but also the gentleman from California and Members on both sides of the aisle.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

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

Mr. STUPAK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. BROWN].

While Representative BROWN may be correct that funding for the sea lamprey control program belongs in the State Department, the elimination of this funding would be devastating to the Great Lakes fishing industry.

It's estimated that the total economic value of the Great Lakes fisheries is nearly \$4 billion per year.

Between Americans and Canadians combined, over 3.3 million people fish the Great Lakes recreationally, supporting about 54,000 full-time jobs.

Over the course of its 1-to-2-year adult life, a single sea lamprey can kill 40 or more pounds of fish.

In 1992, 71 percent of the lake trout in Northern Lake Huron were killed by the lamprey. In Lake Superior, about 40 percent of the annual mortality of lake trout is attributable to lamprey predation.

For over 40 years, the United States and Canada have abided by a binational treaty to fight the sea lamprey problem. The elimination of funding for the U.S. portion of this program would violate this longstanding international agreement.

The sea lamprey control program has been a huge success. The binational control program has reduced sea lamprey population by 90 percent from their record highs in the 1950's.

However, cutting funding for sea lamprey control now would be devastating, as complete eradication of the species is not possible.

In addition, the conventional form of fighting the sea lamprey, the chemical lampricide treatment, is rapidly increasing in cost, having tripled since 1986.

The Great Lakes Fishery Commission has been able to suppress lampreys by 90 percent. Any reduction in funding would undermine the Commission's efforts and once again jeopardize the Great Lakes fishing industry.

Even a short-term interruption in lamprey control could be devastating to the fishery. A disruption in funding could allow for a severe increase in sea lamprey population, causing greater lamprey predation and a critical loss of Great Lakes fish.

The sea lamprey problem is not limited to the Great Lakes region. The lamprey has been known to appear in Lake Champlain and the Finger Lakes in New York.

The last thing we want is for the sea lamprey to become like the zebra mussel—another nonindigenous aquatic nuisance species that causes millions of dollars in damages.

Originally discovered in the Great Lakes in the 1980's, the zebra mussel is spreading rapidly across the United States, having been found throughout the Mississippi Valley to the Gulf Coast, in Chesapeake Bay, and in isolated locations as far away as California.

Cutting funding for the sea lamprey program would erase the progress we have made in controlling the sea lamprey, and threaten the fishing industry with a population explosion of this deadly species.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I regrettably rise in opposition to the gentleman's amendment. I do not dispute the critical mission of the National Weather Service. I, too, would like to see it funded more robustly. However, I cannot support the amendment's offsets, and I rise in opposition.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in support of the goal of this particular amendment which is to increase funding to the National Weather Service but in strenuous opposition to the ultimate outcome which would cut funding

from the Great Lakes Fisheries Commission and their strong record on lamprey eradication.

For those not familiar with this particular species, they are a primitive eel-like fish who in their lifetime can, by attaching to fish and feeding on their body fluids, kill 40 or more pounds of fish. By the 1950's lamprey predation in the Great Lakes greatly reduced the number of lake trout, whitefish and other desirable species in the Great Lakes and the once thriving fisheries were devastated. This is of tremendous economic impact to the Great Lakes. Generations of Americans and Canadians have grown up enjoying fishing in the Great Lakes and estimates place the total annual income value of the Great Lakes fisheries at up to \$4 billion. Over 2.5 million Americans fish the Great Lakes, another 83,000 adult Canadians fish the Great Lakes and these sport fishermen stimulate over \$3 billion in economic activity for the region and support roughly 54,000 jobs. By the same token a thriving commercial fishery is estimated to bring in an additional \$300 million annually to both countries and employ thousands. So the continued work on keeping this predator at bay is tremendously important.

I want to make sure that we maintain the funding at levels that will maintain these programs, but more importantly that this program go back to the State Department and not remain in the NOAA system for several reasons: First is that the Great Lakes are under management jurisdiction of two Federal Governments, one Province, 8 States and several sovereign tribal authorities. We need to have the expertise of the State Department involved in the negotiations that regularly go on in this area.

The House subcommittee proposal is going to add another layer of bureaucracy to a system that works pretty well right now and there really is not an argument to rework it. Also the State Department has mechanisms in place to efficiently and effectively transfer funds to international organizations such as the Great Lakes Fisheries Commission. Plus the Great Lakes Fisheries Commission relies on the State Department to provide diplomatic guidance, to negotiate financial arrangements, bilateral coordination of fishery management programs, et cetera. It is important that funding remain at a constant level for this program and that the program be returned to States.

Mr. Chairman, I would urge Members to vote against this particular amendment and to send a message to the conference committee to go with the Senate in returning this program to the jurisdiction of the Department of State.

Mr. BROWN of California. Mr. Chairman, may I inquire of the Chair the time remaining on both sides?

The CHAIRMAN. The gentleman from California [Mr. BROWN] has 2½ minutes remaining, and the gentleman

from Kentucky [Mr. ROGERS] has 5¾ minutes remaining.

The point of order still remains in front of the amendment.

Mr. BROWN of California. I think we can resolve that, Mr. Chairman.

Mr. Chairman, I yield myself the balance of my time. Let me just make one concluding statement.

Actually, the gentlewoman from Michigan [Ms. RIVERS] made a number of points that I had intended to make with regard to the existing management of the program which is conducted under a treaty agreement with Canada, with the State Department as the responsible party. One of the points that I intended to make and which she has already confirmed is that the committee's proposal could have serious negative impacts on the sea lamprey program.

If the committee is insistent on changing the funding mechanism for the Great Lakes Fisheries Commission, a successful arrangement that has worked very well, we propose, and NOAA recommends, that changes be postponed until an arrangement that does not contravene the convention can be developed.

□ 1145

Mr. Chairman, I have taken this time, and I apologize because I know how precious the time is, because I think this is a matter of sufficient importance, both because of the impact on the weather service and of course the impact of the offset which dealt with the sea lamprey program. I had hoped that the members of the committee, for who I have high respect, could consider these points as they moved their bill forward into the conference proceedings.

With that, Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment at this time and save the gentleman the pain of his point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEUTSCH: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968)

does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Florida [Mr. DEUTSCH] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. DEUTSCH].

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

Mr. Chairman, the impetus for this amendment came out of an incident in my district where two Plantation police officers, Officers Alu and O'Hara, responded to a hostage situation. In their response to the hostage situation where there were two young girls being held by someone, they went into a residential home.

The gentleman set fire to himself and the two girls as well as the two police officers. The gentleman and two girls were killed. The two police officers were in critical condition. One officer, burned over 80 percent of his body, ended up spending 6½ months in intensive care.

During the initial period when they entered the hospital, they found out unfortunately that if they remain permanently disabled they would in fact lose their health care coverage for themselves and their family. They would be able to purchase COBRA coverage for 18 months. COBRA coverage, as most people know, is very expensive. But after that 18-month period they would become essentially uninsurable.

What this amendment would do is, throughout the country—the city of Plantation retroactively changed its ordinance, the State of Florida in its last session has required every jurisdiction in the State of Florida to continue health care benefits in the case of a law enforcement officer actively pursuing a criminal investigation or incident like that—to continue benefits. It does not require additional benefits. It only requires benefits that that law enforcement officer would have had had he been able to remain in the job.

I know there are at least one or two gentlemen that would like to speak, as well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I am in strong support of the Deutsch amendment. As you know, I was a police officer and have been a strong advocate of the COPS Program. At the age of 32 I suffered a permanent injury. I am medically retired from the Michigan State Police. At the time I was 32 years old. I have two children and a wife. How do you provide, not just for the injuries that you have suffered, but how

do you provide for your family, how do you provide for your children health coverage if the jurisdiction that hired you does not provide it?

The Deutsch amendment says those that are involved in emergency situations, firefighters and police officers, would be allowed to continue their insurance coverage for not only themselves but also their families. We ask much of police officers and firefighters. The least we can do, when they are injured performing their duties, is to provide at least some degree of respectability and financial stability by providing health insurance for them.

I was fortunate that the State of Michigan provided that for me when I received my injuries, but unfortunately, as the gentleman from Florida [Mr. DEUTSCH] has pointed out, that is not the case all around this country.

We ask many things of police officers. I would ask that we not leave them hanging, that we provide some degree of security for them and their families when they do meet these permanently disabling injuries.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEINEMAN], another former law enforcement officer who has been instrumental in this amendment and instrumental in its companion bill.

Mr. HEINEMAN. Mr. Chairman, I rise in strong support of the Deutsch amendment. It is an amendment based on the Alu-O'Hara Public Safety Benefits Act. As a 39-year law enforcement officer veteran, I know how difficult it is for public safety officers to put their lives on the line day after day protecting the public.

Last year two would-be rescuers, police officers Alu and O'Hara, were seriously burned when they entered an apartment where a deranged person was holding two hostages. Tragically, the two hostages and the officers were doused with gasoline by the hostage taker, who set fire to both the officers and the hostages. The hostages died.

After nearly losing their lives, the officers and their families who depended on them lost their health benefits. Unlike veterans who have risked their lives to protect our national security, those who protect our community can lose everything if they are injured in the line of duty. Public safety officers who suffer career-ending injuries often have their health insurance canceled by municipalities or States that they were fighting to protect.

This bipartisan legislation would create a safety net for injured officers. This amendment creates an incentive for communities that receive Federal crime dollars to extend health insurance to officers who are injured in the line of duty and would otherwise be left without health coverage. I urge my colleagues to support the Deutsch amendment.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I have no objection to this amendment offered by Mr. DEUTSCH, and I thank the gentleman for working with the authorizing committee to develop the language of the amendment and thank him for his work. I urge adoption of the amendment.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I want to compliment the gentleman on his leadership in this area. The problem that he addresses is certainly one that needs to be addressed and that we need to be successful in working. He has provided considerable leadership in this area.

I personally am concerned that in its present form there might be a possibility that it would encumber the COPS Program, and we do not in any way want to do that. I hope that we can assess that possibility, that concern, as this process moves forward, and achieve the desired result in a way that accommodates certainly every goal of the COPS Program and also the very worthy underlying goal of the gentleman's amendment.

Mr. DEUTSCH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me thank both the chairmen and ranking members and their staffs, as well as my staff, for their work to get to the point where hopefully this amendment is going to be adopted. As the ranking member pointed out, I have been a very strong supporter of the COPS Program. I do not think this penalizes it.

As this works through final passage, our hope is that our continued discussion might be able to resolve some of those issues.

Ms. ROS-LEHTINEN. Mr. Chairman, the Deutsch-Heineman amendment is to protect all of those who work to protect us.

Throughout this country thousands of men and women serve their communities as police officers, firefighters, and emergency medical technicians. They all perform the vital and dangerous work of keeping us and our families safe from crime, fire, and accident.

We all accept the contract between society and the members of the Armed Forces who are injured in our defense. It is simple fairness that we recognize that the same obligation exists between society and those who risk their lives defending us against domestic threats.

In a number of jurisdictions, an officer who can no longer work, due to job related injuries, can lose his health coverage. This nearly happened to two police officers, Officer Joseph Alu and Detective James O'Hara, who were severely wounded in responding to a hostage situation.

This amendment simply affirms the principle that those public safety officers who are injured in the line of duty will not have their heroism rewarded by being stripped of health coverage.

Mr. MANTON. Mr. Chairman, I rise today in strong support of the Deutsch amendment. There is nothing more tragic than the death or injury of an EMT, firefighter, or police officer

incurred while performing their job. But what is equally tragic is that these courageous men and women, and their families, are often left with huge medical bills they are unable to pay.

Under current law, there is no assurance that public safety officers retain their health benefits after being injured in the line of duty. These injured public servants are left disabled and unable to pay those expenses resulting from simply doing their job.

Mr. Speaker, every American citizen benefits from the protection and security that our police and firefighters provide. It is only fair that these individuals be taken care of financially after serving their community at their own risk. In 1989, I introduced the Steven McDonald Public Safety Officers' Compensation Act that subsequently was passed into law. This bill provides for a one-time Federal disability payment to law enforcement and public safety officers permanently disabled while performing an official duty. The Deutsch amendment will further this most important goal of providing these officers with well-deserved financial security upon the unfortunate event they are injured on the job.

As a former New York City police officer, I am pleased that Mr. DEUTSCH has brought this important measure to the House floor. I urge my colleagues to support law enforcement and all public health officers by voting in favor of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

Mr. LONGLEY. Mr. Chairman, I ask unanimous consent to strike the last word.

Mr. CHAIRMAN. Without objection, the gentleman from Maine is recognized for 5 minutes.

There was no objection.

Mr. LONGLEY. Mr. Chairman, I want to compliment the gentleman from Kentucky, Chairman ROGERS, for his willingness to work with other Members, particularly on the most recent amendment dealing with enhanced protection for our public safety officers.

I want to seek the Chair's cooperation, and also the members of the committee. I am very concerned about the deep cuts sustained by the State maritime academies in the Maritime Administration Operations and Training account in this bill. These six schools, including the Maine Maritime Academy in my home State of Maine, as well as schools in Massachusetts, New York, Texas, California, and the Great Lakes region, provide this Nation with three quarters of its licensed merchant marine officers, officers of superb quality and dedication.

They do this largely as State-supported institutions whose students pay the majority of the schools' operating costs through tuition. The Nation receives a tremendous return on this nominal investment in these schools. The total cost has been less than \$10 million spread amongst all six institutions.

This money provides the maintenance and repair funds for the training ships which are provided by the Government and provide the students with

the sea time that is required for them to receive their mariner's license. It also provides modest incentive stipends to some of these students, and in exchange the United States can rely on a cadre of qualified maritime officers to man its ready reserve force ships in times of national emergency.

This program has been a model of State-Federal partnership as well as cost sharing in a vital program which the Congress has been advocating. Yesterday, unfortunately, the committee cut its funding to less than a quarter of what is needed to sustain the program at the six schools, and in my opinion has imposed these reductions without rationale or justification.

We are hopeful that the Senate will fully fund these important schools and ensure that the appropriation is sustained when that bill comes to conference. I would appreciate the Chair's willingness to work with us to see that the funding can be restored consistent with the objectives of the committee and this legislation.

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

Mr. LONGLEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I assure the gentleman we will work with his concerns very deeply. I thank the gentleman very much for his help.

Mr. LONGLEY. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Before the short title at the end of the bill insert the following:

SEC. . . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services until the Commission has, by rule, specifically defined the obligations of holders of such licenses to operate in the public interest, convenience, and necessity, unless the assignment of such a license is by a system of competitive bidding (in the case of mutually exclusive applications for such a license).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BLILEY. Mr. Chairman, I reserve a point of order against the amendment on the ground that it would constitute legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. I will not take very

much now because, the point of order having been reserved, I think we will probably be debating the second of the amendments.

Mr. Chairman, I am very frustrated that we are about to make, as a government, a decision involving the disposition of one of our most valuable national resources, the currently unused portion of the broadcast spectrum. We were about to see it given, if we do not do something different, to the broadcasters, very wealthy entities. The broadcasters have already made it clear that when they accept this gift from us, they believe it is subsequently their property essentially to do as they wish with.

What is interesting is, we are talking not simply about a loss of revenue to the Federal Government, estimated upwards of \$11 billion, some estimates go as high as \$70 billion, but what is particularly striking to me is the majority is apparently expressing its preference here for central planning over the free market. We are being told that a Federal agency, the Federal Communications Commission, should as a matter of fiat decide how to allocate this valuable resource, and that the free market will not work to do it.

We will, as I said, be able to debate this at greater length. There are two versions of this amendment.

Mr. Chairman, I reserve the balance of my time at this point so that the gentleman's point of order could be acted on, and depending on how it is disposed of, we can proceed from there.

The CHAIRMAN. Does any Member seek time in opposition?

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. BLILEY. Mr. Chairman, regretfully and respectfully, I must insist on my point of order against the amendment on the ground that it would constitute legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

The CHAIRMAN. Does any Member want to be heard on the point of order?

Mr. FRANK of Massachusetts. Mr. Chairman, I will be heard to say that I would not have offered legislation under an appropriations bill if we were offered the chance to legislate on a legislation bill. In the absence of our being given a chance to legislate any other way, I offered this.

The CHAIRMAN. Does any other Member seek to be heard on the point of order by the gentleman from Virginia?

If not, the Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment violates clause 2 of rule XXI by legislating on a general appropriation bill.

As stated by the gentleman from Virginia in support of his point of order, an amendment forbidding expenditure of an appropriation unless or until action is taken that is not currently required by existing law is not in order

as a limitation. This principle is recorded in Deschler's Precedents, volume 8, chapter 26, section 47.1.

Accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Before the short title at the end of the bill insert the following:

SEC. . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Virginia [Mr. BLILEY] seek to control the time in opposition?

Mr. BLILEY. Yes, Mr. Chairman, and I ask unanimous consent that half of my time be given to the gentleman from Michigan [Mr. DINGELL] and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I had no objection to the gentleman from Virginia giving a significant chunk of time to the gentleman from Michigan. That is reasonable among colleagues. But giving a large part of the broadcast spectrum now owned by the public to some of the wealthiest entities in America for nothing seems to me to be in error.

□ 1200

I would have preferred a legislative forum in which to discuss this because we have a fundamental decision here. We now have, through technology, available a significant part of the broadcast spectrum currently unallocated. No one has any legal right to it.

We have people who want simply to give that for nothing, this enormously valuable asset, the right to broadcast, to the TV networks, the TV license holders, entities wealthy in themselves, controlled by some of the wealthiest entities in America. The alternative, of course, would be to auction this off. The alternative would be to say, well, the public owns this important asset, it ought to be utilized. Let us let the free market decide.

Now, remember, there are two aspects to an auction. First, when you

sell this to the highest bidder, and you could put conditions on it if you wanted to, but as you sell it you get two results: First, you get revenue for the public.

We are being told every day of the week that we cannot do things. The majority Member just complained that we are not doing enough for maritime, we are not doing enough for health care, we are not doing enough for the environment. Yet we will give \$11 to \$70 billion in assets away for free to some of the wealthiest people in the country. This retires the corporate welfare title for all time.

It would seem to me that those who advocate this, who then want to object to corporate welfare, would have a heavy burden of proof in differentiating this from that concept which they would then purport to lament. But there is another aspect to it which it seems to me the majority should like, the Republican majority. We have two ways to allocate this resource: One is by government fiat, by central planning. We can go to the Federal Communications Commission, that agency of public officials appointed by the President, and say, you decide. Forget all this market stuff. Market schmarket. Let us not get into this business. Let us make a nice central planning decision how to do this. Or we go the free-market route. We can say here is a valuable asset. The best way to decide how to use it is, in fact, to allocate it to the market and let the market decide.

We have had a series of auctions in other parts of the spectrum, and in every case they have produced even more money than we thought. My amendment simply says do not go forward. But as I made clear by offering the first amendment, to which people objected on procedural grounds, my preference is, in fact, to say either we have an auction or we say that this has public interest obligations, because I want to address now the approach of the broadcasters.

The broadcasters say, "Oh, don't auction this off; we are the trustees of the public interest. This is something which we want to deal with as a matter of the public interest. Give it to us, don't have something as crass as an auction. Don't talk about money. We, after all, are seeped in the obligations to advance public debate."

That is until they get it. Once they get it, as witness the debate over children's television or the fairness doctrine or anything else, once they get this asset for free, having justified the gift on the grounds they are the trustees of public opinion, it all of a sudden becomes private property. I have never seen such a transformation. When the broadcasters want to get it, the question is whether they should pay for it or get it for free. They are a charity. They are the United Way. They are the spokesperson for the public interest. Once they get it this becomes private property, and no one should tell them what to do with it.

My first version of the amendment, ruled out of order, would say it has to be one or the other. Either they pay for it in an auction and let the free market decide how to best use it or they get it under the guise of they are seeped in the public interest and we then make clear that their public interest obligations are.

Mr. Chairman, as I close off at this point, let me just quote from someone who says:

*** the broadcasters should be happy with the deal they already have. They have been getting free channels for years. In return, they fulfill public interest obligations, such as reporting news and information. Now they want more airwaves for free.

Newspapers also report the news, but Congress has never had to buy them off. It seems to me, this man says, that giving broadcasters free spectrum is like giving newspapers free paper from our national forests.

Congress has never challenged whether broadcasters should be allowed to keep a channel. Instead, we are simply stating that if broadcasters want more channels, then they are going to pay the taxpayers for them. That does not kill television.

The broadcasters say they cannot afford to buy additional airways, which the Congressional Budget Office says is worth \$12 billion.

Broadcasters say that if they had to pay for the extra airwaves, it would be the end of so-called free, over-the-air television. The facts speak otherwise. According to the Washington Post, over the last 2 years broadcasts deals in the private sector amounted to \$31.3 billion.

All TV broadcast licenses in America were originally given away for free, but only 6 percent are still in the hands of the original licensee. The other 94 percent have been bought and sold. My point is that broadcasters have a long history of paying top dollar for existing channels. Somehow they cannot afford any new ones unless the taxpayer picks up the tab.

That was not just me speaking, Mr. Chairman; that was a private citizen by the name of Bob Dole. I suppose if he was a Senator under the rules I could quote him. But I quoted what Bob Dole said in April.

I just think it is disrespectful to the memory of that great Senate career so blatantly to disregard what Senator Dole said within a few months. Sic transit gloria Dole. Here we have Senator Dole making this very important statement against this giveaway and within months of his departure his colleagues have forgotten the principles he enunciated.

I think on this issue Senator Dole, when he was Senator Dole, was right. I think Mr. Dole is still right. I think Mr. Dole would undoubtedly say himself that Mr. Dole is still right in exactly those same words, and I hope we will not make a multibillion dollar giveaway and allow the free market to make this decision.

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

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

Mr. BLILEY. Mr. Chairman, I yield myself 2 minutes.

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

Mr. BLILEY. Mr. Chairman, first, I want to correct a couple of statements of my good friend from Massachusetts, because I know he always wants to be accurate. He says that he would not be doing this here if there were hearings and it was done in the proper way in the authorizing committee.

I would remind the gentleman that we passed a telecommunications bill and this issue was in the bill. It was thoroughly debated in the committee. Since the time we passed the bill there has been a hearing in the other body and there has been a hearing over here by the very able chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. It has not been done in the dark of the night.

The second thing I want to point out is it is not a gift, it is a loan. And why is it a loan? It is a loan because one has to have all new equipment to broadcast digital TV. It is estimated to cost \$10 billion. While the broadcaster is purchasing his new equipment and broadcasting the signal under digital, he must continue to broadcast under analog, the existing technology, or he loses his audience.

We do not know when the American public will shift to advanced television. We do not even know if they will. We think they will, but we do not know when. And that is the reason for the loan.

Once the shift occurs, then the existing analog comes back, or if the station does not use the digital, that comes back. It is then packaged and auctioned off, and the taxpayers will get the highest dollar for it. The \$12 billion CBO estimate is purely speculative.

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

Mr. DINGELL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I begin by expressing great respect and affection for my good friend from Massachusetts, Mr. FRANK. I have the most enormous regard for him. I would observe, however, that on this matter both he and Mr. Dole are dead wrong, and I would like to explain why.

First of all, I would point out that we have had this matter before the body for consideration on a number of occasions. It was debated on the floor last August, when the telecommunications bill was considered by the House. It was debated again in January when the House considered the conference report. And language similar to that which is offered by my good friend from Massachusetts was overwhelmingly rejected by the Congress.

Now, why? The gentleman claims this is a giveaway. Nothing is further from the truth. The FCC and the broadcast industry are attempting to bring forward new technology of value to this country, high definition television, and to do so by lending to the broadcasters an additional channel. This will enable us to make the shift from current technology, using old-fashioned

analog technology, to the new digital technologies which will afford this country the best and the highest quality television in the world.

At the conclusion of that, the loan of the additional spectrum will have to be returned. Either the licenses which are now used by the broadcasters or the new licenses will have to be returned. The law requires that this exchange be done in the public interest. It is in the Communications Act of 1934. It was passed as part of the Telecommunications Act which was enacted last year.

The specific controlling language says this, and I am referring to section 336(c) of the Communications Act:

Recovery of License. If the Commission grants a license for advanced television services to a person that, as of the date of such issuance, is licensed to operate a television broadcast station or holds a permit to construct such station or both, the Commission shall, as a condition of such license, require that either the additional license or the original license held by the licensee be surrendered to the Commission for reallocation or reassignment (or both) pursuant to Commission regulation.

What we are going is we are enabling this country to move forward into the digital age by making available spectrum which can be loaned to the licensees of the Commission, at the conclusion of which that spectrum must be returned to the Commission for reallocation.

Remember that the licensees are going to have to make a huge investment in new broadcasting facilities. That is for the benefit of the public, which is going to be watching a new kind of technology coming over their television sets. And so we have to provide first the spectrum to the broadcasters, and then we have to give the viewers the time to decide whether, and when, they want to acquire a digital television set in the home.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2½ minutes.

First, I want to correct the correction of the gentleman from Virginia. He said we dealt with this in the telecommunications bill. No. What we did in the telecommunications bill was to say that we will deal with this later. Now that it is later, we are saying we dealt with it in the telecommunications bill.

I read from the letter of January 31, 1996 to Reed Hundt, signed by the gentleman from Virginia, chairman of the committee in the Senate, the Senate majority leader now, and the Speaker. "We share Senator Dole's determination to protect American taxpayers." They did in January. Kind of faded. "We wish to inform the Commission that it is our intention to conduct open hearings and move legislation to overhaul our Nation's policies governing the electromagnetic spectrum. We request the Commission not issue any initial licenses or construction permits until legislation is completed."

There is no legislation. So, in fact, what they said when this came up in the telecommunications bill is we will do it later and now they say we did it in telecommunications bill.

Second, I say to my friend from Michigan, and I was delighted when he said he had great respect and affection for me. One day I will be here when he has respect and affection for someone he agrees with. It has not reached that.

We are only lending it to them. I accept that. This is the world's most expensive lendaway. This says here, "You can have this extraordinarily valuable asset for a very long time, there is no end date, and you do not pay for the use of it." So it is now a giveaway; it is a new thing; it is a lendaway. But I have to say if the gentleman were going to lend me his house to rent out and not pay him anything, if he were going to lend me a couple billion dollars that I could lease out and get the interest on, I would be pretty happy. It is turning over to the private sector people an enormously important asset.

Finally, the gentleman from Michigan sketches out a thoughtful way that we should have this view, and I understand from his perspective why he does. It is particularly intriguing that Members on the majority side agree because this is central planning. This is a valuable asset. We have a question about how the economy will use it in the future.

□ 1215

I am proposing the free market. I guess this shows that the broadcasters follow the model that Senator Magnusson said: All any business in America wants from the government is a reasonable advantage over the competition. All they want is that we give them this. Then they will be great enterprises, once they have got a \$15- or \$20- or \$30-billion head start.

In fact, Senator Dole, when he was still Senator Dole, was right then when he said that. The letter which said, we will not do this until we have passed legislation was right. We should not countenance a giveaway or a lendaway today.

Mr. BLILEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for 1 minute.

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

Mr. STEARNS. Mr. Chairman, I think what we have here is we have the

former chairman of the Energy and Commerce Committee and we have the present chairman of Committee on Commerce, under the Republicans, both agreeing that this is an issue where we should not charge the broadcasters to go into the higher spectrum.

The analogy I would like to bring you your attention is the Homestead Act. What happened was, we gave people land and we said, develop this land. Just like we gave the broadcasters the analog spectrum and we said, develop it. Now we are saying to the people on the homestead piece of land, we want you to go somewhere else. We are not going to go ahead and charge all these people to go somewhere else. We are asking them to go and try it out, and then we will auction off what they have. It is analogous to the Homestead Act.

I think if you think of it in those terms, you will realize we cannot charge the broadcasters for this. They already have huge mortgage payments, development of capital they have already invested. They cannot go ahead and reinvest on this new spectrum first without paying their old debt.

So what I am saying is, we need to allow them to go forward. Then we can auction off their old piece of property, their old analog. For that reason, I am against the Frank amendment.

Mr. Chairman, the telecommunications legislation we passed earlier this year calls for broadcasters to swap their current license to broadcast analog television for a new license to broadcast digital television. This approach allows for auctions to occur, which Mr. FRANK supports. However, it preserves the ability of American households' access to the best free television system in the world, something that does not seem to be of much interest of Mr. FRANK.

This approach, supported by many in Congress, follows the concepts agreed to about 8 years ago when the FCC directed broadcasters to develop advanced television. In an effort to develop and promote advanced television which uses the digital transmission of television signals as opposed to the analog transmission of signals, the FCC, with Congress' endorsement, agreed to provide broadcasters with an additional six megahertz of spectrum. Digital transmission is superior to analog transmission because it provides consumers with a clearer picture, higher-quality sound, greater interactivity, and improved data transmission.

Because broadcasters can't use existing spectrum to broadcast digital signals, it was agreed that a second channel would be provided to smooth the transition from the old analog format to the new digitized one. The purpose of having two channels was not to make the broadcasters happy, but to ensure that citizens yet to purchase new, and costly, digitally capable television sets would not lose their access to free, over-the-air services on their current television sets as the transition took place. This plan ensures that viewers will not lose access to current free over-the-air television—which provides households with access to local news, weather, public service events, sports, not to mention entertainment.

The second channel is a straight swap of spectrum—not a giveaway. Once there are

enough digital televisions in use throughout the country, the transition period would end. Then all broadcasts are to be digitally transmitted and the old analog spectrum currently in use would be returned to the Government which could auction it. If advanced television is a flop, broadcasters could return the digital spectrum and keep the old analog spectrum. Either way, the Government will have spectrum it can repackage into larger more valuable sections and then auction for other purposes such as cellular or PCS. In addition, the Government may charge broadcasters a fee if they provide ancillary or supplemental services such as faxing, paging or other subscription fee services on the spectrum. This straight swap preserves, protects, and improves television capability in our Nation.

Under the well-established 8-year-old plan which provides for the transition from an analog world to a digital world, each television station will already have to pay \$8 to \$10 million in moving, equipment, and upgrading costs. Obviously, this is a huge cost for many, but particularly for most broadcasters in small and medium-sized markets, like Ocala and Jacksonville, FL, in my district, with assets under \$10 million. Heaping auction costs on top of this transition cost will make it virtually impossible for many local broadcasters to provide free, over-the-air programming in the digitized world. It does not take a genius to figure out that if enough broadcasters are forced out of the industry because of these costs, consumers will have less choice in their viewing options. This effect runs counter to the very purpose of the Telecommunications Act of 1996 which we envision to create more consumer choice. There is no reason the continuation of free television should be jeopardized needlessly in the information age.

Clearly, this rational approach is a win-win situation for all involved. Government wins because its coffers will be filled with auction proceeds and fees from ancillary or supplemental services. Those who care about the continued livelihood of free, over-the-air broadcasting win because television programming won't be interrupted in the transition from analog to digital. Broadcasters win because they will remain competitive in the new information age. But above all, consumers win because by following sensible public policy we will ensure their continued access to news and information and will keep their analog television sets from becoming obsolete overnight.

In passing the groundbreaking Telecommunications Act of 1996 we allowed every segment of the telecommunications industry to move forward and offer us new, innovative, and less expensive products. Let's not hold back the only segment of the telecommunications industry that provides us with a free service. Oppose the Frank amendment and support the preservation of free-over-the-air broadcasting.

The CHAIRMAN. Because no Member controlling time is a member of the committee; therefore, the gentleman from Massachusetts [Mr. FRANK], as the proponent, has the right to close the debate.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, I rise in objection to this amendment. To permit a digital spectrum auction, as this amendment does, would absolutely disrupt the economics of the broadcast industry and would make it, I think, impossible for broadcasters to continue to offer free television to American viewers.

The burden would fall heaviest on the middle- and lower- income classes. I think we have to allow broadcasters to make the transition to digital without any spectrum auction because the financial burden of an auction plus as much as \$8 to \$10 million of additional hardware cost to digital could kill a broadcast station.

Of course, we are talking about a compact between broadcasters and the public, as Mr. DINGELL said, dating back 60 years. Killing local television means destroying a major lifeline for many. It would mean the end to a part of the American culture. I oppose the amendment.

Mr. HALL of Texas. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, Mr. FRANK. This Congress has just succeeded in passing the landmark Telecommunications Act of 1996 following months of hearings and negotiations. This legislation represented a bipartisan effort that resulted in an agreement made by the House and the Senate to instruct the Federal Communications Commission to move forward to implement a digital broadcasting plan.

My colleague, Mr. FRANK, wants to pass an amendment that would destroy any plan for a successful transition to digital broadcast television. To permit digital spectrum auction, as is Mr. FRANK's intent, would disrupt the economics of the broadcast industry and would make it impossible for broadcasters to continue to offer free television to American viewers. The burden would fall heaviest on the middle and lower income classes.

We must allow broadcasters to make the transition to digital without any spectrum auctions. The financial burden of an auction plus as much as \$8 to \$10 million of additional hardware costs to digital could kill a broadcast station.

We are not talking about a free giveaway, as some people want to call it.

This agreement is the result of legislation that this House overwhelmingly passed and the President has signed it into law. I think it is a waste of time to come here today and re-address this issue.

I personally do not want to go back to my Fourth District of Texas and tell my constituents that they will have to start paying for their local broadcasting because someone turned public interest into a fiscal issue and is using this digital spectrum as a revenue potential instead of a communications issue that should be decided on its merits. I urge my colleagues to keep local television tax free and allow every American to reap the benefits of digital technology instead of being asked to reach into their pockets as they so often do.

Mr. FIELDS of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, if you like everything on television to be pay per view, if you want to pay extra to

see the Olympics every time you want to see any Olympic game, if you want to pay extra for baseball or for ER or for all the programs you enjoy on commercial broadcast television that is commonly called free television, vote with the gentleman from Massachusetts [Mr. FRANK]. That is the net result.

If you charge the broadcasters extra taxes to broadcast those programs, they will charge everything pay per view. That is the net result. If you agree with Chairman BLILEY and the former chairman, the gentleman from Michigan, Mr. DINGELL, then vote "no" on this amendment to protect free TV. That is what it is all about.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me begin by saying that I respectfully disagree with my friend from Massachusetts on this particular amendment. However, there are some areas of agreement. An area of agreement is that the spectrum is a national resource. The taxpayer deserves its due from that national resource.

Second, I would agree with the gentleman that there should have been a decision this year on the transition from analog to digital. It is a very complex issue. But we went through the process. This should be an issue that comes up early next year through the process. This is not the time to do it.

I believe very strongly, Mr. Chairman, that there should be a transition as quickly as possible from the old technology of analog to digital. That is consumer beneficial. I believe that there should be an obligation for a period of time for a simulcast by the broadcaster, both in analog and digital. And I believe very strongly that as soon as there is adequate consumer penetration of the advanced television market, there should be a giveback of that analog and at that time there should be an auction.

It is my view that the consuming public, the taxpayer, gets more for an auction of that analog spectrum at that particular moment. It is important to recognize that we should not stifle or slow down in any way a transition that is going on, a very important part of this information age.

If you are for better television, if you are for television that remains free over the air to the consumer, at this particular moment, you must oppose the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

First the argument that this will be the end of free TV is, of course, nonsense, as Senator Dole pointed out. The broadcasters say, if you make us pay for this license, we will not be able to give you free TV. Ninety-four percent of the current broadcasters paid for that license. What they mean is, if we can pay each other billions of dollars, then we can do it for free. But if any of that leaks into the public, we will have to charge.

As Senator Dole pointed out in this speech, 94 percent of the current broadcasters paid for their license. What happens, of course, is they get the license for free. And that will happen with these licenses. We will give some digital, some licenses to the spectrum. People will get into the digital business. They will sell them back and forth to each other. Some of the wealthiest entities in this society are making money off of each other on this, which would be fine if it did not all begin with a free grant from the public. That is the second point.

My friend from Texas says, this is the way it ought to be, by Government fiat. Understand, and this, it seems to me, is the greatest inconsistency, I guess we once again understand, the free market is for minimum wage workers. The free market is for women on welfare. The free market is for little people. You reach a point where you are too big to be in the free market. Then you negotiate your deals with the Government, except it is not really a deal because you get this for nothing.

What we are being told is, given this new technology, given this great resource, the unused part of the spectrum, the central Government will decide how to do it. It will not be a free market decision. We will allocate by Government fiat these resources to the existing very wealthy entities, and they will decide how to do it. Should there be high definition television? Should it replace the other? Why is the free market not for that?

This reaffirms the majority's view here that they believe the free market is great for small people and working people, but when wealthy entities come, let us not disrupt them with the free market.

Mr. RICHARDSON. Mr. Chairman, I oppose the amendment offered by my friend from Massachusetts.

I'm concerned that this amendment, if enacted, would jeopardize Americans' access to free television, especially those who live in rural America. Rural stations simply cannot afford to spend \$8-\$10 million converting their stations to digital television technology. Jobs will be lost if we do not convert to digital soon.

Ironically, delaying the issuance of this spectrum, as this amendment would certainly do, will only push back the date when we can auction off the tremendous chunk of spectrum that will be opened up when stations return their analog spectrum.

The FCC, as well as the Commerce Committee, has studied this for many years. We had hearings on this issue earlier this year, and the committee benefited from Mr. FRANK's testimony at that time.

It's now time to put some closure on this issue, so in a way, I'm glad my colleague has offered his amendment. Let's send a message to the FCC that this body wants the transition to digital television to begin sooner rather than later. I urge my colleagues to vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I insert the following documents in the RECORD. First, a letter dated, July 22, 1996, from a broad coalition of liberal, moderate,

and conservative organizations expressing their support for the amendment to prevent the Federal Communications Commission from giving away licenses for advanced television services; second, a statement by former Senator Bob Dole in support of auctioning the spectrum for advanced television services; and third, a letter dated January 31, 1996, from Republican leaders requesting that the FCC not issue any licenses or permits for the provision of advanced television services until they can "move legislation to overhaul our Nation's policies governing the electromagnetic spectrum" which the Republican leadership has not even tried to do.

JULY 22, 1996.

Hon. BARNEY FRANK,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE FRANK: We are writing to express support for your amendment to the Commerce, Justice, State and the Judiciary appropriations bill to prevent the Federal Communications Commission from assigning licenses for advanced television services in fiscal year 1997.

The issue of whether incumbent broadcast licensees should simply be given additional spectrum for digital operations free of charge is of great importance to the debate over fiscal policies for the next decade. The FCC estimates the value of the digital spectrum at \$11 billion to \$70 billion. In a time of budget cutting and fiscal belt-tightening, it would be irresponsible for Congress to permit the FCC to assign digital spectrum to existing broadcasters without a thorough examination of the costs of such action. While we believe broadcasters should have the opportunity to convert to digital broadcasting format, we do not believe that an open-ended giveaway of an extra 6 MHz of spectrum to all existing broadcasters is the best way to accomplish that end.

We applaud your bold move to ensure that Congress will have the opportunity to take a hard look at whether to auction or give away the spectrum, and whether to establish a specific time frame for completing the transition process. American taxpayers deserve no less.

Sincerely,

Media Access Project; Center for Media Education; Common Cause; Consumer Federation of America; Council for Citizens Against Government Waste; National School Boards Association; National Taxpayers Union; People for the American Way; Small Business Survival Committee.

REMARKS BY FORMER SENATOR BOB DOLE,
CONGRESSIONAL RECORD S3443, APR. 17, 1996

Mr. DOLE. Mr. President, TV broadcasters have broken their trust with the American people. For more than 40 years, the American people have generously lent TV station owners our Nation's airwaves for free. Now some broadcasters want more and will stop at nothing to get it. They are bullying Congress and running a multimillion-dollar scare campaign to mislead the public.

The reason is simple: Why pay for something when you can get it for free? But there is one small problem. The airwaves are the nation's most valuable natural resource and are worth billions and billions of dollars. They do not belong to the broadcasters. They do not belong to the phone companies. They do not belong to the newspapers. Each and every wave belongs to the American people, the American taxpayers. Our airwaves are just as much a national resource as our national parks.

Enter the TV broadcasters. Earlier this year, I blocked their legislative efforts to get

spectrum for free. At my request, Congress is now holding open hearings on reforming our spectrum policies.

Apparently, the democratic process is not good enough for most broadcasters. So TV broadcasters are now running ads and so-called public service announcements, claiming that TV will die without this huge corporate welfare program, this billions and billions of dollars they want to take away from the American taxpayers. Of course, they do not call this giveaway welfare; they call it a tax. Imagine calling a giveaway a tax.

Also, I am aware that some broadcasters have asked Members of Congress to drop by their stations. In the midst of these friendly discussions, the broadcasters say, 'I thought you might want to see the ad we are considering running in your district.'

So much for subtlety.

It seems to me the broadcasters should be happy with the deal they already have. They have been getting free channels for years. In return, they fulfill public interest obligations, such as reporting news and information. Now they want more airwaves for free.

Newspapers also report the news, but Congress has never had to buy them off. It seems to me that giving broadcasters free spectrum is like giving newspapers free paper from our national forests.

Congress has never challenged whether broadcasters should be allowed to keep a channel. Instead, we are simply stating that if broadcasters want more channels, then they are going to pay the taxpayers for them. That does not kill television.

The broadcasters say they cannot afford to buy additional airwaves, which the Congressional Budget Office estimates is worth at least \$12 billion. Last time I checked, the American people

We are trying to balance a budget with tax cuts for families with children, reducing spending, and closing loopholes.

Broadcasters say that if they had to pay for the extra airwaves, it would be the end of so-called free, over-the-air television. The facts speak otherwise. According to the Washington Post, over the last 2 years broadcast deals in the private sector amounted to a whopping \$31.3 billion. That is with a 'b'—billion dollars.

Here is another fact. All TV broadcast licenses in America were originally given away for free, but only 6 percent are still in the hands of the original licensee, the other 94 percent have been bought and sold. My point is that broadcasters have a long history of paying top dollar for existing channels. Somehow they cannot afford any new ones unless the taxpayer picks up the tab.

UNFUNDED MANDATE ON CONSUMERS

Before Congress lets huge moneyed interests get their fingers on this national resource, we must be certain that the American taxpayer is fully protected. The policy broadcasters want will not only force taxpayers to give away valuable airwaves, it will also force consumers to spend hundreds of billions of their own dollars on new equipment which is a point that I think has been overlooked. They have been trying to frighten everybody with television, and to get their way are going to have to have another television or some attachment.

The fact is that federally mandating a transition to digital broadcast will ultimately render all television sets in the country obsolete. You will not be able to use your television set.

Consumers will be forced to buy either new television sets or converter boxes to receive so-called free, over-the-air-broadcasts.

Last year we passed the unfunded mandates law. Perhaps some have forgotten, but that law applies to more than just State and

local governments. It applies to the private sector and most importantly to individuals.

The impact of the broadcasters' plan would be dramatic. There are 222 million television sets in this country. At a Senate Budget Committee hearing last month, the broadcasters testified that the average digital television set's estimated cost is \$1,500, while the less expensive converter box will cost approximately \$500. Replacing every television set in America with a digital one would cost \$333 billion. Using the less expensive converter box would cost \$111 billion. No doubt about it, consumers will not be happy that Congress made this choice for them. That is precisely what we are going to do here unless we wake up and smell something.

The American people should have a say before Congress makes a decision on spectrum. After all, the airwaves are theirs and so are their TV sets. Neither belongs to the broadcasters.

NETWORK COVERAGE

Finally, TV broadcasters have rightly kept a watchful eye on a bloated Government. Whether it was \$600 toilet seats or \$7,000 coffee pots, they have always helped us quickly identify waste. But they have been strangely silent on this issue. In contrast, story after story, and editorial after editorial, protested this giveaway in the print media.

In fact, I have a whole bookful here. In fact, this is loaded with editorials and comments about this giveaway. You do not see it on television.

There have been a few exceptions. I want to be fair. CNN, which is a cable network, has reported on this issue, while CBS made an attempt a month ago. So-called public interest obligations seem to have gone out the window when it is not in the broadcasters' self-interest.

If five Senators took a legitimate trip somewhere overseas to investigate something that might be costing the American people money, that is reported on the evening news as a junket costing thousands and thousands of dollars to the American taxpayers because the Senators were over there trying to see if they were spending too much on foreign aid maybe in Bosnia or maybe somewhere else. That would be news. Maybe it is news. Maybe it should be reported. But when it comes to billion dollar giveaways, to them 'mum' is the word. You never hear about it on television. Dan Rather will not utter a word. Peter Jennings, Tom Brokaw—maybe they do not know about it. But I would say to the American taxpayers and the people with TV sets that somebody had better protect the American public.

I have even had a threatening letter, which I will not put in the file, that if I do not shape up and stop talking about this, this broadcaster is going to get his 700 employees to vote for someone else in November. That is intimidation.

I have no quarrel with the broadcasters. I have always thought they were my friends. But it seems to me that when we are trying to balance the budget and when we are asking everybody to make a sacrifice, then we ought to make certain that we do not give something away worth billions and billions and billions of dollars.

Maybe the broadcasters felt this issue was not newsworthy. But if that is the case, why did the National Association of Broadcasters vote to go on the offensive and launch a multi-million-dollar ad campaign to preserve, as they spin it, free, over-the-air-broadcasting?

I have already indicated it is not going to be free. It is going to cost you \$500 for a converter box or \$1,500 for a new TV set. That is not free.

I did not realize that ad campaigns have replaced the evening news.

CONCLUSION

Mr. President, if the broadcasters have a case to make, Congress is prepared to hear them. We are having fair and open hearings. That is what democracy is all about. It is not about distorting the truth and making thinly veiled threats. The American people know this. And despite what some might think, we are not easily duped.

I hope that fairness will prevail. I do not know what the value should be. But we should find out. Maybe it is \$1. Maybe it is \$1 million. Maybe it is \$50 billion. But I never found anything wrong with having a hearing and asking the people that might be impacted, including the American consumer, to come to testify. I believe many broadcasters understand their responsibility. Maybe there are only a few out there leading this effort to mislead the American public and to walk away with billions of dollars in welfare from the Congress of the United States.

I know this is not a very popular thing to do—to get up and take on TV broadcasters or radio broadcasters because they have a lot of free access to the airwaves. But I believe, if we are serious about the budget and serious about the future, serious about the taxpayers, that it at least ought to be raised.

So I think they are all legitimate. But I think those broadcasters who have not been blinded by greed—and there are a lot of them out there that have not—will help shape the future of television.

Again, I must say that I know it does not get a lot of attention. But there are all kinds of columns here by different people, William Safire and others, page after page, hundreds of pages of stories about this giveaway.

I know the broadcasters are meeting in Las Vegas, and I think it is time to throw the dice and have a hearing. Maybe they can make their case. That is what Congress is all about.

But it seems to me that the President, I think, should have an interest in this. It is not a partisan issue. It is an issue of how we are going to pay the bills, how we are going to balance the budget, and what amount will properly be received in charging for spectrum.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a question?

Mr. DOLE. I am happy to yield.

Mr. MOYNIHAN. Does the leader have in mind to schedule hearings and to ask the administration officials to testify?

Mr. DOLE. In fact, I think we have had one. Senator Pressler, chairman of the Commerce Committee, had 1 day of hearings. There will be another day of hearings, I think, next week to be followed by additional hearings. So there is an effort to have everybody come in and testify and then make a judgment.

I see the Senator from South Dakota is on the floor now. That was part of the agreement on the telecommunications bill—that the bill would go forward, there would be hearings, and Congress would make a judgment for the American people. We are going to have to cough up the money on what we should do.

Mr. MOYNIHAN. I thank the Senator. It is none too soon.

CONGRESS OF THE UNITED STATES

Washington, DC, January 31, 1996.

Hon. REED E. HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, Senator Majority Leader Dole and others have raised legitimate concerns about giving additional spectrum to television broadcasters. As you are aware, these concerns

raise serious policy questions which include providing taxpayers fair compensation for the use of a national resource to the policy implications of giving preference to the broadcasters over all other potential competitors.

We share Senator Dole's determination to protect America's taxpayers, and to satisfactorily resolve this issue. We wish to inform the Commission that it is our intention to conduct open hearings and move legislation to overhaul our nation's policies governing the electromagnetic spectrum. We request that the Commission not issue any initial licenses or construction permits for Advance Television Services until legislation is completed. Furthermore, your input would be greatly appreciated as we work to solve this complicated issue.

We appreciate your cooperation in advance on this issue of the utmost importance.

Sincerely,

TOM BLILEY.
NEWT GINGRICH.
LARRY PRESSLER.
TRENT LOTT.

Mr. MANTON. Mr. Chairman, I move to strike the last word and I rise in opposition to the Frank amendment.

Mr. Chairman, new and advanced technology has made it possible for broadcasters to offer consumers high quality digital television that will eventually replace the current analog mode of broadcasting. Digital or advanced television promises consumers sharper pictures, CD quality sound, and more programming choices. But this transition to digital television will take time. Broadcasters will have to invest in new equipment and consumers will need new digital television sets or converters that will allow their current sets to receive digital signals.

Congress has directed the FCC to allocate to the broadcasters additional spectrum to begin broadcasting advanced television signals while simultaneously continuing to broadcast current analog signals. Once consumers are fully prepared to receive digital television, the broadcasters will be required to return the spectrum they use for analog television. This spectrum will be repackaged and auctioned by the Federal Government.

We should reject the Frank amendment and allow the FCC to complete this proceeding and finalize a plan for the transition to digital television that is based on sound public policy designed to maximize the benefits of technological progress for consumers and the Federal Government.

Mr. Chairman, some proponents of the Frank amendment have argued that an immediate auction of the spectrum that has been set aside for the transition to digital television would yield billions of dollars for deficit reduction. But what these proponents ignore is that such an option would destroy an orderly transition to digital broadcasting, deny millions of Americans the benefits of advanced television services, and raised less money for the Federal Treasury than an auction of repackaged analog spectrum.

Mr. Chairman, sound communications policy, not fiscal policy, should guide the FCC toward the completion of this proceeding. I urge my colleague to reject the Frank amendment. Let's allow the FCC to do its job and proceed with a plan to make certain that all Americans reap the benefits of digital television.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FIELDS of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 52, line 10, after the dollar amount, insert the following: "(increased by \$10,000,000)".

Page 23, line 18, after the dollar amount, insert the following: "(reduced by \$10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentlewoman from Texas [Ms. JACKSON-LEE] will be recognized for 7½ minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 7½ minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment to H.R. 3814 to increase the funding to the National Telecommunications and Information Administration grants programs in the Commerce Department. I would like my fellow colleagues to travel with me on a very brief journey in any order that we might invest in America's future.

As a member of the Committee on Science, I have always said that science is the work of the 21st century. My amendment would increase NTIA by 10 million. These funds will go to NTIA's information infrastructure grants program.

In 1995, out of the 1,800 applications representing over 4,000 organizations, only 117 grants to 47 States and the District of Columbia totaling more than 30.7 million were awarded; 1,800 applications representing over 4,000 organizations, we only got 117 grants.

These grants were matched by more than 60 million in non-Federal funds showing that there is a great interest in the private sector to partnership with the Government.

These grants will allow kids in farming communities and inner cities to bridge the information gap; bring better health care to seniors in their own homes; provide valuable training and new job opportunities to workers in economically depressed areas; and improve public safety by helping to extend emergency telephone service nationwide and much more.

The need for this important program is tremendous. As many communities in the country remain unable to access

advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries and only 9 percent of our classrooms have access to the Internet or advanced information services.

As a member of the telecommunications conference committee, one of the important issues was the access of Internet and telecommunications to our urban centers and, yes, our rural communities. I would hope my colleagues would recognize that we do a great disservice to the work force of the 21st century in not educating our children now and providing the resources for it.

NTIA also brings computer literacy and skills to millions of Americans who would not otherwise have access. This has a direct tie-in to economic development that will pay off by the year 2000, when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

I have an interest in the dissemination of technology throughout our Nation's society. Toward that end I am always exploring avenues on how to best achieve that mission, and NTIA serves us as a very viable vehicle for training our population. Unfortunately the lack of funding has slowed that progress. With 2.5 million classrooms and 50 million grade school students lacking access to this important innovation, it is critical that all avenues be explored to make their technological needs.

Without any rival to its supreme information status today, there are many moves to create access to this new technology for all sectors of our Nation. We must be competitive with our western nations and this entire world.

I am sure Members are aware, just as I am, of the great benefits personal computer technology has afforded modern society. It is an artificial extension of human intellect which has advanced the effectiveness of communication and the quality of information gathering. This technology will be the economic backbone for many communities far into the next century.

Mr. Chairman, it is my belief that we can do no greater contribution or make no greater contribution than the recognition of the valuable importance of technology in the 21st century and that we not leave one soul on the sidelines looking on, not one child from our rural communities, not one child from urban America, not one library, not one school teacher, not one school, not one university.

I ask my colleagues to support this amendment.

Mr. Chairman, I am offering an amendment to H.R. 3814, the Commerce-Justice-State and the Judiciary Appropriations Act for fiscal year 1997, to increase the funding to the National Telecommunications and Information Administration [NTIA], grants programs in the Commerce Department. I would like to invite my fellow colleagues to invest in our Nation's future by supporting this amendment.

My amendment would increase funding to NTIA by \$10 million. These funds will go to NTIA's information infrastructure grants program.

In 1995, out of the 1,800 applications, representing over 4,000 organizations, only 117 grants to 47 States and the District of Columbia totaling more than \$35.7 million were awarded. These grants were matched by more than \$60 million in non-Federal funds. These grants will allow kids in farming communities and inner cities to bridge the information gap; bring better health care to seniors in their own homes; provide valuable training and new job opportunities to workers in economically depressed areas; and improve public safety by helping to extend emergency telephone service nationwide; and much much more.

The need for this important program is tremendous, as many communities in the country remain unable to access advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries, and only 9 percent of our classrooms have access to the Internet or advanced information services.

NTIA also brings computer literacy and skills to millions of Americans who would not otherwise have access. This has a direct tie-in to economic development that will pay off by the year 2000 when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

As a member of the House Committee on Science, I have an interest in the dissemination of technology throughout our Nation's society. Toward that end, I am always exploring avenues on how to best achieve that mission, and I believe that NTIA has proven itself to be up to the task of spreading the information age to many deserving communities across this country.

Unfortunately, the lack of funding has slowed the progression of computer technology into our Nation's schools. With 2.5 million classrooms and 50 million grade school students lacking access to this important innovation it is critical that all avenues be explored to meet their technological needs. Without any rival to its supreme information status to date, there are many moves to create access to this new technology for all sectors of our Nation.

I am sure you are aware, just as I am, of the great benefits personal computer technology has afforded modern society. It is an artificial extension of human intellect which has advanced the effectiveness of communication, and the quality of information gathering. This technology will be the economic backbone for many communities far into the next century.

Let us act today, so that tomorrow we will not have debates on the disparity in life, liberty, and property of the information haves versus the information have nots.

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

Mr. ROGERS. Mr. Chairman, I rise in opposition to the gentleman's amendment and I yield myself such time as I may consume.

Let me say, I understand the gentleman's concerns about rural and underserved areas that they not be left off the information superhighway. I share that concern very deeply because my own district would qualify in that category.

Recognizing the importance of the information infrastructure grants program for rural and underserved areas, we inserted in the bill funding for the program at the 1996 level. We did not cut a penny off the program from its current levels. At a time when most other programs were being slashed in the bill, including most of the commerce programs. We maintained the funding level for this program. This amendment would seek a 47 percent increase for this program at the expense of the Federal prison system and specifically the building of new prisons.

Mr. Chairman, the need for new Federal prisons is clear. The Federal prison system is currently suffering from dangerous overcrowding; currently 23 percent overcrowded systemwide; 43 percent overcrowded at the high security facilities, obviously the most dangerous. By the year 2001, overcrowding at the high security facilities would exceed 50 percent as a result of the growing population of convicted criminals who are increasingly violent and subjected to longer sentences.

□ 1230

We continue on a path of building two new prisons this year at the higher security levels where we most desperately need relief from overcrowding. This amendment would jeopardize that program and seriously threaten the safety and security of the prison system and surrounding communities where people obviously are residing.

The accountability gap still exists at the Federal level. Repeat offenders continue to fill our prisons, and we want to ensure adequate space is available to ensure that these felons are off our streets.

There is no parole at the Federal level, and therefore the need for prison space is absolutely critical.

As much as I support the sentiments of the gentleman's amendment, I have to say to her that I am strongly opposed to it for the reasons I have said. One, we fully fund the information infrastructure grants program; two, the gentleman's amendment would jeopardized the Federal prison building program that we must continue. And so I urge a rejection of this amendment.

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

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

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

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

Mr. GILMAN. Mr. Chairman, I want to commend the gentleman from Texas for her concern about rural educational programs and for refocusing the direction of her amendment from reducing the funding for our international broadcasting system which is so sorely needed.

However, I am impressed by the gentleman's remarks with regard to the

need for doing more in alleviating the overcrowding of our prison system, and I hope the gentleman might find a better way of funding the educational programs that she is so worthily advocating by her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I rise in support of this amendment. It will increase the funding for valuable programs at the National Telecommunications and Information Administration that will help spur the development of an advanced information infrastructure for the Nation.

I particularly commend the gentleman for her effort to provide additional support for a proven NTIA program that is assisting communities throughout the Nation to obtain connections to information networks and to develop and enlarge the uses for public benefits of networks, such as the Internet.

I refer to the NTIA Telecommunications and Information Infrastructure Assistance Program. This is a highly-competitive, merit-based grant program that provides seed money for innovative, practical technology projects throughout the United States. Many projects now in place to connect rural and urban underserved Americans to information networks would never have occurred without the Federal assistance provided by this program.

The NTIA program provides matching grants to nonprofit organizations such as schools, libraries, hospitals, and local governments. The grants are used to fund projects that improve the quality of, and the public access to, education, health care, and government services. The grants are used for a variety of purposes. For example, connections to networks are made possible by assistance with the purchase of computers, video conferencing systems, and network routers.

But in addition to physical network connections, the grants program assists communities in developing effective uses of networks by supporting purchase of software for organizing and processing all kinds of information; training in the use of equipment and software; and purchase of communications services, such as Internet on-line services.

This NTIA grants program has generated enormous enthusiasm and has been a recognized success. Over the 3 years of its existence, it has generated more than 3,600 applications from across the Nation. And because it is a matching grant program, the applications have spawned hundreds of millions of dollars in commitments from local, State, and private sector sources.

The importance of this program is in its potential to bring new opportunities for learning and job creation to residents in isolated areas and in underserved areas of the Nation by

unleashing the power of modern information technologies. Projects have been supported that will improve educational opportunities for children in farming communities and inner cities, will bring improved health care to elderly patients without requiring them to leave their homes, will provide worker training and new job opportunities in economically depressed areas, and will improve public safety by supporting the extension of emergency telephone service throughout the country.

Moreover, by serving as models that can be replicated in similar communities across the United States, projects supported by this program extend their effects far beyond the communities in which they take place, and provide economic and social benefits to the Nation as a whole.

Mr. Chairman, the amendment will strengthen a program that is helping to develop a nationwide, interactive, multimedia information infrastructure that is accessible to all citizens. The program has effectively leveraged Federal resources through partnerships with non-profit organizations in local communities.

The NTIA Telecommunications and Information Infrastructure Assistance Program has proven its value and deserves a higher priority in this appropriations bill. I urge my colleagues to vote yes on this amendment.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Might I inquire of the proponent of the amendment if I have the right to close?

The CHAIRMAN. No. If a member of the committee is controlling time in opposition to the amendment, then he will have the right to close.

Ms. JACKSON-LEE of Texas. Then I will proceed at this time, Mr. Chairman.

Let me try to emphasize very quickly, first of all, we are talking about a \$10 million increase out of a \$395 million budgeting for prisons. I would say that the choices need to be made. We have empty beds available in various States who would welcome Federal prisoners. This does not mean colleagues are soft on crime, but it does mean that they can support the Texas A&M foundation grant that was to design a way of extending information infrastructure into underserved economically disadvantaged neighborhoods.

The grass-roots models will be locally driven and managed, or maybe they will be the Corpus Christi public library that will help them receive the library information network or the Texas children's hospital that helped to ensure medicine in the valley, a sophisticated medicine in the valley in Texas, to rural communities by telemedicine. This is a program that can effectively both save lives and create opportunity for young lives.

I would ask my colleagues to invest in the future and support the increase of \$10 million for the National Telecommunications Information Administration making the right choice.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time, and I shall not take the full time.

We have heard the arguments here. We have plenty of money in this bill for the information infrastructure grant programs for rural areas. I come from a rural area, and as chairman I saw to it there was sufficient funding in this bill for that purpose. We provide the same funding as last year, although we cut most of the other Commerce Department programs.

Second, the gentlewoman's amendment would take the money for the increase that she seeks from the Federal prison building program which we desperately need, and this will put in jeopardy the building of two new prisons in the next fiscal year.

So I urge a strong "no" vote to the gentlewoman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE]. The amendment was rejected.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the House for allowing me to have what I think is a very important debate on this issue. We may never agree, but I do believe that we should certainly have a consensus around the valuable role that technology and the Internet will play in the lives of Americans.

I would offer to this committee and to authorizing committees that we provide a vehicle for the Department of the Census to do a survey that would inquire and determine who amongst us have been left out of access to the superhighway and Internet. I believe that, if we would allow additional funding for the Census Department to determine and survey, that we would have an opportunity to determine the reality of the need.

POINT OF ORDER

Mr. ROGERS. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, I was under the understanding that we are under a set of amendment that are controlled by the rule of the House.

The CHAIRMAN. The gentleman is absolutely correct. The gentlewoman from Texas moved to strike the last word. The Chairman asked if there was objection. When there was no objection, the Chair recognized her for 5 minutes.

Mr. ROGERS. All right. I withdraw the point of order.

The CHAIRMAN. The gentlewoman from Texas will continue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will be concluding.

I had asked to enter into a colloquy with the gentleman from Kentucky [Mr. ROGERS], and I would be happy to do that with him regarding my concern about determining who has been left out of the net of the Internet. My suggestion is that the Department of Census would be an appropriate vehicle in order for us to insure, as I know that the gentleman from Kentucky [Mr. ROGERS] and certainly the gentleman from West Virginia [Mr. MOLLOHAN] would welcome that all of us are involved in the superhighway. This is a proposal that I hope that we will have an opportunity to engage in further discussions and to provide the Bureau of the Census with the resources to gather information on computer use in the United States.

Might I inquire of the time that I have, Mr. Chairman?

The CHAIRMAN. The gentlewoman from Texas has 3½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

The CHAIRMAN. The gentlewoman cannot yield blocks of time when she moves to strike the last word. The gentlewoman from Texas can stand and yield to the gentlewoman, but she cannot allocate a set amount of time to her.

If the gentlewoman wishes to remain standing, she may then yield during her presentation to someone else for the opportunity to make a point.

Ms. JACKSON-LEE of Texas. Mr. Chairman, that is what I am seeking to do; is that appropriate?

The CHAIRMAN. If there is a Member on the floor seeking to have the gentlewoman from Texas yield, that may occur.

Ms. JACKSON-LEE of Texas. I will now, to the gentlewoman from California.

Mr. Chairman, might I provide her with a certain amount of time?

The CHAIRMAN. No, the gentlewoman may not allocate time and then sit down. She may simply yield to the gentlewoman from California on her own time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I really would like to thank the gentlewoman from Texas and to really applaud her on her leadership in this area.

It is very important that I stand before my colleagues to strongly support her amendment and the increased funding for the National Telecommunications and Infrastructure Administration. We know how important this is

for our children, for the growth and the information highway that is much needed for the educational components of our schools. I am in strong support of this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am not sure whether or not the gentleman from Kentucky [Mr. ROGERS] is able to enter into a colloquy, and I will conclude by simply saying that it is important that the access to the superhighway be given to all of our constituents across the Nation.

I am gratified for the support of the gentleman from California [Mr. BROWN] on recognizing as a ranking member of the Committee on Science. I would only offer that we should work to have the right data. I think that, if we allow the Bureau of the Census to do its survey of who has access and who does not, this Congress would be moved to act to provide additional funding to ensure that we train people and as well provide the resources for this kind of technology to go into our rule and as well our urban centers.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 116, after line 2, add the following new section:

SEC. 615. (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

“§ 1311. Continuing appropriations

“(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

“(A) in the corresponding regular appropriations Act for such preceding fiscal year; or

“(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year—

“(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

“(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

“(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

“(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

“(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

“(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year.

“(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

“(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

“(B) the last day of such fiscal year.

“(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

“(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

“(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

“(e) No appropriation is made by this section for a fiscal year for any project or activity for which there is no authorization of appropriations for such fiscal year.

“(f) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

“(g) For purposes of this section, the term ‘regular appropriation bill’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

“(1) Agriculture, rural development, and related agencies programs.

“(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

“(3) The Department of Defense.

“(4) The government of the District of Columbia and other activities chargeable in whole or in part against revenues of the District.

“(5) The Department of Labor, Health and Human Services, and Education, and related agencies.

“(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

“(7) Energy and water development.

“(8) Foreign assistance and related programs.

“(9) The Department of the Interior and related agencies.

“(10) Military construction.

“(11) The Department of Transportation and related agencies.

“(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

Mr. KLECZKA. Mr. Chairman, I rise today in support of the Gekas amendment.

Mr. Chairman, only seven legislative work weeks are left until our October 4 target adjournment date. Significant appropriations work remains, and the specter of Government shutdown and rancorous, time-consuming debate over CR's has raised its head. The country cannot afford another drawn-out debate on funding levels while Government offices gather cobwebs.

During the two Federal Government shutdowns this past winter, constituents found out the hard way what Washington gridlock means. They couldn't get passports or some veterans benefits or even get questions answered about Social Security and many other services on which they depend. At the same time, the cost to the taxpayers of lost productivity was enormous.

In my State, the government does not shut down over budget wrangling. Instead, Wisconsin has in place a common-sense plan which maintains government operations while the budget goes through the legislative process. I have introduced legislation which would set this Wisconsin plan into Federal law.

This Gekas amendment is similar to my bill, H.R. 2965, the Keep Government Open Act, which would prevent a Federal shut down from occurring by establishing an automatic continuing resolution. Although my bill—like the Wisconsin plan—maintains current Government funding unchanged from last year's levels, while Mr. Gekas' plan is somewhat more complex, the essential concepts are the same.

With this proposal—like H.R. 2965—we can permanently avert Government shutdown crises and debilitating CR fights. Removing the pressure and rhetoric that build as part of the appropriations process would allow us to focus on substance and good public policy. I commend the gentleman from Pennsylvania and urge a “yea” vote on this amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part, “no amendment to a general appropriation bill shall be in order if changing existing law.”

□ 1245

Mr. Chairman, on the face of it, the amendment proposes to make permanent changes to chapter 13 of title XXXI of the U.S. Code and therefore it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman has raised a point of order. Does any Member wish to be heard on the point of order?

Mr. GEKAS. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized on the point of order.

Mr. GEKAS. Mr. Chairman, for a long while now, almost every term since 1988 or 1989, I have introduced a bill which would constitute instant replay of last year's budget if no budget has been enacted by September 30. This legislation, this main legislation about which we are talking, would cause no problem for appropriators because their figures, if lower than last year's budget, would go into effect both in the House or in the Senate version of those appropriations. Thus, we would have the best of all worlds.

On September 30 if no budget has been enacted, the next day there will be an instant replay of last year's numbers or the current House numbers or the current Senate numbers, whichever is lowest. Thus, the appropriators can go along their merry way in doing their job without being hampered by the fact that instant replay would occur.

Mr. Chairman, here is where the parliamentary battle ensues. This bill of mine, to which I refer, was referred to the Committee on Appropriations. That makes it part and parcel of what the gentleman from Kentucky [Mr. ROGERS] is attempting to do here with the appropriation bills under his control. It means that it does not vary from the concept of appropriations, nor from the duty and right of the appropriators to go about their business in the current legislation. It is an appropriation bill, properly referred to the Committee on Appropriations.

Further, Mr. Chairman, this legislation does not violate any of the appropriations or any of the legislative policy contained in the current legislation. It merely serves to continue existing appropriations at lower figures. Therefore, it does not in any way affect or appropriate monies. All it does is continue existing appropriations.

Mr. Chairman, it is a method which will serve to end Government shutdowns forever. We will never have another shutdown of Government if this legislation is adopted. If on September 30 we do not have a budget, the next day a new budget comes into play mirroring last year's budget, or the lowest figures that are extant to that day. At the end of a CR, a continuing resolution, the same thing would happen.

If the Congress enacts a CR and the President signs it for, say, 3 weeks, at the end of that 3-week period, again, instant replay would occur the following day after the expiration of that CR on the same basis, of the lowest figures.

This means that on the point of order, that an appropriation bill that does not change the policy of the appropriators and enhances their ability to be triumphant in their figures should be accorded the right of continuing as an amendment to this legislation.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Kentucky [Mr. ROGERS] makes a point of order that the amendment offered by the gentleman from Pennsylvania violates clause 2 of rule 21 by legislating on a general appropriation bill.

The gentleman from Pennsylvania previously offered this amendment on July 17, 1996. The Chair sustained a point of order against the amendment at that time, as the Chair will again today. However, in so doing, the Chair would point out that the gentleman's invocation on that prior occasion of the "works in progress exception" as a defense to the point of order against his amendment was inapposite. That principle is a defense to a point of order against an unauthorized appropriation rather than to legislating on an appropriation bill.

For the reasons stated on July 17, 1996, the point of order is sustained and the amendment is not in order.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. Mr. Chairman, of what significance is it that the legislation was referred to the Committee on Appropriations, the original bill which now this amendment reflects?

The CHAIRMAN. The fact that legislation is separately within the jurisdiction of the Committee on Appropriations does not necessarily make it appropriate for this general appropriation bill at this time.

Mr. GEKAS. I thank the Chair.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. GANSKE

Mr. GANSKE. Mr. Chairman, pursuant to the unanimous-consent agreement this morning, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GANSKE: Page 116, after line 2, insert the following new section:

SEC. 615. (a) LIMITATION ON USE OF FUNDS TO ISSUE CERTAIN PATENTS.—None of the funds made available in this Act may be used by the Patent and Trademark Office to issue a patent when it is made known to the Federal official having authority to obligate or expend such funds that the patent is for any invention or discovery of a technique, method, or process for performing a surgical procedure (defined as a treatment for curing or preventing disease, injury, illness, disorder, or deformity by operative methods, in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means), performing a medical procedure (defined as a nonsurgical, nondiagnostic procedure for curing or preventing a disease, injury, illness, disorder, or deformity), or making a medical diagnosis (defined as the identification of a

medical condition or a disease or disorder of a body).

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to the issuance of a patent when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the patent is for a machine, manufacture, or composition of matter, or improvement thereof, that is itself patentable subject matter, and the technique, method, or process referred to in subsection (a) is performed by or is a necessary component of the machine, manufacture, or composition of matter; or

(2) the patent is for a new use of a composition of matter or biotechnological process.

The CHAIRMAN. Pursuant to the agreement of Tuesday, July 23, 1996, the gentleman from Iowa [Mr. GANSKE] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GANSKE].

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

Mr. Chairman, imagine if someone held a patent on taking a patient's temperature by placing a thermometer under the tongue, and charged a royalty of \$1 each time this was done. Imagine somebody downstairs in the House dining room choking on a piece of steak and the person who uses the Heimlich maneuver on the victim receives a bill from Dr. Heimlich for using this procedure.

For more than a century the Patent Office refused to grant patents on methods of treating the sick but did start issuing these patents in the 1950's. In recent years patent holders have started enforcing these patents either by excluding others from using the procedure or charging a licensing fee. The Patent Office now estimates it issues more than 100 medical procedure patents per month.

My amendment borrows from and improves the Medical Procedure Innovation and Affordability Act, which has over 130 House cosponsors. This amendment would prohibit the Patent Office from using funds appropriated in this bill to issue these types of patents. These patents are causing real problems.

Dartmouth Medical School recently spent 3 years and nearly \$500,000 in legal fees defending its right to perform cataract operations, because a surgeon patented cataract operations and was seeking up to \$10,000 in royalties per clinic eye surgeon.

If these procedure patents and their attempted enforcement continue, health care costs are going to skyrocket. More importantly, owners of patented procedures with control can use them and potentially limit the widespread availability of critical medical advances.

I trained in surgery with Dr. Joseph Murray of Boston who did the world's first successful kidney transplant. Dr. Murray did not run out and get a patent on kidney transplants. He would have thought this was against a fundamental tenet of medical ethics that

admonishes the physician to teach and share freely medical advances for the benefit of mankind.

I am offering this amendment to protect patients, not physicians. If anything, this bill is in direct conflict with physicians' financial interests. After all, it is doctors who are most likely to benefit financially from obtaining and enforcing medical procedure patents.

Further, it is not physicians who would ultimately bear the cost of patent royalties. It is patients and others, such as local and Federal governments and insurers, who pay for health care. Ultimately, it is the consumer who would pay in the form of higher taxes, more premiums, so a few physicians could enrich themselves.

Physicians do not need incentives provided by patent law as a stimulus to innovation. Just look at the medical journals and Members will note there is no shortage of innovation and research going on. Physicians should not get windfall profits at the expense of patients.

I would encourage possible opponents of this bill to carefully examine the language of this amendment. The amendment specifies: All presently patentable new drugs will remain patentable; all presently patentable machinery and devices for treating and diagnosing disease will remain patentable; all presently patentable biological products will remain patentable; all presently patentable new uses for nonpatentable drugs and biological products will remain patentable. I even added an additional exception for biotechnological process to make absolutely clear that this amendment does not, let me repeat, does not prohibit patents on gene therapy or other similar procedures.

I urge Members' support for these five reasons:

No. 1, patient access to new surgical and medical procedures is being threatened by medical patents;

No. 2, medical patents permit patent owners to charge monopoly prices and contribute to our Nation's health care costs;

No. 3, physicians have an obligation to share their knowledge and skills for the benefit of humanity;

No. 4, medical patents are not necessary for the advancement of medicine. Did Oxner, the Mayo brothers, Lahey, or DeBakey need patents to advance medical knowledge?

And No. 5, 80 countries around the world, including most of Europe, expressly prohibit medical patents. The United States is virtually alone in the world in granting monopoly rights to these procedures.

Mr. Chairman, as a physician for 20 years, I can tell the Members first hand that the Patent Office is ill-equipped to evaluate the novelty of medical procedures. As long as patents on medical procedures continue, there will be a chilling effect on the free exchange of medical advances.

If these procedure patents proliferate and are enforced, the patent laws will

have the opposite effect of what they were designed for. We will see fewer, not more, new medical advances for the benefit of citizens.

Please vote for this amendment. Where would surgery be today if Louis Pasteur had sought a patent on the 15-minute scrub?

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

The CHAIRMAN. Does any Member seek recognition in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS] for 10 minutes.

Mr. ROGERS. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment, and I do so on a procedural basis. Mr. Chairman, there is a reason why there is a rule of this House that precludes an appropriating committee from authorizing during an appropriating bill. The reason for that is this type of an amendment. This is a very complicated issue that needs to have hearings and to work its way through the authorizing process of this body.

Here we are on an appropriations bill, almost out of the clear blue, having to decide or vote on an issue that is extremely complicated about which I am not aware of any hearings. I have no factual basis upon which to make my own judgment about whether or not this is a good idea. It very well may be. But it needs to go through the process.

Mr. Chairman, this is a policy issue, and should be decided through the authorization process, not this quick process, that is, the appropriations process. The Committee on the Judiciary of the House, the authorizing committee, is, I understand, studying the issue. It has already held hearings on the gentleman's legislation.

The gentleman is really attempting to bypass the authorization process by tacking this legislation onto this appropriations bill. The chairman of the authorization committee and the ranking member of the authorization subcommittee as well as the administration, all oppose the Ganske amendment on the appropriations bill.

I do not think it would be wise for the House to rush forward on such a very significant policy issue without proper study, discussion, and going through the regular channels. This is not the proper forum to address such a complicated and important policy issue. We need to let the authorizers do their job, and they have told me that.

As an appropriations subcommittee chairman, I know there is one rule, unspoken almost, around here. When an authorizing committee chairman tells you, do not authorize in your appropriations bill on my subject, you do not do it. So I am standing here as the subcommittee appropriation chairman, with the authorization chairman sitting beside me saying do not let this happen, and I am having to stand here and say no.

So I oppose the amendment for those reasons, although the gentleman from Iowa [Mr. GANSKE] has brought up a very important subject that needs to be addressed by the authorization committee, as is being done. I commend him for that.

Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], chairman of the subcommittee on the Committee on the Judiciary with this subject matter in his jurisdiction.

Mr. MOORHEAD. Mr. Chairman, I rise in reluctant opposition to this amendment. The subject matter of this amendment is patent law and it is based on an earlier legislative proposal, H.R. 1127. Both the subject matter of patents and H.R. 1127 are within the jurisdiction of the Judiciary Committee. The effect of this amendment is to strip the Judiciary Committee of its jurisdiction over this issue by attempting to legislate on this appropriations bill. For this reason alone this amendment should be rejected.

In addition, the Judiciary Subcommittee on Courts and Intellectual Property, which I chair, held a hearing on H.R. 1127, the legislation on which this amendment is based. During that hearing, a representative of the Patent and Trademark Office suggested that the PTO may well be able to address the issues raised by the legislation by modifying their internal, administrative procedures. I subsequently wrote to the Commissioner of Patents and Trademarks and requested that the PTO hold hearings on this issue.

Pursuant to my request the PTO conducted a public hearing on issues related to patenting of medical procedures. Interested parties were given the opportunity to comment and offer suggestions for improvements. The PTO is now analyzing these comments and preparing to address the problems which are identified. There is a very good chance that this problem may be solved administratively for which the gentleman from Iowa should take full credit. I believe that this is the appropriate response and accordingly urge the rejection of this amendment.

I should state that this amendment is opposed by the U.S. Department of Commerce, the American Intellectual Property Law Association, the Intellectual Property Owners, the Biotechnology Industry Organization, the American Bar Association, and the Pharmaceutical Research and Manufacturers of America.

I believe that a reasonable problem has been pointed out by the gentleman from Iowa, and I believe that it is important to find out the best way that we can solve it, but I do not think it should be done on an appropriation bill with short notice.

□ 1300

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentlewoman from Colorado.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I rise to agree with what the gentleman had to say.

Mr. Chairman, I tell this body that the gentleman from California is being very humble. He has worked very hard on this issue, and so has the Department of Commerce. We have a letter. Everything is moving. I hope we can move forward and put this to bed.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

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

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from Iowa [Mr. GANSKE] for yielding me this time.

Mr. Chairman, I suppose if I were an experienced legislator this would seem complex, but since I am just a dentist who has practiced for the last 30 years, it seems sort of simple. What we are basically asking this body to do, and I urge Members to do this with every bone in my body, is pass this amendment for the American people. What we have here is a simple problem that simply needs to be corrected. What is right is right and what is wrong is wrong. All of my adult life I have been taught that as a health care provider, I should be very willing to share any knowledge I have on behalf of the patient. I know not to do that is not just unethical but it is immoral. What we are trying to do is to correct a problem in this country before it gets out of proportion and harms the very people who are providing care because there will be so much confusion, but most importantly because it harms the patient.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I likewise rise in opposition to this amendment and echo the sentiments expressed by a number of speakers. This simply is not the appropriate bill. This is not the appropriate forum to decide this issue. In response to the last speaker, whether it is a simple issue or a complex issue, I do not know whether that is really the point. The fact is, it is a very controversial issue and should best be decided by the authorizing committee. I am advised—and again because this is an appropriations committee, not an authorizing committee and we do not get into these things in substance like this—that there are very serious concerns raised by representatives of the biotech industry and other areas in industry about the effect that this amendment could have on the incentives which our system now has for innovative new research procedures.

In any event, all of those issues are for consideration by an authorizing committee, and because controversy does surround it, I think that is the better forum.

Mr. GANSKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa [Mr. GANSKE].

Mr. Chairman, as I was watching the debate on TV and came over from my office, I know that we have heard from a number of different outside industry groups that in fact this amendment takes care of some of the concerns that they have. There is an exception here in this bill that is labeled as such, and there is an exception for the patient when there is a new use of a composition of matter or biotechnological process. It is unfortunate that the Committee on the Judiciary has not moved on this. This is an important issue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to my friend that while there is an exemption that has been created for the composition of matter, the truth of the matter is that that still does not, for instance, provide the necessary scientific protections for companies that do not fall under that specific exemption.

There are, for instance, new advancements in Hodgkin's disease using fetal matter from pigs that would fall outside of this language.

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

Mr. UPTON. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, the example that my colleague from Massachusetts is citing is exempted. It is the new use of a compositional material. It is specifically excluded in the amendment.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would like my friend from Massachusetts to respond to the question that the gentleman from Iowa [Mr. GANSKE] raised in his opening statement about the Heimlich maneuver. Does the gentleman think that that should be patented and get a bill for that? That is one of the things that this goes against.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield further, the gentleman from Iowa and I have had discussions about this. I am in favor of the general thrust of his legislation. I just think it is flawed in a manner that we ought to try to fix.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in strong opposition to the Ganske amendment. Regardless of the merits of what he is trying to achieve, I feel very strongly that the language is far too broad. The broad implications of the language threaten to invalidate up to one-third of all the biotech patents

in the United States. When we see some of the tremendous potential for research in the development of new gene therapies through biotechnology that hold the promise of finding cures to many of the diseases we face such as cystic fibrosis, AIDS as well as Alzheimer's, we cannot put in place an impediment that restricts the investment and research which can hold the promise to cures to these. Unfortunately I feel that the way that the Ganske amendment is drafted, it will provide that disincentive for investment in this emerging field which will not serve the interests of the people and the interests of the health of people of this country.

Mr. GANSKE. Mr. Chairman, I make an inquiry as to how much time remains in debate.

The CHAIRMAN pro tempore (Mr. SOLOMON). The gentleman from Iowa [Mr. GANSKE] has 2½ minutes remaining, and the gentleman from Kentucky [Mr. ROGERS] has 2 minutes remaining.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

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

Mr. COBURN. Mr. Chairman, I think this debate goes back down to one of the core issues in our country, whether a physician, no matter what particular oath they took, whether or not they are going to follow that oath, nowhere should a medical procedure get in the way of offering care to any other patient. I think most people will agree with that.

If this bill is flawed in any way, that can be corrected. But the intent of this bill and the necessity of this bill demand that we pass this today. There are people who are not receiving the benefit of the skills of providers and health providers who have dedicated their life because of patent infringement attempts. So I would beg my colleagues to look, to support the healing professionals by allowing them to do what they have committed their lives to do, which is to offer care, not limited by someone's greed or someone's selfishness.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to thank the chairman of the full committee for the excellent efforts that he is making thus far in this legislation. I also want to compliment Mr. GANSKE on the attempts that he is making to try to fix a problem. The trouble is that the solution that he has created is just far too broad.

I agree with the previous speaker that we ought not to be trying to deny anyone reasonable health care, we ought not to be allowing patents for certain medical procedures. But the truth is that the way this amendment is written, it would incorporate vast areas of the biotechnology field and

companies that are coming up with innovative and creative solutions.

I think that if the gentleman were willing to work with us in a fashion that ended up providing protections against the procedures that he is concerned about without incorporating, at the same time, the gutting of the ability of these biotechnology companies to be able to move forward on their advancements, that we in fact could come together with a reasonable amendment that everybody in this Chamber would be happy to support, and I would look forward to working with the gentleman to accomplish such a task.

Mr. GANSKE. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. WELDON].

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of the Ganske amendment. I commend the gentleman from Iowa for bringing this issue forward.

I know that many breakthroughs that have helped many of my patients in the past could possibly not have accrued to their benefit if doctors were out there patenting procedures. I think it is wrong for them to be doing that. I wholeheartedly commend the gentleman.

The CHAIRMAN pro tempore. The Chair would observe that there is 1 minute remaining on each side. The gentleman from Kentucky [Mr. ROGERS] has the right to close.

Mr. GANSKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would point out that the list of cosponsors of the original bill that this is based on, that is, modified off the original medical patents bill, includes such colleagues as Chairman ARCHER, DEFAZIO, DELAY, FRANK, HYDE, KASICH, and WAXMAN.

Let me answer a few of the criticisms and go back over again. Let me repeat, the amendment is narrowly drawn. It prevents procedure patents, things like surgeons being able to do an appendectomy or surgeons being able to do a cataract operation. Can my colleagues just imagine looking in the Yellow Pages and having to look up which surgeon has the franchise to do an appendectomy?

This bill specifically says, all presently patentable new drugs will remain patentable, all presently patentable machinery and devices for treating and diagnosing disease will remain patentable, all presently patentable biologic products will remain patentable, all presently patentable new uses of non-patentable drugs and biologic products will remain patentable.

This takes care of the criticism. We have moved this forward now because we have not had cooperation from the industry.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, many people, and there is no disagreement in this Chamber that the substance of what the gentleman from Iowa [Mr. GANSKE] is trying to do makes a lot of sense, but as has been pointed out by a number of colleagues, and I will reiterate and focus in on it, there are clearly cases where the language of this amendment is broader than the intent. It will absolutely include certain biotechnology therapies that were under development that already exist. Whether we like it or not, the companies that do this invest sometimes tens and even hundreds of millions of dollars. If they cannot be provided with a patent for that protection, they just will not develop those lifesaving drugs.

I urge the defeat of the Ganske amendment.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] is recognized for 30 seconds.

Mr. ROGERS. Mr. Chairman, the debate here has demonstrated what I just said. This is too complicated for us to deal with in an appropriations bill times 10. We have biotechnology involved, doctors' rights, medicine, and technical advice in every aspect.

The gentleman from Iowa [Mr. GANSKE] has succeeded, I think, in big measure here by bringing this matter to our attention. The chairman of the authorizing subcommittee says, "Don't pass this on an appropriations bill; give us a chance to have our hearings, which we are doing." I urge a "no" vote on this amendment.

Ms. ESHOO. Mr. Chairman, I rise in reluctant opposition to the amendment by Dr. GANSKE.

I believe he is raising an extremely important issue and I support the intent of his amendment to disallow the issuance of patents for medical procedures such as kidney transplants. However, this is a complicated issue that deserves greater consideration than 10 minutes of debate on an appropriations bill.

It is my understanding that the Judiciary Committee is currently reviewing the issue of patents for medical procedures. That is the correct forum for this debate.

Hearings should be held. Testimony should be taken and the subcommittee and full committee should have the opportunity to mark up legislation. A bill should be brought to the House for consideration only after these steps have been taken.

Lastly, greater care needs to be taken to ensure that medical advances in the field of biotechnology are not adversely affected by this legislation. The biotechnology industry is one of our country's greatest resources. We need to tread lightly in areas that could stifle the potential of this industry, because of the benefits it can bring to the health and welfare of the American people.

I commend Dr. GANSKE for bringing this issue forward and hope that we will have the opportunity to work together in the future to develop bipartisan legislation that addresses the need to prevent medical procedure patents.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to first of all thank Mr.

GANSKE for his willingness to work with me and my staff in making some improvements to the text of this amendment. The gentleman from Iowa has been very responsive to the concerns I have raised regarding the unintended harmful consequences the amendment would have on the biotechnology industry. And although we have made significant progress in the past 2 days, I must still rise in opposition to this amendment.

I agree with the underlying fundamental goal of this amendment: to limit the liability of physicians who use patented medical procedures—in order to improve the lives and health of their patients—from being sued for royalty fees or, even worse, be threatened with an injunction against using the procedures. This goal could be achieved by placing a limitation on enforcement of these patents or by giving blanket immunity to physicians who may use these procedures. If this were done, I think we would all be on the same page.

However, the approach this amendment takes is to ban all medical procedure patents first, and then creates two somewhat vague exceptions. Only if a patent falls within these two exceptions can it be issued. This is a failed approach. It has been likened to cutting one's fingernails with a chainsaw.

I am troubled by this approach first of all because this would be establishing a dangerous precedent by making drastic changes in patent law, to be considered for the first time on the House floor during debate on an appropriations bill. But more importantly, I oppose this amendment because the two exceptions that would continue to allow the issuance of medical patent procedures would not cover all situations where innovative science and research in the biotechnology field creates new medical therapies that have the potential of curing costly, deadly diseases.

Securing a patent for the use of medical drugs, therapies, and diagnosis of disease is absolutely crucial for the biotechnology industry. Without patents, biotechnology companies cannot secure the capital investments needed to spawn the research to bring these uses to market. This amendment jeopardizes the innovation of the biotechnological industry and should therefore be soundly defeated.

I urge my colleagues to reject the Ganske amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the Ganske amendment.

A very similar measure introduced by the gentleman from Iowa was the subject of a lengthy hearing before the Intellectual Property Subcommittee. It became very clear during that hearing that this measure does not, as the gentleman undoubtedly intends, create a narrow solution for a narrow problem. This amendment raises extremely complex issues relating to patent law. And in fact, this amendment unintentionally jeopardizes whole categories of biomedical research.

We have no business legislating radical changes in U.S. patent law on an appropriations bill. This amendment effectively strips the Judiciary Committee of its jurisdiction over this issue. But this is not just a jurisdictional quibble. This amendment represents very bad intellectual property law, and I urge my colleagues to reject it.

We are not only bypassing the Judiciary Committee with this amendment, but we are also engaging in a very hasty process that does not bode well for developing good policy.

I want to point out that we just saw the most recent draft of this amendment late yesterday afternoon. This revision, I am sure, is intended to address the concerns raised about biomedical research, but the biotechnology research community continues to raise objections about the impact of this bill on medical devices or diagnostics and on patents for medical therapy or medical procedures. This amendment affects literally billions of dollars in research on deadly diseases, and it cannot be written hastily or without extremely careful consideration of its impact.

I also want to point out that our hearing on this issue established that the problems identified by the medical profession relating to patents on medical and surgical procedures can be solved by the U.S. Patent and Trademark Office through steps that are less drastic than excluding these inventions from patent protection and eliminating the incentives to invest in beneficial and cost-effective new medical and surgical procedures. In fact, the Patent Office has already conducted a public hearing in order to devise these steps.

Are you willing to tell the women of this country that you took away the financial incentive for promising research relating to metastatic breast cancer? The patent system has worked well to provide incentives for private investment in biotechnology research. Don't undermine those incentives with this hastily crafted amendment.

I urge a "no" vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa [Mr. GANSKE].

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

Mr. GANSKE. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Iowa [Mr. GANSKE] will be postponed.

The point of no quorum is considered withdrawn.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to strike the last word to enter into a colloquy with the chairman of the committee.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. Mr. Chairman, I along with many of my colleagues on both sides of the aisle are very troubled about the reductions in funding provided in this bill for the Maritime Administration which will adversely affect the six State maritime academies located in New York, California, Texas, Michigan, Massachusetts, and Maine. The administration requested \$9.3 million for the academies which represents level funding since 1989. A Federal contribution of \$9.3 million represents a small fraction of the academies' funding.

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In fact, even though 89 percent of their funding comes from student tui-

tion and State support, the State maritime academies produce 75 percent of our Nation's licensed Merchant Marine officers, the young men and women who enter the maritime industry and who activate the ready reserve force in national emergencies requiring sealift.

Without a doubt, assisting the State schools to train Merchant Marines is a cost-efficient way to produce the U.S. crews we need for our national security. A portion of the funds derived from the sale or disposal of ships in the National Defense Reserve Fleet are intended to be used for training and other expenses at the State maritime academies.

However, the reality is that no ships have been scrapped from the NDRF for more than 2 years because of legal disputes relating to certain hazardous materials on some of these ships. Because this dispute has made it virtually impossible to sell NDRF vessels in foreign countries, an intended source of funding is unavailable to the States' academies.

I must also add, Mr. Chairman, even if two academy ships were to be funded under the Department of Defense's ready reserve force, it would in no way compensate for the budget cuts in this bill.

Can the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee provide us some assurance that if NDRF ships continue to be ineligible for scrapping, he will work with the Senate to ensure that the Maritime Administration has the flexibility it needs to provide adequate funding for the State academies?

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I have heard from several of our colleagues on both sides of the aisle who are concerned about funding for the State maritime academies. As the gentleman knows, there are 65 ships ready to scrap and if a way could be worked out to allow these ships to be scrapped, the State maritime academies would be the beneficiaries of 25 percent of the proceeds.

In addition, if the Maritime Administrator's request is agreed to, with respect to the ready reserve force, there would be just three ships to support under this account. But as we move into conference with the Senate on this bill and we receive additional clarification about the availability of these and other resources for the State academies, I will work with the gentleman and with the other Members concerned on this issue to try to address their concerns and to see what we can work out with the Senate on this important issue.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky [Mr. ROGERS] very much. His assistance and leadership on these issues is greatly appreciated.

Mr. TORKILDSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Massachusetts.

Mr. TORKILDSEN. Mr. Chairman, I rise to express serious concern over the funding levels for maritime academies contained in this bill. It is essential that maritime academies are level-funded at \$9.3 million in order to effectively carry out their mission.

This is a very modest investment by the Federal Government for schools that produce 75 percent of our Nation's merchant marine officers. Additionally, these academies are an essential component to preserving our Nation's national security by manning our Defense Sealift Contingency Force and maintaining vessels in our ready Reserve fleet.

One of these academies is the Massachusetts Maritime Academy. Serving the tristate area of Massachusetts, Connecticut, and Rhode Island, Massachusetts Maritime Academy produces more U.S. Navy admirals than any other college or university outside of Annapolis. Currently, the proud and honorable Commander in Chief of the U.S. Atlantic Fleet, Adm. William J. Flanagan, Jr., class of 1964, is a distinguished alumnus.

Additionally, the Massachusetts Maritime Academy is home port to the training vessel, *Patriot State*, a 20,000-horsepower, 547-foot steamship, which prepares our young men and women for a distinguished career in this Nation's merchant marine. The *Patriot State* is a ready Reserve vessel as designed by MARAD. The Federal Government contributes to the operation of the *Patriot State*. If this Nation's maritime academies are not level-funded, the *Patriot State* will not be fueled and ready for our Reserve fleet.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. LOWEY] has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, I continue to yield to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, in both appreciation for the gentlewoman yielding and my colleague for California, I will be very brief.

State maritime academies like Massachusetts Maritime operate their ready Reserve ships at one-third of that expended by the Federal Government to maintain similar vessels in a like readiness status. These academies provide a high return on the small Federal investment. Graduates of the six State maritime academies all secure employment within 3 months of graduation. This is a record we should be proud of.

Mr. Chairman, I urge the Chair to work with the other body and the conference committee to level-fund this Nation's maritime academies. This is an investment in our future and our security.

Mr. CUNNINGHAM. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I am not going to rehash all that. I am going to say, I rise in support of the gentlewoman from New York and the words of the gentleman from Massachusetts [Mr. TORKILDSEN]. It does not matter if the maritime academy is in California, Massachusetts, or where, they provide a valuable resource.

I would also ask the Chairman when they look at scrapping these U.S. ships that they give preference to U.S. shipyards. Quite often there is a problem with older ships having asbestos, and so on, and they decline to do that. I think that would be in our best interest.

Mr. SHAW. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. SHAW. Mr. Chairman, the colloquy that I wish to engage the chairman in involves the NOAA issue affecting Florida and the Nation.

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

Mr. SHAW. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would be pleased to engage in a colloquy with the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Reclaiming my time, I would like to commend the chairman for the work of his subcommittee to ensure that needed resources are being dedicated to understanding the El Nino phenomenon, how we can improve our predictive capabilities, and understanding the full implications of these near- and mid-term climactic events on precious agriculture and vulnerable areas. Your committee report includes language that provides that some of the funding increases provided in the Climate and Global Change Program is intended to expand the International Research Institute program to include regional application centers.

Mr. ROGERS. If the gentleman would continue to yield, the gentleman is correct. The bill includes an overall increase for the Climate and Global Change Program, which is intended to be used to expand both the El Nino research program and the Health of the Atmosphere Program.

Mr. SHAW. Mr. Chairman, it is my understanding that this language is intended to refer to the regional application centers being developed now as a statewide consortium among Florida's top four research universities, which have developed some unique technology for regional modeling and predictive work in this regard. Is my understanding correct?

Mr. ROGERS. The gentleman is correct. The committee intends that NOAA make El Nino research a priority and use some of the funds within this account to expand the program to

include regional application centers, like the proposal that the gentleman has mentioned and has been endorsed by the Florida delegation.

Mr. SHAW. Mr. Chairman, the gentleman has been extremely thoughtful and very supportive. I thank the gentleman. The work on El Nino, like the proposal from the Florida consortium, is a high priority for NOAA, your committee, and the entire Florida congressional delegation. I am encouraged by your support of statements today and the intent of the committee.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer amendment No. 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 116, after line 2, insert the following new section:

SEC. 615. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

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

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

Mr. Chairman, as one of my favorite presidents observed, well, here we go again. This is the 1.9 percent across-the-board reduction.

Just to set the stage again so Members understand how this amendment came about, we were rightly criticized by some of our friends on the other side of the aisle when we passed the joint budget resolution conference committee report, in which we increased discretionary spending by about \$4.1 billion more than the House-passed version of this budget resolution.

Passing a balanced budget, ultimately balancing the people's books, is not some mean-spirited, green eye-shaded accounting exercise. It really is about preserving the American dream for our children. Balancing the budget is not something that we do next year or we do 2 years from now or we do 3 years from now or 6 years from now. It is what we do every day on every appropriation bill that makes the difference, and that is why in good faith I am offering this amendment.

This is not some slap at the Committee on Appropriations or our own leadership. I think the gentleman from Kentucky [Mr. ROGERS] has done an excellent job with his appropriations subcommittee. I think all the appropriations subcommittees have done an excellent job. But we are going to increase discretionary spending in this cycle by about \$4.1 billion more than

the House originally agreed to. And the way we can recover that \$4.1 billion is by offering a 1.9 percent reduction across-the-board on all the remaining appropriation bills.

So to the gentleman from Kentucky [Mr. ROGERS] and others, I just want to say that I think you have done a good job, but I think this is a perfecting amendment to help the House recover its fumble. I would hope that Members would join me in support of this amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

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

Mr. Chairman, this amendment would reduce every discretionary appropriation in this bill by 1.9 percent. It has been offered on at least five prior appropriations bills and has been defeated on all of them. I would hope we would keep the string alive.

This amendment would undermine the very initiatives we are trying to achieve in the bill. In the Department of Justice, it would undo the very things we are trying to do. One, in the Drug Enforcement Administration, we have increased funding to \$1.03 billion, \$167 million above last year, \$20 million over the President's request, including a \$75 million source country interdiction initiative and a \$56 million Southwest border initiative where 70 percent of our drugs come into the country and goes to our teenagers. This amendment would remove the increase over the President and hurt the efforts to rekindle the war on drugs which this administration, I think, has allowed to dwindle.

In the Immigration and Naturalization Service, the war on illegal aliens, the war to control the border, the bill provides \$2.2 billion, \$443 million over last year, \$30 million over the President's request, and 1,100 new Border Patrol agents. Everyone says we desperately need them. This amendment would reduce the appropriation by \$41 million, and take it below what the President requested of the Congress. The amendment would reduce the FBI by \$52 million.

This bill, Mr. Chairman, the very thrust of this bill is to control the borders, control crime, control drugs, and control teenage violence. This amendment does damage to those four initiatives. That is the reason I oppose it. It would reduce State and local law enforcement by \$71 million, including the Byrne grants, which goes to local communities, as we all know, to help them fight crime in their communities and the local law enforcement block grant, a new program that Congress initiated to help local communities fight crime as they see it. It would reduce COPS

and the truth in sentencing State prison grants to help States build the prisons and keep their prisoners in jail 85 percent of their sentence.

In other areas of the bill where we have already taken reductions to make room for the increases in law enforcement, the additional percentage reductions would be very problematic. In the State Department, it would take an additional \$84 million, which is double the reduction we have already taken in the bill for the State Department. Out of USIA, it would take an additional \$20 million, with nowhere to take it except reductions in force and reductions in Voice of America, Radio Free Europe, Radio Marti, and Radio Free Asia.

In the Commerce Department, it would take an additional \$68 million out of NOAA and the Census and the International Trade Administration, all of which we have tried to prioritize as important for the Nation. In the Small Business Administration, a \$2.5 million reduction would be had by this amendment, which translates into \$125 million less in small business loans.

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Overall, this amendment undermines the initiatives we have tried to undertake in law enforcement, in the war on crime and drugs, and gaining control of our borders.

In addition, it imposes much larger reductions in areas where we have already taken reductions, with serious impacts on our ability to carry on diplomacy and to carry out necessary functions like the census and our trade enforcement functions.

As a result, I would hope the body would reject this amendment, and I ask my colleagues to do just that.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

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

Mr. COBURN. Mr. Chairman, we have just heard the gentleman from Kentucky speak of the reductions that would be brought forward. What I would ask those who are listening to this debate today is to consider the following: Wherever we work, whatever we do, could we not, through efficiency and better planning and good insight, reduce the costs of what we are doing or increase the efficiency with which we do it, or save 2 percent of the amount of time that it takes us to do it? Could we not do that?

The trouble is, inside Washington we do not believe that that is possible. The real fact is that we can save a whole lot more than 1.9 percent. Outside of Washington, DC, outside of the thought process that goes on here, in everyday America, people are doing that very thing.

This is not a cynical attempt to make a point. The fact is, the largess

of our Federal bureaucracy is killing our future. The Republican Congress made a commitment to this country. They fumbled the ball. They have now decided to spend \$4.1 billion more than what they promised just 9 months ago to spend. This is getting back part of it. It is two pennies. It is two pennies for the future of our children.

It is not to say that the appropriation committees do not do a good job, but the fact is, the very people that are going to receive this money can do a better job. They be more efficient. They can accomplish more with less if, in fact, we will just tell them to do it.

I would ask our Members to support this amendment, not for us but for the commitment that we have made to the future, for our children and for our grandchildren.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment.

I want to begin by expressing appreciation to the gentleman from Minnesota, the author of the amendment, for his compliments to the chairman and to the committee in trying to go through this and be discerning about how we treat all of the respective accounts.

I want to assure the body that the chairman, the distinguished gentleman from Kentucky, has certainly provided leadership in doing that. As a matter of fact, he, myself, the staff, every member of the committee have spent hours going over this bill in a very discerning sort of way, choosing between accounts, making judgments, making value judgments about programs and trying to come up within our allocation with the very best funding scheme that we could. It has certainly been consciously done.

The problem I have with the gentleman's amendment is that it is not particularly careful. It is not discerning. In one sense only, it is not conscious; that is, we do not consider every account carefully. That is not the way to treat an appropriations bill, particularly at a time of shrinking resources when the pie is smaller. We need to approach these very carefully.

With regard to the distinguished gentleman from Oklahoma, who asked the question, can we not take a certain percentage out of any bill? Can we not take a certain percentage out of our own accounts or our business? I would say no to him, because I question the underlying premise. The underlying premise to that question is these accounts are adequately funded to begin with, and we can squeeze more out of them.

I want to assure him these accounts are not adequately funded. We could use more money for crime fighting in this Nation, and this committee has

tried to give every penny to crime fighting we can at the expense of the other accounts in the bill. Consequently, the other accounts in the bill are all shortchanged. No, we do not have additional money in this bill, because the accounts are not now adequately funded.

So, for all those reasons, Mr. Chairman, I join my chairman in opposing the amendment and would ask that the body oppose this nondiscriminating amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, it strikes me that to properly control crime we first have to control spending. To properly control our borders, I think we first have to control spending. If we do not, a child born into America today will one day pay an 82 percent tax rate just to keep our government solvent.

What I want to focus on, instead of the facts and figures that I think we all know, though, is the human side of this cost. We are talking about \$466 million. We are talking about a 1.9 percent cut that we argue we cannot make in Washington.

I would argue that we can and we must because, if we take for instance the small town that I grew up in, Dale, SC, that had just a few hundred folks living in it, it would take them working and then paying taxes for the next 800 years simply to make up this 1.9 percent. Or if we went back into my district near Charleston, it would take 155,000 people paying taxes for 1 year to equal the 1.9 percent for the \$466 million that we are talking about.

Those may not be real numbers in Washington, but they are very real numbers over 1 year or 800 years of sweat and toil back home in South Carolina. For that reason I would urge adoption of this amendment.

Mr. ROGERS. Mr. Chairman, may I ask the times remaining and who has the right to close?

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has 3½ minutes remaining, and the gentleman from Minnesota [Mr. GUTKNECHT] has 4½ minutes remaining.

The chairman of the committee has the right to close and protect the committee position.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, once again I rise in support of an amendment to eliminate 1.9 percent of the spending in an appropriations bill; 1.9 percent.

Around here, that is decimal dust. But it is not back home.

It is not decimal dust to the taxpayers back in Indiana who are sick

and tired of having their government in Washington, DC, spend more than it takes in revenue.

We can talk about reducing the deficit—and we have—we have even taken some good steps in that direction.

But guess what?

The people of southwest Indiana are tired of talk. They want more action.

They want more action for the sake of our children, who are the ones who are really stuck with paying off America's debt. 1.9 percent.

I would imagine that the Americans watching this debate in their homes wonder why we are speaking so passionately about this amendment.

I would imagine that Americans watching this debate are thinking, surely this will pass.

Many are probably thinking that instead of 1.9 percent it ought to be 19 percent.

I should say to those folks watching this debate that the sad reality is that we have offered this amendment to most of the appropriation bills and it has failed every time; 1.9 percent.

It is a sad day for our children when we cannot even support a simple 1.9 percent across-the-board reduction.

I urge a yes vote on this amendment for ourselves and for our children.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think I cannot say anything that would add or detract from what the gentleman from Indiana [Mr. HOSTETTLER] just said.

This debate is simply about 1.9 percent of discretionary spending on this bill. This bill increases spending over last year over \$1 billion. We are talking about reducing that increase by \$466 million.

This debate again is not about 1.9 percent, it is about keeping the faith and keeping our word to our children. This is really about whether or not we have the courage to do the difficult things.

As my colleague said earlier, this is about whether different programs are adequately funded, and certainly that is true. But there is no limit to how much money we can spend on all of these very valuable programs. We can go through this debate on each and every bill, and we can make an argument for spending in every single category.

I am not saying the money is being wasted, but what I am saying is if we continue to pile debt upon debt on our children, sooner or later they are going to reach a point at which they cannot exist. They cannot make their house payments. We are denying them the quality of life, the standard of living that we have enjoyed.

If we forget everything I say, remember this: Every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. And the tragedy is every year that line is moving further west.

When are we going to draw the line? When are we going to say enough is

enough? Because realistically, ladies and gentleman, if we cannot cut \$4.1 billion in extra spending this year, then how in the world can we face our children and say but we will cut \$47 billion in just 3 years.

I admire what the appropriations committees have done. I admire what the chairman has done. I admire what this subcommittee has done. But the truth of the matter is we are not doing what we said we were going to do. We are allowing spending to go up. I am offering the body a chance to recover that fumble.

I would hope that we could finally, once said for all, get a majority vote on this important amendment.

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

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to commend the gentleman for his efforts at cutting spending and saving money, but on this particular bill we are talking about cutting, with his amendment, things like the fight on crime. We will be cutting the Drug Enforcement Administration. We will be cutting the Marshals Service. We will be cutting courts. We will be cutting the fight against violence by children and violence against women. All of the things that I think in a bipartisan way in this body, we are united to try to fight, this amendment would cut.

It may be appropriate in other portions of the Government, it is not appropriate in cutting the crime-fighting agencies of the Government.

It would also cut the Border Patrol. It would do damage to the Nation's effort to control our borders, to fight crime by teenagers, to fight violence against women. It would cut the funding to each of our States for moneys to help them build prisons to house State prisoners.

I would urge the Members to reject the amendment on this bill. As the gentleman has said, this subcommittee has done a great job, in my opinion, on allocating scarce resources. We are not profligate spenders on this subcommittee. No one is going to say, I do not believe, that the law enforcement agencies of the Nation's Government are overfunded.

Certainly I hope the Members will reject this amendment and keep intact the Nation's fight against crime, against drugs, controlling our border and fighting violence against women and by children. Reject the amendment. Vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on

the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUTCHINSON: Page 116, after line 2, insert the following:

SEC. . Of the funds in this Act appropriated for a municipal or county jail, State or Federal prison, or other similar facility for the confinement of individuals in connection with crime or criminal proceedings, not more than 90 percent of the funds otherwise authorized to be made available to any such municipal or county jail, State or Federal prison, or other similar facility, may be made available when it is made known to the Federal official having authority to obligate or expend such funds that the authorities of such jail, prison, or other facility have not reported to the Attorney General each death of any individual who dies in custody in that jail, prison, or facility, and the circumstances that surround that death.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Arkansas [Mr. HUTCHINSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HUTCHINSON].

□ 1345

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

I want to commend and thank the gentleman from Virginia [Mr. SCOTT] for his leadership on this issue and his bipartisan efforts on this amendment.

This reporting of deaths in custody requirement passed the House last year during the Contract With America. It passed with bipartisan support by a voice vote. At that time both the chairman and the ranking member of the Subcommittee on Crime spoke in strong support of the reporting of deaths.

This amendment will ensure a measure of accountability on the part of law enforcement officials by requiring them to report deaths that occur while in custody. It requires municipal or county jails, State or Federal prisons who receive funds under this bill to report to the Attorney General the deaths of those who die in their facilities.

Today no one counts how many people die in jail cells and lockups across the country. This amendment will send a cautionary message about accountability and I believe it will save lives.

It is estimated that each year in this country over 1,000 men and women die while in prison, jail or police custody. An exhaustive investigative reporting piece in the Asbury Park Press in New Jersey revealed that while most of these deaths are listed as suicides, many are, quote, tainted with racial overtones, good-ole-boy conspiracies and coverups or investigative incompetence.

By requiring a report to a central source, the Attorney General, we will have an accurate account of how numerous these deaths are and what circumstances surround them. In supporting this amendment, we are supporting accountability of reporting of those 1,000 deaths which occur each year in jails and lockups across this country. I urge an "aye" vote on this amendment.

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

Mr. HUTCHINSON. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON], and commend him for it. I urge an "aye" vote.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The gentleman from Arkansas, Mr. HUTCHINSON, has 3 minutes remaining.

Mr. HUTCHINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I am pleased to join my good friend from Arkansas in supporting this amendment.

This amendment simply requires that deaths which occur in State and local jails and prisons be reported to the U.S. Attorney General. A similar measure was adopted by the House on a voice vote without opposition during the consideration of the 1995 crime bill.

Dating back to my experience as a State legislator, Mr. Chairman, I have been concerned that there is no system of counting the deaths that occur in the custody of law enforcement officials. As detailed in the exhaustive year long investigative report last year by the Asbury Press in New Jersey, many of those deaths occur under suspicious circumstances. They estimated that about 1,000 of such deaths occur each year. These reports will allow us to get a handle on the nature and extent of how serious a problem it may be. We just do not know.

Some suggested this may be an unreasonable burden. But if any jurisdiction in America has so many deaths in custody that reporting all of them would be a burden, then this amendment is even more necessary.

I would hope that we would adopt the amendment, and I thank the gentleman from Arkansas for introducing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. NORTON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amount provided in this Act for "Equal Employment Opportunity Commission—Salaries and Expenses" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by \$13,000,000 and 0.06 percent, respectively.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of Tuesday, July 23, 1996, the gentlewoman from the District of Columbia [Ms. NORTON] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

I am back again with an amendment that has a very different offset which I hope this body will now pass. I am back with a bipartisan amendment for a small increase in EEOC funding. My bipartisan sponsor is the gentleman from Oklahoma, Mr. J.C. WATTS. Mr. WATTS had intended to sponsor this bill with me but at the time the offset on the bill kept him from doing so.

I used that offset on the bill because it was my understanding that there was no way in which the prisons that are now under construction could be finished in time. The good chairman of the committee indicated that he had already taken that into account and that, therefore, somehow not even this very small amount of money, \$13 million, could be extracted from the delay in prison construction.

I am back with another idea, a .06 reduction across the board in this appropriation. It is so small but that it is hard to envision what amount of money that would be, but what it would do would be very great and very large.

Mr. Chairman, we are divided in this House on what the remedy is for discrimination. We are not divided on the proposition that there must be remedy for discrimination.

This bill is not about whether there will be a remedy, for that is the one thing that I think we could get a 100-percent vote. This is not a vote about affirmative action. This is not a vote about set-asides. This is not a vote about goals and timetables. This is a vote about whether a person should be able to walk into an office, file a complaint, and get a timely remedy.

This is a civil rights vote that comes very cheap this year in a Congress that has paid almost no attention to civil rights. It comes cheaper than it should. The President wanted \$35 million. The Watts-Norton amendment asks only for \$13 million.

Why are we making such a large point about such a small increase? Because we hope to make a large difference in whether or not offices will be opened or closed. In the 100,000-case backlog, that is the backlog I found when I came to the EEOC. We got rid of it. Why is it there again? Because there has not been the money. Even the alternative dispute resolution system, which I think is the way to handle dis-

crimination cases, individual cases should be settled and that should be the end of it, that is the system that allowed me to get rid of the backlog, even that system will be delayed for want of this small amount of money.

I ask my colleagues to understand where the pressures are coming from. The half of the population that is female has discovered the EEOC. It is the sex discrimination cases that are driving the agency. Yes, the agency has a black face, and we are proud of that because black people went into the streets to get an antidiscrimination agency. It has a black face but it has a female engine today. The cases are about sex discrimination. That is the fastest growing group of cases.

We looked into this matter when the Mitsubishi case hit the front pages, and we found that there were obscene photos in the plant and physical assaults in the plant, and that Mitsubishi had called meetings of its employees where they said when such complaints are filed, people might stop buying cars and, therefore, they could lose their jobs, retaliation under the law if ever I have heard of it.

Then we asked EEOC, are you prosecuting this case, are you trying to settle this case? Do you have the money to do so? And we got the astonishing answer that in real terms the budget of this agency has not been increased since, as Chairman Casellas says, since Delegate NORTON was chairman. My friends, that was more than 15 years ago.

Then there were 3,390 people at the EEOC. Now there are 2,813 people, and I did not have any Americans With Disabilities Act. I did not have a 1991 Civil Rights Act that now has been entirely rewritten and therefore has to be reworked at the administrative level. I, in fact, wrote the sexual harassment guidelines, but I did not have thousands of sexual harassment cases because the consciousness was not then what it is now.

The chairman deserves credit for not cutting the EEOC, and he is right that he has cut some other agencies. But by leaving EEOC at level funding for 1995, 1996, and 1997, a very large cut has in fact occurred because expenses have gone up at an extraordinary rate. The case level has gone up at an extraordinary rate and there is simply not the money to do it. They already have a furlough day. They will have much more.

They must take every case that comes before them under the law. But the law does not say that they must indeed provide a remedy or provide fair dealing for every case that comes before them, because they can only do what they have the capacity to do, and they do not have the capacity to do the work they are mandated to do under the law today.

These cases will bury the agency. We have done almost nothing about civil rights. This is the way to stand up in America and say, look, there is too

much racial division, there is too much division of every kind in this country. But there is no division on the proposition that this is a country that stands for the right to file a complaint, leave it to the objective process and live with the resolution. We must make that objective process functional. I ask Members to support this amendment.

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

The CHAIRMAN. Is there a Member who seeks to control time in opposition to the amendment?

Mr. ROGERS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

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

Mr. Chairman, as I said yesterday, the EEOC is handling the case load, the backlog, in a very efficient way. They are beginning to reduce that backlog, not as much as we would all like to see, but nevertheless the backlog is being reduced.

We kept the EEOC at level funding this year while we were cutting most of the other agencies over which we have jurisdiction except the law enforcement agencies. But we held them harmless from cuts so that they could continue to make progress in working off that backlog, and they have made progress this year. We commend them for that.

My problem with the gentlewoman's amendment is that it takes money from, as I have said before, the law enforcement functions that we are funding in this bill primarily. There would be moneys taken by this amendment from the war on drugs. We would see a reduction in the funding of the Drug Enforcement Administration.

We would see reductions in the funding for the Nation's attempts to control its border. We could see a cut in the Immigration and Naturalization Service and the numbers of Border Patrol agents that we can put on the border. We would see a reduction in the FBI funding which is waging the war on crime and of course terrorism.

We would see a reduction in the level of State and local law enforcement funding for those who are fighting crime, both drugs, youth and all other crime, in our communities and neighborhoods.

We would be cutting moneys from the Federal judiciary. We all know that they are swamped with cases and their funding levels are nowhere near where they need to be, even with the small increase in this bill.

So those are some of the places where the money for this amendment would have to come from. We are very reluctant to agree to that, even though I think most of us realize the need for more money in the EEOC whenever we can find it.

We did provide the level funding. We did not cut them from last year. So I would hope that the Members would stay with us on this and reject this

amendment, even as they rejected the one yesterday.

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

Ms. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. WATTS].

□ 1400

Mr. WATTS of Oklahoma. Mr. Chairman, I appreciate the Delegate from the District of Columbia, her effort on this amendment, and I want to say to the gentleman from Kentucky [Mr. ROGERS], I feel like I owe him an apology because we tried to get an amendment yesterday to add more money to EEOC; however, we were not in agreement on how the additional funding or where the money should come from.

I was not in support of taking it out of the Federal prison system, but the Equal Employment Opportunity Commission was born out of the civil rights movement of 1964 and opened its doors in 1965. At that time, the caseload was sparse and attorneys would handle maybe 10, 15 cases each, and now the caseload has grown, and there is a need to assist this Commission even further.

But like I said, however, I thought that penalizing the Federal prison system, which is what the amendment that was proposed yesterday did, this amendment would take a small amount out of discretionary spending, and I believe that is a small price to pay for equal justice.

So, Mr. Chairman, I urge a "yes" vote on this amendment, and I do appreciate the Chairman allowing us at this late hour to bring forth this amendment.

Mr. ROGERS. Mr. Chairman, I have a substitute amendment being prepared. I ask unanimous consent that I be allowed to offer a substitute amendment.

The CHAIRMAN. Under the order of the House of yesterday, July 23, only the author of the amendment can ask unanimous consent to modify her own amendment. No other Member can offer an amendment; it would not be in order.

She would have to ask, in this case, unanimous consent to modify her amendment.

Ms. NORTON. I ask unanimous consent to offer a—

The CHAIRMAN. Actually, the Chair was incorrect. It is to modify the amendment, not to substitute.

Mr. ROGERS. The gentlewoman, I think under the rules of the House, would be allowed to modify the amendment that she has pending in the nature of a substitute; is that correct?

The CHAIRMAN. She cannot offer a separate substitute; she can modify her own amendment only by unanimous consent. In order for that to occur, the Clerk would need to read a copy of the amendment.

Mr. ROGERS. So is the gentlewoman seeking to modify her pending amendment with the language that she is sending to the desk?

Ms. NORTON. I am.

Would my colleagues like me to read this language, or shall I send it to the desk to be read?

The CHAIRMAN. A copy must be submitted to the Clerk so that the Clerk can report the modification.

Perhaps the gentleman from Kentucky [Mr. ROGERS] could yield some time while we get this all worked out.

The gentleman from Kentucky is recognized for the purpose of yielding time.

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

What the gentlewoman and I have discussed, Mr. Chairman, along with the gentleman from Oklahoma [Mr. WATTS], is finding a place to find some more money for the EEOC, although not as much as the gentlewoman would originally seek in her amendment.

What the modified amendment will do would be to take \$8 million from another account within the bill so as to increase the funding level for the EEOC by some \$7 million.

I have discussed not only with the gentlewoman and with the gentleman, who is also very interested in this, but also the ranking member of the subcommittee, the gentleman from West Virginia [Mr. MOLLOHAN], and we are all in agreement.

So I would hope that we could support the gentlewoman's modified amendment.

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

The CHAIRMAN. Would the gentlewoman from the District of Columbia renew her request for unanimous consent to modify her amendment?

MODIFICATION TO AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I ask unanimous consent to modify my amendment in the terms that we have just heard from the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Ms. NORTON. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amount provided in this Act for "Equal Employment Opportunity Commission—Salaries and Expenses" is increased by \$1,000,000. The amount provided for Small Business Administration, Disaster Loan Program Account for administrative expenses is reduced by \$8,000,000.

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from the District of Columbia?

There was no objection.

The CHAIRMAN. The amendment is now modified.

Does any Member seek to yield time?

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

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

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just really want this time to express

appreciation to the gentleman from Kentucky [Mr. ROGERS] for being responsive to this request. There have been a number of efforts on the floor to increase this account, and they have been really in good faith, they have worked extremely hard, and I think this is a fine result, and I know everybody is appreciative to the gentleman from Kentucky for his understanding with regard to this matter.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. ROGERS. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Let me join in the chorus of thanking the gentleman. He was a gentleman last night, and he has been a wonderful gentleman today. I think this is a very, very essential add-on, and I thank the gentleman from Kentucky [Mr. ROGERS] for understanding the tremendous additional workload that these people have had.

So I thank the gentleman, and I thank the gentleman from the District of Columbia.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I am not only grateful but proud to stand with the gentleman and with the ranking member as well, and especially in this bipartisan exchange, to stand with my good friend from Oklahoma, Mr. WATTS, who sought me out and indicated that if indeed the offset had been different, he had very much wanted to support this matter with me.

I do believe that this is precisely the kind of bipartisanship on precisely the kind of issue we need more of in this country, and I am very proud and pleased to be associated with everybody in the Chamber.

Mr. WATTS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, I too want to add my commendations. I appreciate, at this late hour the gentleman was not even aware of this amendment, and as Delegate NORTON mentioned, I asked her to offer this amendment, and we talked about it and brought it forth, and I appreciate the gentleman's assistance to us in this effort, especially at such a late hour.

Mr. ROGERS. Mr. Chairman, in concluding, let me thank the Members who have spoken for their nice compliments, but the gentleman from Oklahoma [Mr. WATTS] makes a very strong case. He puts a strong arm on a person, as well as the gentleman from the District of Columbia [Ms. NORTON], and of course our colleague on the subcommittee and ranking member, the gentleman from West Virginia [Mr. MOLLOHAN].

We are all of one mind on this, and we had of course the amendments yesterday which sought also to increase, but we were able to find a modest in-

crease instead of the one sought, and we were able to find a place where I think we can take money from another account without harming that other account or, certainly, the war on crime, drugs, or control of our borders.

So I congratulate the parties for hard work and making a very strong case, and with that, I am prepared to yield back, hoping we can get to a final conclusion.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from the District of Columbia [Ms. NORTON].

The amendment, as modified, was agreed to.

Mr. KLUG. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. KLUG. I will not take that long, Mr. Chairman.

Speaking to the gentleman from Kentucky [Mr. ROGERS], chairman of the committee, last year I offered an amendment to the 1996 Commerce, Justice, State and Judiciary Appropriations Act, which prohibited NOAA from using funds provided to undertake a fleet modernization program. NOAA fleet modernization would cost more than \$1 billion according to the General Accounting Office. Private firms are more than capable of supplying NOAA with the data they need for charting and mapping. The university national oceanographic laboratory system has a fleet that is currently capable of doing NOAA's research. Bearing this in mind, I would like to ask the gentleman if my language prohibiting NOAA from implementing a fleet modernization program is indeed included in H.R. 3814.

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

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman's language is, in fact, included in the bill under title VI.

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COLLINS of Georgia: Page 116, after line 2, insert the following:

SEC. 615. None of the funds made available by this Act may be obligated or expended to administer Federal Prison Industries except when it is made known to the Federal official having authority to obligate or expend such funds that Federal Prison Industries—

(1) considers 20 percent of the Federal market for a new product produced by Federal Prison Industries after the date of the enact-

ment of this Act as being a reasonable share of total purchases of such product by Federal departments and agencies; and

(2) uses, when describing in any report or study a specific product produced by Federal Prison Industries—

(A) the 7-digit classification for the product in the Standard Industrial Classification (SIC) Code published by the Office of Management and Budget (or if there is no 7-digit code classification for a product, the 5-digit code classification); and

(B) the 13-digit National Stock Number assigned to such product under the Federal Stock Classification System (including group, part number, and section), as determined by the General Services Administration.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Georgia [Mr. COLLINS] and a Member opposed will each control 7½ minutes.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself 3 of those 7½ minutes.

Mr. Chairman, this amendment deals with the Federal prison industries. What is the Federal prison industries? The FPI, also known as UNICOR, is a Government-owned corporation with a board of directors created to provide employment and rehabilitation for convicts. The program, which had over \$450 million in sales in 1995, projected by GAO to have sales of \$1.2 billion by the year 2000, provides manufacturing jobs for convicts who in return are paid a wage for their work.

In addition, the law guarantees this prison manufacturing corporation a captured consumer base because it requires all Government agencies to give first priority to FPI over all private sector manufacturers.

What does the Collins-Hoekstra amendment do? This amendment simply states that in order for the FPI to use the \$3 million for administrative expenses authorized, and I repeat authorized, in this appropriations bill, not appropriated since the corporation is self-sustaining, the agency must comply with the original intent of Congress. The original statute clearly required assurance that FPI not dominate more than a reasonable share of the market for a specific product.

The FPI has failed to restrict a dominance to a reasonable share of markets. As a result the FPI is eliminating small business jobs all over the country for hard-working, law-abiding, tax-paying citizens.

Has there been a hearing on this problem? Yes. The Committee on Small Business recently held a hearing on this very issue. The chief operating officer of the FPI testified that the agency has indeed violated the reasonable share and specific product provisions of the current law. The FPI is dominating many markets for manufactured goods by lumping together product identification numbers and establishing a false impact study which underreports FIP's true share of market and fails to reflect the resulting damage inflicted upon small business.

This amendment will ensure that FPI does not dominate more than a reasonable share of the market for new products, new products. This amendment will clarify that the reasonable share is equal to 20 percent of the market share of a specific product as distinguished by an assigned identification number.

This amendment grandfathers current contracts held by FPI. Therefore, not one contract, not one Federal job, not one convict job will be lost due to this amendment. By requiring FPI to comply with the original intent of Congress, we will save small business jobs for law-abiding, hard-working family breadwinners, at least for the next year, covered by this appropriations bill.

In addition, we will continue to provide work and rehabilitation for convicts. This will provide the authorizing committee the opportunity to study the problem and will be a fair and generous solution for all.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I reluctantly rise in opposition to the gentleman's amendment due primarily to the strong opposition of the chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. MCCOLLUM] whose authorization committee has oversight of the Federal prison industries program.

Here is another instance, Mr. Chairman, where I have a chairman of the appropriate authorizing subcommittee saying to me, "Do not put authorization language in your appropriations bill." I do not know the merits particularly of the gentleman's proposal, but I am objecting on procedural grounds, primarily because the authorization committee wants this considered in this subcommittee, not in an appropriations bill.

Mr. MCCOLLUM has asked that I raise his concerns with regard to this amendment because he is detained at this moment in an important hearing in his subcommittee and simply cannot get away.

□ 1415

I am speaker more or less in place of the gentleman from Florida [Mr. MCCOLLUM].

Mr. Chairman, the gentleman's amendment, as I understand it, seeks to ensure that the Federal Prison Industries consider 20 percent of the Federal market for new products that they produce as the reasonable share and, thus, the limit of the market they shall obtain. As the gentleman knows, the Federal Government is the only consumer of products that the Federal Prison Industries produces.

According to the authorization committee, the amendment would have the following impact:

One, it would effectively prevent Federal Prison Industries from even bidding for a significant number of Government contracts by severely narrowing the definition of "new product";

Two, it would undermine the statutory process passed by Congress to decide what products the Federal Prison Industries sells to the Federal Government and in what amounts;

And three, it would drastically limit any growth of Federal Prison Industries. It would severely limit Federal Prison Industries from giving work skills and real job experience to the overwhelming majority of inmates incarcerated in the future.

In addition, the Bureau of Prisons is opposed to this legislation being added to the appropriations bill. They believe the changes to Federal Prison Industries requirements should be completely vented and hearings held and dealt with in the full authorization context.

I also understand the authorization committee plans to begin extensive hearings on the future of Federal Prison Industries after the August break. I am told that the chairman of that committee, the gentleman from Florida [Mr. MCCOLLUM], has agreed to consider this proposal as part of a planned overhaul of the entire Federal prison industry system.

While I understand that the gentleman may not agree with the impact of his legislation that the authorization committee is asserting, I believe that this disagreement and lack of true understanding of the impact is cause to object to this language on an appropriations bill. This is another complicated issue, Mr. Chairman, that we could debate the impact of, but once again, this is not the process that we do that.

There is a reason why there is a rule of the House saying legislation shall not be placed on an appropriations bill, authorizing legislation, because we need to have hearings and study and think and have all input from all angles in a sustained period of time, not in a 10-minute burst of time on an appropriations bill where we do not simply understand the impact of what we may be doing. It deserves the attention of the authorization committee, and the chairman of that committee has asked that the process be respected, that we not legislate on this bill will a matter subject to his jurisdiction.

For that reason, Mr. Chairman, although I highly respect the gentleman and his amendment, I have to urge a "no" vote on his amendment.

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

Mr. COLLINS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding time to me, and for working so hard at making this amendment possible.

Mr. Chairman, let us clarify again what we are doing here. We are talking about limiting Federal Prison Industries [FPI], and going after new products in new markets. This does not affect the markets or products they are currently producing. This amendment

is very limited in its scope, and based on the performance of FPI it should be much broader. It is only a small step at reining in FPI's aggressive and arrogant zeal for new products and new business in new markets to employ increased levels of Federal inmates, and every time they do this they are doing it at the expense of small businesses and medium-size businesses and American workers around this country.

They have abused their privileges. They have abused their position in this marketplace where they have super preference. What super preference means is that the Federal Government can only buy from FPI. FPI has to provide a waiver to the Federal Government before they buy from the private sector or before the Federal Government decides to buy from a blind or handicapped rehabilitative agency. They have abused this privilege.

This is a shot across their bow that says no more, no more in new products. As the gentleman from Florida [Mr. MCCOLLUM] goes through the process of having the extensive hearings, then we can go back and take a look at the abuses they put in place over the last number of years. Specifically, in my district, they have decided that a reasonable number is that they should grow office furniture sales by \$60 million. That shows that they will unemploy about 350 workers, potentially, in my district.

Mr. Chairman, it is time to rein them in. This is a reasonable amendment until we can have more and complete hearings.

Mr. ROGERS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to compliment him and the ranking member for the excellent job they are doing on this legislation.

Mr. Chairman, I am opposed to this amendment and I want to tell the Members why. This amendment would impose heavier restrictions on the Federal Prison Industries, it would eliminate up to 7,000 inmate jobs. I have looked at this program and I have looked at the implications of this amendment. It would actually threaten also thousands of private sector jobs.

There are basically three reasons, in analyzing this amendment, why I would be opposed to it. One, it allows the private sector suppliers who rely on its businesses to create thousands of jobs at the present time. The private sector jobs in this amendment would be destroyed. It is the only program that requires prisoners to give something back to society they have harmed. It is the only program that truly allows prisoners to develop the work ethic and skills necessary for them to become productive members.

We have done a lot here in this Congress to try to attack this issue of crime which is so prevalent in society today. What we have to do is when the prisoners come back, these inmates

come back to society, they have to be able to do useful work. That is the purpose of this program. Prisoners who graduate from the program have a lower recidivism rate than those who do not. It only stands to reason.

Also, it allows prisoners to earn some income which can be used to pay court-ordered fines, victim restitution, and child support. All of this is accomplished without the use of a single taxpayer dollar.

Mr. Chairman, this Congress, more than any other recent Congress, has taken tough stands against criminals. Without FPI, all talk of putting criminals to work would become meaningless. There would be no outlet for the products of their labor. Words, I think, should be backed up by deeds. We have had a lot of words here in the Congress, that we are going to fight crime and pass various legislation.

That is why I am opposed to this bill, because I think it is going to harm not only society but it is going to impede the rehabilitation of our prisoners, which I think is so important, especially in today's society.

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe the gentleman who just spoke to the original amendment that was offered, because this amendment does not affect any existing jobs that are now held or that are used to produce products by FPI, he was referring to the previous amendment, not this one. I know he misspoke only because of not having knowledge of the current amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. HILLEARY. Mr. Chairman, I rise in strong support of this important amendment. The conduct of the Federal Prison Industries, or FPI, is of grave concern to many small apparel manufacturers in my district back in Tennessee.

FPI has continued to expand production with very little regard for small businesses and the people they employ. Because of its super preferences, FPI is able to take contracts away from private industry which otherwise would be able to bid on them. This obviously means a loss of jobs to law-abiding citizens and threatens the very existence of many small businesses.

Throughout history, contractors from the private sector have responded to the Government's need for apparel and other products. In times of war or other natural emergencies, these contractors have provided the military and other Federal agencies products they needed to protect our national interests. Moreover, FPI uses their Government preference to take work away from many industries which are besieged by low-cost industries, imports, and stiff competition, even in their own domestic market.

I fully understand and agree with the idea of work for prisoners, but Mr. Chairman, I respectfully submit this is not the way to do it. Mr. Chairman, I strongly support this amendment and urge my colleagues to do so also.

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just sum this up by saying that there is not a Member of this Congress that I know of who is not strongly in favor of working prisoners, inmates. We feel like they should work. I probably am one of the strongest that there was in the State legislature of Georgia supporting work on behalf of those who have committed wrong.

But also I am very interested and concerned about private sector small business jobs. The FPI has encroached considerably on a number of small businesses. They have violated what the intent of Congress was by lumping specific product numbers together so they could present a false impact statement as to how their new product or the product on the market they were entering was going to affect a particular small business. This is wrong.

We should not be doing anything in this Congress that would harm the job or harm the business of small business and the private sector who are hiring employees, law-abiding citizens, taxpayers, breadwinners, people who go to work every day to support their families, even though we all support strong and hard ethic and work rules for prisoners.

Mr. Chairman, I urge the amendment to support small business, support private sector jobs, and support this amendment.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, let me just quickly say I rise in opposition to the amendment, for a lot of the good reasons that the chairman of the subcommittee cited.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime of the Committee on the Judiciary.

The CHAIRMAN. The gentleman from Florida is recognized for 1 minute.

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

Mr. Chairman, I would like to emphasize my opposition to this amendment. The reason I am opposed to this is not because I want to negatively affect the business community of America or the jobs of anybody, but because prison industries are crucial for this Nation.

This amendment would limit any growth of Federal Prison Industries. In effect, it would be preventing the Federal Prison Industries, our Federal prison system, from giving work skills

and real job experience to prisoners. It is as simple as that. The limits are too severe. It is not that we do not want to constrain to some degree, but this particular amendment unfortunately limits it far too severely.

If we are going to have the ability to find a way to get the proper restraints on this system I would be happy to support it, but today this one is far too restrictive, and I urge a "no" vote in unequivocal terms to this amendment. Otherwise, we simply will not be able to do the job, with the increasing growth of numbers of Federal prisoners, and we have huge numbers coming into our system. We will not be able to put them into work in meaningful jobs if this amendment is adopted.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of the Collins amendment. While I have some concerns about the language of the amendment, I believe the FPI problem is one that must be addressed by Congress.

My congressional district contains private sector industries in all four of the product categories which form the bulk of FPI's production: furniture, apparel, textiles, and electronics. FPI's production in the first two of these categories has increased dramatically over the years, in many cases violating FPI's own guidelines in securing market share far above what Congress intended. Sales of dorm and quarters furniture, for example, increased by 138 percent between 1991 and 1993, without triggering Board review as mandated by law. This is accomplished, at least in part, by arbitrary changes in market share definitions by FPI.

I have tried for 5 years to work with FPI to come to some accommodation on these issues, and they have consistently delayed and evaded my efforts. I do not wish to cripple FPI, because I believe the task they face of training and employing prisoners is an important one. But I strongly believe this can and must be accomplished without taking thousands of jobs away from law-abiding, hard-working Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COLLINS of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Georgia [Mr. COLLINS] will be postponed.

The CHAIRMAN. Are there other amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 479, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from Massachusetts [Mr. FRANK]; an amendment offered by the gentleman from Iowa [Mr. GANSKE]; amendment No. 28 offered by the gentleman from Minnesota [Mr. GUTKNECHT]; and the amendment

offered by the gentleman from Georgia [Mr. COLLINS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1430

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 16, noes 408, not voting 9, as follows:

[Roll No. 348]

AYES—16

Beilenson	Filner	Shays
Blumenauer	Foglietta	Visclosky
Conyers	Frank (MA)	Waters
DeFazio	Hinchey	Yates
Dellums	Royce	
Fawell	Sanford	

NOES—408

Abercrombie	Campbell	Edwards
Ackerman	Canady	Ehlers
Allard	Cardin	Ehrlich
Andrews	Castle	Engel
Archer	Chabot	English
Armey	Chambliss	Ensign
Bachus	Chapman	Eshoo
Baesler	Chenoweth	Evans
Baker (CA)	Christensen	Everett
Baker (LA)	Chrysler	Ewing
Baldacci	Clay	Farr
Ballenger	Clayton	Fattah
Barcia	Clement	Fazio
Barr	Clinger	Fields (LA)
Barrett (NE)	Clyburn	Fields (TX)
Barrett (WI)	Coble	Flake
Bartlett	Coburn	Flanagan
Barton	Collins (GA)	Foley
Bass	Collins (MI)	Forbes
Bateman	Combest	Ford
Becerra	Condit	Fowler
Bentsen	Cooley	Fox
Bereuter	Costello	Franks (CT)
Berman	Cox	Franks (NJ)
Bevill	Coyne	Frelinghuysen
Bilbray	Cramer	Frisa
Bilirakis	Crane	Frost
Bishop	Crapo	Funderburk
Bliley	Cremeans	Furse
Blute	Cubin	Galleghy
Boehlert	Cummings	Ganske
Boehner	Cunningham	Gejdenson
Bonilla	Danner	Gekas
Bonior	Davis	Gephardt
Bono	de la Garza	Geren
Borski	Deal	Gilchrist
Boucher	DeLauro	Gillmor
Brewster	DeLay	Gilman
Browder	Deutsch	Gonzalez
Brown (CA)	Diaz-Balart	Goodlatte
Brown (FL)	Dickey	Goodling
Brown (OH)	Dicks	Gordon
Brownback	Dingell	Goss
Bryant (TN)	Dixon	Graham
Bryant (TX)	Doggett	Green (TX)
Bunn	Dooley	Greene (UT)
Bunning	Doolittle	Greenwood
Burr	Dornan	Gunderson
Burton	Doyle	Gutierrez
Buyer	Dreier	Gutknecht
Callahan	Duncan	Hall (OH)
Calvert	Dunn	Hall (TX)
Camp	Durbin	Hamilton

Hancock	Matsui	Roybal-Allard
Hansen	McCarthy	Rush
Harman	McCollum	Sabo
Hastert	McCrery	Salmon
Hastings (FL)	McDermott	Sanders
Hastings (WA)	McHale	Sawyer
Hayes	McNulty	Saxton
Hayworth	McHugh	Scarborough
Hefley	McInnis	Schaefer
Hefner	McIntosh	Schiff
Heineman	McKeon	Schroeder
Herger	McKinney	Schumer
Hilleary	McNulty	Scott
Hilliard	Meehan	Seastrand
Hobson	Meek	Sensenbrenner
Hoekstra	Menendez	Serrano
Hoke	Metcalf	Shadegg
Holden	Meyers	Shaw
Horn	Mica	Shuster
Hostettler	Millender-McDonald	Sisisky
Houghton	Miller (CA)	Skaggs
Hoyer	Miller (FL)	Skeen
Hunter	Minge	Skelton
Hutchinson	Mink	Slaughter
Hyde	Moakley	Smith (MI)
Inglis	Molinari	Smith (NJ)
Istook	Mollohan	Smith (TX)
Jackson (IL)	Molloy	Smith (WA)
Jackson-Lee	Montgomery	Solomon
(TX)	Moorhead	Solomon
Jacobs	Moran	Souder
Jefferson	Morella	Spence
Johnson (CT)	Murtha	Spratt
Johnson (SD)	Myers	Stearns
Johnson, E. B.	Myrick	Stenholm
Johnson, Sam	Nadler	Stockman
Johnston	Neal	Stokes
Jones	Nethercutt	Studds
Kanjorski	Neumann	Stump
Kaptur	Ney	Stupak
Kasich	Norwood	Talent
Kelly	Nussle	Tanner
Kennedy (MA)	Oberstar	Tate
Kennedy (RI)	Obey	Tauzin
Kennelly	Olver	Taylor (MS)
Kim	Ortiz	Taylor (NC)
King	Orton	Tejeda
Kingston	Owens	Thomas
Kleczka	King	Thompson
Klink	Kingston	Thornberry
Klug	Kleczka	Thornton
Knollenberg	Klink	Thurman
Kolbe	Klug	Tiahrt
LaFalce	Knollenberg	Torkildsen
LaHood	Kolbe	Torres
LaTourette	LaFalce	Torricelli
Lazio	LaHood	Towns
Largent	Lantos	Traficant
Latham	Largent	Upton
LaTourette	Latham	Velazquez
Laughlin	LaTourette	Vento
Lazlo	Laughlin	Volkmer
Leach	Lazio	Vucanovich
Levin	Leach	Walker
Lewis (CA)	Levin	Walsh
Lewis (GA)	Lewis (CA)	Wamp
Lewis (KY)	Lewis (GA)	Ward
Lightfoot	Lewis (KY)	Watt (NC)
Linder	Lightfoot	Watts (OK)
Lipinski	Linder	Waxman
Livingston	Lipinski	Weldon (FL)
LoBiondo	Livingston	Weller
Regula	LoBiondo	White
Richardson	Regula	Whitfield
Rahall	Richardson	Wicker
Ramstad	Rahall	Williams
Rangel	Ramstad	Wilson
Reed	Rangel	Wise
Wolfe	Reed	Wolf
Woolsey	Wolfe	Woolsey
Wynn	Woolsey	Wynn
Young (AK)	Wynn	Young (AK)
Zeliff	Young (AK)	Zeliff
Zimmer	Zeliff	Zimmer

NOT VOTING—9

Coleman	Lincoln	Stark
Collins (IL)	McDade	Weldon (PA)
Gibbons	Peterson (FL)	Young (FL)

□ 1449

Ms. BROWN of Florida, and Messrs. GOSS, BONILLA, JEFFERSON, NEAL of Massachusetts, KENNEDY of Massachusetts, and OLVER changed their vote from “ayes” to “no.”

Mr. FOGLIETTA and Mr. ROYCE changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GANSKE

The CHAIRMAN. The pending business is the demand for a recorded vote of the amendment offered by the gentleman from Iowa [Mr. GANSKE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 295, noes 128, not voting 10, as follows:

[Roll No 349]

AYES—295

Abercrombie	Davis	Hefley
Ackerman	de la Garza	Heineman
Allard	Deal	Herger
Andrews	DeFazio	Hilleary
Armey	DeLay	Hinchey
Bachus	Diaz-Balart	Hobson
Baesler	Dickey	Hoekstra
Baker (LA)	Dicks	Hoke
Baldacci	Dingell	Holden
Ballenger	Doggett	Horn
Barcia	Doolittle	Hostettler
Barr	Doyle	Hunter
Barrett (NE)	Duncan	Hutchinson
Barrett (WI)	Durbin	Hyde
Bartlett	Edwards	Inglis
Barton	Ehlers	Istook
Bass	Ehrlich	Jackson (IL)
Bateman	English	Jackson-Lee
Beilenson	Ensign	(TX)
Bentsen	Evans	Johnson (SD)
Bereuter	Everett	Johnson, Sam
Bilirakis	Ewing	Kanjorski
Bishop	Fawell	Kasich
Blumenauer	Flake	Kelly
Boehlert	Flanagan	Kildee
Bonilla	Foley	Kim
Borski	Forbes	King
Boucher	Ford	Kingston
Browder	Fowler	Kleczka
Brown (OH)	Franks (CT)	Klink
Brownback	Franks (NJ)	Klug
Bryant (TN)	Frelinghuysen	Kolbe
Bryant (TX)	Frost	LaFalce
Bunn	Funderburk	LaHood
Bunning	Ganske	Largent
Burr	Gejdenson	Latham
Burton	Gekas	LaTourette
Buyer	Geren	Lazio
Callahan	Gibbons	Leach
Calvert	Gilchrist	Lewis (GA)
Camp	Gillmor	Lewis (KY)
Canady	Gonzalez	Lightfoot
Castle	Goodlatte	Linder
Chabot	Goodling	Lipinski
Chambliss	Gordon	LoBiondo
Chenoweth	Goss	Luther
Christensen	Graham	Manton
Chrysler	Green (TX)	Manzullo
Clay	Greene (UT)	Martinez
Clement	Greenwood	Martini
Coburn	Gunderson	Mascara
Collins (GA)	Gutknecht	McCarthy
Collins (MI)	Hall (OH)	McCollum
Condit	Hall (TX)	McCrery
Cooley	Hamilton	McHale
Costello	Hancock	McHugh
Cox	Hansen	McInnis
Cramer	Hastert	McIntosh
Crapo	Hastings (FL)	McKeon
Cremeans	Hastings (WA)	McKinney
Cummings	Hayes	Menendez
Danner	Hayworth	Metcalf

Meyers
Mica
Miller (CA)
Minge
Mink
Molinari
Montgomery
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Peterson (MN)
Pickett
Pomeroy
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Rivers

Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Rush
Salmon
Sanders
Sanford
Saxton
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump

Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—128

Baker (CA)
Becerra
Berman
Bevill
Bilbray
Bliley
Blute
Boehner
Bonior
Bono
Brewster
Brown (CA)
Brown (FL)
Campbell
Cardin
Chapman
Clayton
Clinger
Clyburn
Coble
Combust
Conyers
Coyne
Crane
Cubin
Cunningham
DeLauro
Dellums
Deutsch
Dixon
Dooley
Dornan
Dreier
Dunn
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Foglietta

Fox
Frank (MA)
Furse
Gallegly
Gephardt
Gilman
Gutierrez
Harman
Hefner
Hilliard
Houghton
Hoyer
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Knollenberg
Lantos
Laughlin
Levin
Livingston
Lofgren
Longley
Lowey
Lucas
Maloney
Markey
Matsui
McDermott
McNulty
Meehan
Meek
Millender
McDonald
Miller (FL)
Moakley
Mollohan

Moorhead
Moran
Morella
Barton
Neal
Olver
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Petri
Pombo
Porter
Portman
Ramstad
Rangel
Reed
Richardson
Roemer
Rogers
Rose
Roybal-Allard
Sabo
Sawyer
Scarborough
Schroeder
Schumer
Serrano
Skaggs
Stark
Studds
Thompson
Thornton
Torres
Torrice
Velazquez
Vucanovich
Watt (NC)
White
Williams
Wilson
Woolsey

NOT VOTING—10

Archer
Coleman
Collins (IL)
Frisa

Lewis (CA)
Lincoln
McDade
Peterson (FL)

Weldon (PA)
Young (FL)

□ 1458

Mr. PALLONE and Mr. FIELDS of Texas changed their vote from "aye" to "no."

Messrs. VOLKMER, FORBES, HASTINGS of Florida, WYNN, HEINEMAN, EWING, and Mrs. THURMAN changed their vote from "no" to "aye."

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 300, not voting 8, as follows:

[Roll No. 350]

AYES—125

Allard
Bachus
Baker (CA)
Baker (LA)
Barrett (WI)
Bartlett
Barton
Bilirakis
Brownback
Bunning
Burton
Callahan
Campbell
Chabot
Chenoweth
Christensen
Chrysler
Holden
Coble
Coburn
Collins (GA)
Combust
Condit
Cooley
Cox
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Deal
Doolittle
Dornan
Dreier
Duncan
Edwards
Ewing
Fields (TX)
Foley
Fox
Franks (NJ)
Funderburk

Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hayworth
Hefley
Herger
Hoekstra
Hoke
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Taylor (MS)
Thornberry
Tiahrt
Torrice
Walker
Weldon (FL)
Zimmer

Nussle
Orton
Parker
Peterson (MN)
Petri
Pombo
Portman
Pryce
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Taylor (MS)
Thornberry
Tiahrt
Torrice
Walker
Weldon (FL)
Zimmer

NOES—300

Abercrombie
Ackerman
Andrews
Army
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop

Bliley
Blumenauer
Blute
Boehler
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer

Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Davis
de la Garza

DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.

Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McColum
McCrery
McDermott
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender
McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi

Pickett
Pomeroy
Porter
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—8

Archer
Coleman
Collins (IL)

Lincoln
McDade
Peterson (FL)

Weldon (PA)
Young (FL)

□ 1505

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia [Mr. COLLINS] on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 244, not voting 7, as follows:

[Roll No. 351]

AYES—182

Allard	Funderburk	Molinari
Baesler	Geren	Montgomery
Baker (LA)	Gilchrest	Myrick
Ballenger	Gilman	Nethercutt
Barcia	Goodling	Neumann
Barr	Gordon	Ney
Bartlett	Goss	Norwood
Barton	Graham	Oxley
Bateman	Green (TX)	Paxon
Bilbray	Greene (UT)	Payne (VA)
Blumenauer	Gunderson	Porter
Boehner	Hall (OH)	Pryce
Brewster	Hamilton	Radanovich
Brownback	Hancock	Ramstad
Bryant (TN)	Hastert	Reed
Bryant (TX)	Hastings (WA)	Regula
Bunning	Hayes	Rivers
Burr	Hayworth	Roberts
Burton	Hefley	Ros-Lehtinen
Callahan	Heineman	Roukema
Camp	Hilleary	Salmon
Castle	Hinchee	Saxton
Chambliss	Hobson	Scarborough
Chapman	Hoekstra	Schaefer
Chenoweth	Holden	Schiff
Chrysler	Hostettler	Seastrand
Clayton	Hunter	Sensenbrenner
Clement	Istook	Shays
Coble	Jacobs	Shuster
Coburn	Johnson (CT)	Smith (NJ)
Collins (GA)	Johnson, Sam	Smith (TX)
Combest	Jones	Solomon
Condit	Kasich	Souder
Conyers	Kelly	Spence
Cooley	Kennedy (RI)	Stearns
Cramer	Kim	Stenholm
Crane	King	Stump
Crapo	Kingston	Tanner
Cubin	Klecicka	Tate
Cummings	Klug	Tauzin
Cunningham	Latham	Taylor (NC)
Danner	LaTourette	Thomas
Deal	Laughlin	Thornberry
Diaz-Balart	Leach	Thornton
Dickey	Lewis (KY)	Tiahrt
Doyle	Linder	Torkildsen
Duncan	LoBiondo	Torricelli
Dunn	Manzullo	Trafficant
Ehlers	Martinez	Upton
Ehrlich	Martini	Walker
English	Mascara	Wamp
Everett	McCarthy	Watt (NC)
Fawell	McCrery	Weldon (FL)
Flanagan	McHale	Weller
Foley	McHugh	Whitfield
Forbes	McInnis	Wicker
Fox	McIntosh	Wynn
Franks (CT)	Metcalf	Young (AK)
Franks (NJ)	Meyers	Zeliff
Frelinghuysen	Mica	Zimmer
Frost	Minge	

NOES—244

Abercrombie	Beilenson	Bono
Ackerman	Bentsen	Borski
Andrews	Bereuter	Boucher
Archer	Berman	Browder
Army	Bevill	Brown (CA)
Bachus	Bilirakis	Brown (FL)
Baker (CA)	Bishop	Brown (OH)
Baldacci	Bliley	Bunn
Barrett (NE)	Blute	Buyer
Barrett (WI)	Boehlert	Calvert
Bass	Bonilla	Campbell
Becerra	Bonior	Canady

Cardin	Hyde	Payne (NJ)
Chabot	Inglis	Pelosi
Christensen	Jackson (IL)	Peterson (MN)
Clay	Jackson-Lee	Petri
Clinger	(TX)	Pickett
Clyburn	Jefferson	Pombo
Collins (MI)	Johnson (SD)	Pomeroy
Costello	Johnson, E. B.	Portman
Cox	Johnston	Poshard
Coyne	Kanjorski	Quillen
Creameans	Kaptur	Quinn
Davis	Kennedy (MA)	Rahall
de la Garza	Kennelly	Rangel
DeFazio	Kildee	Richardson
DeLauro	Klink	Riggs
DeLay	Knollenberg	Roemer
Dellums	Kolbe	Rogers
Deutsch	LaFalce	Rohrabacher
Dicks	LaHood	Rose
Dingell	Lantos	Roth
Dixon	Largent	Roybal-Allard
Doggett	Lazio	Royce
Dooley	Levin	Rush
Doolittle	Lewis (CA)	Sabo
Dornan	Lewis (GA)	Sanders
Dreier	Lightfoot	Sanford
Dubin	Lipinski	Sawyer
Edwards	Livingston	Schroeder
Engel	Lofgren	Schumer
Ensign	Longley	Scott
Eshoo	Lowe	Serrano
Evans	Lucas	Shadegg
Ewing	Luther	Shaw
Farr	Maloney	Sisisky
Fattah	Manton	Skaggs
Fazio	Markey	Skeen
Fields (LA)	Matsui	Skelton
Fields (TX)	McCollum	Slaughter
Flner	McDermott	Smith (MI)
Flake	McKeon	Smith (WA)
Foglietta	McKinney	Spratt
Ford	McNulty	Stark
Fowler	Meehan	Stockman
Frank (MA)	Meek	Stokes
Frisa	Menendez	Studds
Furse	Millender-	Stupak
Gallegly	McDonald	Talent
Ganske	Miller (CA)	Taylor (MS)
Gejdenson	Miller (FL)	Tejeda
Gekas	Mink	Thompson
Gephardt	Moakley	Thurman
Gibbons	Mollohan	Torres
Gillmor	Moorhead	Towns
Gonzalez	Moran	Velazquez
Goodlatte	Morella	Vento
Greenwood	Murtha	Visclosky
Gutierrez	Myers	Volkmer
Gutknecht	Nadler	Vucanovich
Hall (TX)	Neal	Walsh
Hansen	Nussle	Ward
Harman	Oberstar	Waters
Hastings (FL)	Obey	Watts (OK)
Hefner	Olver	Waxman
Herger	Ortiz	White
Hilliard	Orton	Williams
Hoke	Owens	Wilson
Horn	Packard	Wise
Houghton	Pallone	Wolf
Hoyer	Parker	Woolsey
Hutchinson	Pastor	Yates

NOT VOTING—7

Coleman	McDade	Young (FL)
Collins (IL)	Peterson (FL)	
Lincoln	Weldon (PA)	

□ 1514

Mr. DAVIS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 3814, the Commerce/Justice/State appropriations bill for fiscal year 1997. The bill is tough on crime and the funding it provides will help us in the effort to gain control of our borders.

Since I first took office, my constituents have stressed to me time and again what a high priority they place on public safety and crime prevention. I am pleased to see that this bill provides \$1.4 billion—equal to last year's spending—on the successful Community Policing block grants. This means that we will

continue to put thousands of new local law enforcement officers on the beat in our cities.

I would also like to commend the chairman of the subcommittee for fully funding National Institute of Justice programs like the regional Law & Technology Centers. These centers, which identify defense technologies suitable for use by law enforcement, have already produced notable results. The Western Regional center, located in El Segundo, CA, is currently helping develop image enhancement technology which has already been used to solve the murder of a police officer in my district.

Additionally, I am pleased that the bill funds key technology programs at the Department of Commerce including the Manufacturing Extension Partnership (MEP) and the Advanced Technology Program. Both of these initiatives are examples of how government and industry can form partnerships to stimulate our Nation's research and development base. Nowhere is this partnership more evident than at the California Manufacturing and Technology Center in Southern California's South Bay—where last year, 51 small manufacturers hired 442 additional employees after implementing improvements recommended by the CMTC.

Furthermore, the bill provides an increase of \$457 million for agencies enforcing our immigration laws, paying for 1,000 new border patrol agents and 2700 additional detention beds. It also provides \$500 million in sorely needed reimbursement to the States for the cost of incarcerating criminal aliens.

As originally reported, the bill needed some changes; most notably, restoration of funding to the Legal Services Corporation. As a young lawyer in the late 1960's and early 1970's, I witnessed the birth of the Legal Services Corporation and participated in its struggle for adequate funding. The LSC has been a lifeline for the thousands over the years, helping poor Americans defend themselves against wrongful evictions, wrongful denial of Social Security benefits, and wrongful denial of parental rights. It has also helped victims of domestic violence—in fact, one out of every three cases handled by LSC concerns family law matters including abusive spouses, and neglected and abused juveniles. LSC has already been cut by over 1/3. The additional massive cuts in the bill as reported were unnecessary and hurtful. I am pleased to note that the Mollohan amendment that the House has just passed restored \$109 million in funding to the LSC.

Mr. Chairman, on the whole this is a good bill. It is tough on crime and illegal immigration, and provides much needed resources to our law enforcement authorities. I urge my colleagues to support its passage.

Mr. PORTMAN. Mr. Chairman, I rise today to express my support for H.R. 3814. I believe this legislation represents a solid approach to our Nation's commitment in fighting drug abuse and protecting our borders.

The bill provides more than \$7.1 billion in funding for the Drug Enforcement Administration in order to renew a counternarcotics attack, and an additional \$75 million for the DEA to target source countries and restore the successful international drug efforts to 1992 levels.

H.R. 3814 also places a priority on protecting our borders. As you know, it adds 1,100 new border control agents and 2,700 more detention cells to ensure the deportation of illegal aliens residing in the United States.

I am concerned, however, about the significant increase in Federal money that goes toward fighting crime. I simply believe that it is bad policy in light of the Federal Government's limited role in fighting crime and our very serious debt crisis.

Congress plays an important and appropriate role in clarifying rights under the Constitution and protecting our borders. These issues were addressed in legislation passed in the Contract With America, for example: Victim Restitution, Effective Death Penalty Act, Criminal Alien Deportation Acts. Community policing on the other hand, has always been viewed as a local responsibility.

I cannot justify committing billions of dollars in Federal funds for a responsibility that is truly a responsibility of State and local governments. I fear that efforts by Congress to assert control in areas that, under the Constitution, are clearly left to State and local agencies, will result in politicizing the crime issue, too much Federal control, and an unjustified increase in our budget deficit.

It makes more sense to let localities raise money to meet local needs; sending taxpayer dollars to Washington results in less money coming back because of administration costs.

Because of the overall funding levels in the bill, I supported the Gutknecht amendment to reduce spending by 1.9 percent across-the-board, which would further help our deficit reduction efforts.

Mr. PAYNE of Virginia. Mr. Chairman, I rise to express my strong support for the Trade Adjustment Assistance Program for Firms. It is my understanding that the managers amendment would allow funding for the program, with an understanding that a specific source of funds would be identified during conference. The TAA for Firms Programs provides management assistance to manufacturers nationwide who have been severely impacted by foreign imports.

The TAA Program for Firms is extremely cost effective, as increased Federal and State taxes paid by manufacturers that have been through the program more than pay for the cost of the program. According to the most recent Trade Adjustment Assistance Report, every dollar invested into the TAA for Firms Program returns almost \$7.50 to States and the Federal Government in tax revenue. This number does not include savings to the Government from unemployment and welfare benefits which we are not providing the employees of the companies that participate in the program because we keep these workers employed.

During the years TAA for Firms has been available, Federal appropriations have totaled \$77.3 million. Almost 79,000 jobs have been impacted during this period, for a Federal investment of \$980 per job—making this an extremely cost-effective expenditure of Federal dollars.

During the period 1989–95, 597 companies nationwide participated in the TAA Program. Two years before becoming eligible for the program, these companies employed almost 82,000 workers. By the time of their eligibility, employment levels in these companies had dropped by 14 percent. But within 2 years of entering the program, employment was up over 12 percent, restoring three-fourths of the employees lost through foreign competition prior to entering the program.

Nationally, sales levels for these companies dropped from \$6.8 billion to \$6.1 billion in the

2 years prior to their entering the program. Within 2 years, sales had increased to \$8 billion, a 30 percent increase from their levels at certification.

Most importantly, productivity, as measured by sales per employee, has increased significantly. Two years prior to certification, sales per employee averaged less than \$83,000. At certification, sales per employee were averaging slightly over \$87,000. However, after completion of all or the bulk of the approved assistance, sales per employee have increased to over \$101,000. This is an increase of almost 16 percent since certification.

TAA for Firms is the only Federal program that gives direct aid to companies for specific and individualized company needs. Many of these needs are not technology needs, but involve problems in marketing, financing, production, product development, distribution, and systems integration. No other Federal Government program provides assistance in these areas.

When NAFTA was approved, we made a commitment to the employees and companies that would be adversely impacted by the liberalization of trade with Canada and Mexico that we would provide transitional assistance to help them adjust to the increase in imports. TAA for Firms represents our part of the commitment we made to these companies, a commitment we must not now disavow. Small firms have sought TAA assistance in such volume that there is presently a backlog of \$11.2 million in projects that cannot be completed due to lack of funds.

Clearly, the assistance provided by this program is still desperately needed by small companies trying to compete in a post-NAFTA world. I am pleased that an agreement has been reached to fund the TAA for Firms Program in this bill. I believe it is important to retain the only Federal program that gives these small companies a fighting chance at survival.

Mr. CUNNINGHAM. Mr. Chairman, I rise to thank the chairman of the subcommittee, Mr. ROGERS, for his outstanding work on the fiscal year 1997 Appropriations bill for the Departments of Commerce, Justice, State and the Judiciary. This bill places a priority on helping State and local governments address the most serious problems that affect my constituents each and every day: illegal immigration, drug trade, and drug abuse.

Every American should be disturbed by the fact that, after a decade of declining drug use rates among school children, the last 3 years have seen a sharp increase in drug abuse. What has caused this alarming increase? I say it's a lack of leadership. In the 1980's, under the leadership of President and Mrs. Reagan, our communities started an effort to Just Say No to drug and drug dealers. Every American youngster learned that it was cool to stay off drugs and away from drug dealers.

What do we hear from this White House? It sounds like Just Say I Don't Know. Days after taking office, President Clinton worked to slash the Office of National Drug Control Policy, essentially waiving the white flag in the war on drugs.

This bill, which I am proud to support, jump starts the stalled war on drugs. We are providing more than \$7.1 billion for the War on Drugs, including an increase of more than \$173 million for the Drug Enforcement Agency (\$20 million more than the President's request) and a new \$75 million initiative to re-

start our international drug interdiction efforts in Latin America and other overseas areas. This bill also includes critical funding for a \$56 million initiative to stop drug trafficking along the Southwest border. Much of that will help restart efforts in San Diego to stop the drug smuggling that has escaped the administration's Operation Gatekeeper program.

In addition to working for real solutions to our Nation's drug problem, this bill puts real teeth in our effort to protect our borders and stop illegal immigration. All told, this bill provides more than \$2.8 billion for enforcement of our immigration laws. We fund the Immigration and Nationalization Service (INS) at \$2.2 billion, or \$30 million more than the President's request. We put 1,100 new order patrol agents across our borders (400 more than the President's request) and pay for 2,700 more prison cells (2000 more than the President's request) to ensure that illegal aliens are deported from this country, rather than released onto our streets.

I would like to thank Chairman ROGERS again for his leadership in drafting an outstanding bill that lives up to federal responsibilities to enforce our borders and stop illegal immigration. I specifically appreciate his help in including \$500 million to reimburse states like California for the costs of incarcerating illegal aliens.

While helping to address the alien detention problem in southern California, Mr. ROGERS has been a great help in my including a provision in the report accompanying this bill that would stop a misguided Justice Department effort to take over part of a military base in my district. This provision would direct the Attorney General to find alternatives to an arrangement that had allowed the Justice Department to detain illegal aliens in the military brig at NAS Miramar. This arrangement, for the two weeks that it was in effect last March, resulted in a riot and a fire that shut that vital national security base down and severely disrupted the Pentagon's ability to defend our country.

Mr. Chairman, this is a good bill that will help restart our effort to stop violent crime, stop illegal immigration, and stop the drug problems that plague our schools. I commend Chairman ROGERS for his effort and call on Members to support passage of the bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HUTCHINSON) having assumed the chair, Mr. GUNDERSON, 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. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 479, 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 a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3814, to the Committee on Appropriations with instructions to report the bill back promptly with an amendment to increase funding for contributions to international peacekeeping activities with appropriate offsets.

Mr. OBEY. Mr. Speaker, I do not intend to push this to a rollcall vote. This motion to recommit simply increases funds for peacekeeping with appropriate offsets in the bill. I am offering the motion to indicate my concern about the level of funding for that program.

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

Mr. ROGERS. Mr. Speaker, I rise in opposition, urge a "no" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 179, not voting 8, as follows:

[Roll No 352]

YEAS—246

Archer	Burr	Dooley
Baesler	Buyer	Dornan
Baker (LA)	Callahan	Doyle
Ballenger	Calvert	Dreier
Barr	Camp	Dunn
Barrett (NE)	Campbell	Ehlers
Bass	Canady	Engel
Bateman	Cardin	English
Beilenson	Castle	Ensign
Bentsen	Chambliss	Eshoo
Bereuter	Chapman	Evans
Berman	Christensen	Everett
Bevill	Clinger	Farr
Bilbray	Coble	Fawell
Bilirakis	Combest	Fazio
Bishop	Costello	Fields (TX)
Bliley	Cramer	Flanagan
Blute	Cunningham	Foley
Boehrlert	Davis	Forbes
Bonilla	Deal	Fowler
Bonior	DeFazio	Fox
Bono	DeLauro	Franks (CT)
Borski	DeLay	Franks (NJ)
Boucher	Deutsch	Frelinghuysen
Brewster	Diaz-Balart	Frisa
Browder	Dickey	Furse
Brown (FL)	Dicks	Galleghy
Brownback	Dixon	Ganske
Bunn	Doggett	Gejdenson

Gekas	Manzullo
Geren	Martini
Gilchrest	Mascara
Gilman	Matsui
Gooding	McCollum
Gordon	McCrery
Greene (UT)	McDermott
Greenwood	McHale
Gunderson	McHugh
Hall (OH)	McInnis
Harman	McKeon
Hastert	McNulty
Hastings (WA)	Meek
Hefner	Meyers
Heineman	Mica
Hilleary	Miller (CA)
Hobson	Miller (FL)
Holden	Minge
Horn	Molinari
Houghton	Mollohan
Hoyer	Montgomery
Hunter	Moorhead
Hutchinson	Moran
Hyde	Morella
Johnson (CT)	Murtha
Kanjorski	Myers
Kasich	Myrick
Kelly	Nadler
Kennelly	Nethercutt
Kim	Ney
King	Norwood
Kingston	Nussle
Klecicka	Ortiz
Klug	Oxley
Knollenberg	Packard
Kolbe	Pallone
LaHood	Parker
Latham	Paxon
LaTourette	Payne (VA)
Laughlin	Pelosi
Lazio	Peterson (MN)
Leach	Pickett
Lewis (CA)	Porter
Lightfoot	Portman
Linder	Poshard
Lipinski	Pryce
Livingston	Quillen
LoBiondo	Quinn
Lofgren	Radanovich
Longley	Rahall
Lowe	Regula
Lucas	Richardson
Luther	Riggs

NAYS—179

Abercrombie	Dingell
Ackerman	Doolittle
Allard	Duncan
Andrews	Durbin
Armey	Edwards
Bachus	Ehrlich
Baker (CA)	Ewing
Baldacci	Fattah
Barcia	Fields (LA)
Barrett (WI)	Filner
Bartlett	Flake
Barton	Foglietta
Becerra	Ford
Blumenauer	Frank (MA)
Boehner	Frost
Brown (CA)	Funderburk
Brown (OH)	Gephardt
Bryant (TN)	Gibbons
Bryant (TX)	Gillmor
Bunning	Gonzalez
Burton	Goodlatte
Chabot	Goss
Chenoweth	Graham
Chrysler	Green (TX)
Clay	Gutierrez
Clayton	Gutknecht
Clement	Hall (TX)
Clyburn	Hamilton
Coburn	Hancock
Collins (GA)	Hansen
Collins (MI)	Hastings (FL)
Condit	Hayworth
Conyers	Hefley
Cooley	Herger
Cox	Hilliard
Coyne	Hinche
Crane	Hoekstra
Crapo	Hoke
Creameans	Hostettler
Cubin	Inglis
Cummings	Istook
Danner	Jackson (IL)
de la Garza	Jackson-Lee
Dellums	(TX)

Roberts	Ramstad
Rogers	Rangel
Ros-Lehtinen	Reed
Roukema	Rivers
Sawyer	Roemer
Schiff	Rohrabacher
Schumer	Rose
Seastrand	Roth
Serrano	Roybal-Allard
Shaw	Royce
Shays	Rush
Shuster	Sabo
Sisisky	Salmon
Skaggs	Sanders
Skeen	Sanford
Skelton	Saxton
Smith (NJ)	Scarborough
Smith (TX)	
Smith (WA)	
Solomon	
Souder	
Spence	
Spratt	
Stenholm	
Talent	
Tate	
Tauzin	
Taylor (NC)	
Tejeda	
Thomas	
Thornton	
Thurman	
Torkildsen	
Torricelli	
Towns	
Traficant	
Upton	
Visclosky	
Vucanovich	
Walker	
Walsh	
Wamp	
Watts (OK)	
Weller	
White	
Whitfield	
Wicker	
Wilson	
Wise	
Wolf	
Young (AK)	
Zeliff	
Zimmer	

Schaefer	Thornberry
Schroeder	Tiahrt
Scott	Torres
Sensenbrenner	Velazquez
Shadegg	Vento
Slaughter	Volkmer
Smith (MI)	Ward
Stark	Waters
Stearns	Watt (NC)
Stockman	Waxman
Stokes	Weldon (FL)
Studds	Williams
Stump	Woolsey
Stupak	Wynn
Tanner	Yates
Taylor (MS)	
Thompson	

NOT VOTING—8

Coleman	Lincoln	Weldon (PA)
Collins (IL)	McDade	Young (FL)
Hayes	Peterson (FL)	

□ 1534

Mr. MOAKLEY changed his vote from "yea" to "nay."

Mr. RIGGS, Ms. BROWN of Florida, and Mr. TOWNS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 317 through 326 earlier this week. Had I been present, I would have voted "yea" or "aye" on rollcall votes 317, 319, 320, 324, 325, and 326 and "nay" or "no" on rollcall votes 318, 321, 322, and 323.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

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. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the