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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 1995.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Kurt G. Jung, Lutheran pastor retired, Cape Coral, FL, offered the following prayer:

Almighty and gracious God. We begin this day with the Psalmist: ''I will be glad and rejoice in You; I will sing praise to Your name, O Most High.''—Psalms 9: 2.

Eternal God, You have blessed us and not failed us. We have every reason to be thankful, and we do glorify Your name today.

Lord, as we have faith in Your unfailing love and guidance, You can give us a positive vision of hope and life for our Nation. As You guided our Founding Fathers, so You can lead each one of us. Give us wisdom to make the decisions we know to be spiritual, right, and honorable. Help us to hear Your guiding voice amid the clamor of the masses.

In Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina [Mrs. MYRICK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

WELCOMING THE REVEREND DR. KURT GERHARD JUNG

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

Mr. GOSS. Mr. Speaker, I know my colleagues will join me in extending a warm welcome to today's guest minister, the Reverend Dr. Kurt Gerhard Jung. Reverend Jung is a constituent of mine from Cape Coral, FL, which is the largest city in my district, and I am delighted to introduce him to the House and to thank him for his inspiring words of opening prayer for today's session.

Reverend Jung has devoted the better part of his life to public and spiritual service, both in this country and in Germany. He served in the U.S. Navy during World War II and has taught religion, theology, and language courses at a variety of higher learning institutions in this country and abroad. During his nearly four decades in Germany, in fact, Reverend Jung served as the adjunct chaplain to the American military forces in Berlin and presided as senior minister in several German churches. Although he describes himself as semiretired these days, he is certainly quite active in the southwest Florida community that I live in, teaching Bible study, filling in for other pastors, and doing all kinds of good works for our community.

He and his wife, Ruth, have three children and three grandchildren. One of his children, David, is known to many of our colleagues because he serves us well on the staff of the Committee on International Relations.

We are most pleased to have Reverend Jung and his wife, Ruth, and children, Nancy, Jonathan, and David, and grandchildren, Jan, Andreas, and Karsten with us today. We wish them a warm welcome and thanks.

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

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my esteemed colleague from Florida in extending a warm welcome to our guest chaplain, Dr. Kurt Jung, from Cape Coral, FL. Dr. Jung's eloquent prayer is certainly a testimony to his many years of dedicated service in the ministry.

Indeed, our country needs to be reminded every day in prayer in our efforts to uphold the spiritual and moral principles that have guided our great Nation. Dr. Jung is no stranger to the challenges and dangers of the diverse world in which we all live. He served faithfully with the U.S. Navy during World War II, after which his calling to

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the ministry took him to higher education at both Princeton Theological Seminary and the Free University in Berlin. During the height of the cold war, Dr. Jung served as an adjunct chaplain and administered to the spiritual needs of our men and women in uniform in the divided city of Berlin and frontline between East and West. In addition, Dr. Jung worked as a senior pastor at several German churches where he was also founder of the first Special Olympics for the mentally impaired.

I am also pleased to welcome Dr. Jung's wife Ruth, who has been at his side in marriage for 43 years. They have three grown children, one of whom is David, who works on our Committee on International Relations and does some outstanding work for us.

Mr. Speaker, I hope my colleagues will take the opportunity to meet this distinguished American citizen, and I would like to thank him for taking the time to be here today.

REGULATION OF POLITICAL EXPRESSION

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

Mr. SKAGGS. Mr. Speaker, this afternoon a hearing will be conducted that will be eerily reminiscent of the era of the House Un-American Activities Committee. The Committee on Government Reform will hold hearings on a proposal that would, believe it or not, regulate political expression in this country, the so-called McIntosh-Istook-Ehrlich proposal.

If anybody has any doubt that this is a calculated effort to intimidate many groups and individuals from full participation in American political life, then imagine the chilling effect of receiving the following demand for information from the chairman of a congressional committee: ''In the past five years, has your organization engaged in political advocacy as defined in the attached legislation? If so, provide a description of the type of advocacy and an estimate of the expenditures on each such activity.''

The idea that any Member of this House would dare—would dare—to call on free citizens of this Nation to account for their constitutionally protected activities should offend every one of us. It constitutes an outrageous abuse of authority.

SPENDING TAXPAYER MONEY ON PAC CONTRIBUTIONS

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

Mr. KINGSTON. Mr. Speaker, I could not sit back and listen to the previous speaker without responding to the American taxpayers. There are 40,000 organizations that receive over $39 billion in taxpayer funded grants and so forth, and they are not subject to public disclosure or records of where the money went.

One group received 97 percent of its budget from the Federal Government and turned around and gave $405,000 to congressional candidates through their PAC. I do not think that is what the taxpayers want. There are plenty of good organizations who will continue to get funding and will continue to have political input. What we want to do is stop the abuse of taxpayer moneys for political purposes.

I have cosponsored an amendment to this bill that says that if you spend less than $25,000 a year on political activities, you are exempt from it. There is also a provision in the bill that exempts you if 5 percent or less of your money is spent on it.

This is not going after the small groups. This is going after the big political business groups. I urge my colleagues to support the Istook-McIntosh amendment.

HERSHEY FOODS MOVING CANDY PRODUCTION TO MEXICO

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

Mr. TRAFICANT. Mr. Speaker, from Mars to the Milky Way, all of America has experienced the Kiss, the Hershey Kiss. Now, after the State of Pennsylvania gave them tax breaks, now, after workers gave them concessions, Hershey is moving its factory that makes the Kiss to Mexico; from Mars to Milky Way to Mexico. Tell me, Mr. Speaker, will the Hershey Kiss become known throughout America as the Tijuana Kiss?

Take it from an old Pitt quarterback who is kissed off. We have let NAFTA and GATT take our jobs. Where are our constituents going to work? In McDonalds and Wal-Marts? My God, when Hershey of America becomes Hershey of Mexico, we had better reconsider our economic policies in America.

Beam me up, Mr. Speaker, I yield back the balance of these Kisses.

MEDICARE, THE GOP'S WELL-MEANING RESCUE SQUAD

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

Mr. GUTKNECHT. Mr. Speaker, that is a tough act to follow.

Mr. Speaker, I would like to read this morning from an editorial which appeared in the Minneapolis Star Tribune. Anyone who is from the Upper Midwest would never say that the Minneapolis Star Tribune is a Republican propaganda organ. But I would like to read what they had to say last Sunday in an editorial entitled ''Medicare, the GOP's Well-Meaning Rescue Squad.''

Supporting the elderly already swallows up one-third of the Federal budget. Unless shifts are made soon, baby boomers will face a grim and threadbare old age.

There's no mystery to all this, of course. President Clinton knows that Medicare is going under, and so do the Democrats in Congress. You'd think the witness to such a calamity might be moved to join the rescue team—or at least yell helpful comments. No such luck. Uninclined to get their feet wet, the Democrats seem content to play on the vulnerability of the 37 million Americans holding on to the Medicare lifeline. Their chief contribution to the discussion is the accusation that Republicans are trying to ''wreck Medicare.''

Surely the Democrats have more to contribute than potshots like that.

The looming dangers for Medicare should revive the reform effort and spur earnest attempts at compromise. Instead of sniping from the safety of the shore, the Democrats should wade in and help with the rescue.

OPPOSING CUTS IN MEDICARE

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

Mr. HILLIARD. Mr. Speaker, I rise in opposition to the proposed cuts in the Medicare Program by the Republicans. I am incensed that after months of talking on this issue, the Republicans are still hell-bent on making cuts in Medicare, so that they can give their rich supporters a tax break and balance the budget at the expense of senior citizens.

To ask one segment of our society to suffer unnecessary pain so that the wealthy can receive an undeserved gain is just wrong. It is un-American. It is unfair.

The elderly must not be perceived as an unnecessary drain on this country's economic resources. Let us not forget that Americans who are now 60 years of age contributed to the largest economic boom in the history of this country. In short, they have paid their dues.

Mr. Speaker, please do not break the backs of our senior citizens by doing away with Medicare as we know it today, merely to give your rich supporters a tax break. The elderly deserve compassion, not vengeance. Leave Medicare alone.

REPEAL DAVIS-BACON ACT

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

Mrs. MYRICK. Mr. Speaker, today, the Economic and Educational Opportunities Committee will mark up its reconciliation package—that includes the repeal of the Davis-Bacon Act.

The Budget Committee has already acted on this, and included it in the fiscal year 1996 budget resolution.

Davis-Bacon needs to be repealed not only for budgetary reasons—but for commonsense reasons.

This law serves no practical purpose in today's world.

This law has been protected for many years because it takes Federal taxpayer money and puts it in the pocket of a small, but powerful interest in the form of a wage subsidy.

The repeal of Davis-Bacon will open up the Federal construction market to fair and open competition and will eliminate the current monopoly on Federal jobs held by a few large companies.

It will open up more construction jobs to semiskilled workers who wish to break into the construction field but are now prevented from doing so.

The bottom line, Mr. Speaker, is the repeal of Davis-Bacon will give all American taxpayers a break on Federal construction costs.

The Budget Committee has acted on this mandate. It is time for the rest of Congress to do the same.

THE GINGRICH STANDARD

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

Mr. LEWIS of Georgia. Mr. Speaker, both Common Cause and I insist that ''in order to carry out the responsibilities of an outside counsel effectively, it is necessary for the counsel's authority and independence to be clearly and publicly established.'' The special counsel must have the ''authority and independence necessary to conduct the inquiry in an effective and credible manner.'' The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. ''The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity.'' Prophetic words, indeed, Mr. Speaker.

These are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House. This House cannot and must not tolerate a double standard. The Ethics Committee must follow the standard set by Speaker GINGRICH.

We need an outside counsel to investigate Speaker GINGRICH and we must not restrict the scope of that counsel's investigation.

□ 1015

MEDICARE GOING BROKE

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

Mr. WATTS of Oklahoma. Mr. Speaker, Medicare is going broke. The trustees tell us that in 7 years, Medicare funds will be completely depleted. This fact cannot be disputed.

Some 61 percent of the American people want us to do something about this, now. So why is it, how is it, that liberals fail to understand the urgency of this issue? The citizens are sick of Congressmen playing politics with vital programs such as Medicare. But still the Democrats engage in blatant demagoguery, or medagoguery as the Washington Post calls it.

Contrary to the liberal distortions, the Republican plan increases spending per beneficiary from $4,800 to $6,700. It gives seniors real choices in health care management by providing for medical savings accounts. But the liberals do not want the people to know that.

It is time to stop the half-truths, the fibs, and the fabrications. It is time to stop the scare tactics and demagoguery. It is time for honest debate to take place. It is time to save Medicare.

NEW JERSEY STATE LEGISLATORS SEEK TO SHIELD MEDICARE

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

Mr. PALLONE. Mr. Speaker, I want to report how more and more conservative Republicans at the Jersey shore, which I represent, are coming out against Speaker GINGRICH's Medicare cuts. If I could read from the Asbury Park Press in my district yesterday: State Senator Leonard T. Connors and Assemblyman Jeffrey W. Moran and Christopher Connors, all Republicans from Ocean County have written to BOB DOLE and Speaker GINGRICH to ask them to back off on the proposed cuts because of the impact they could have on senior citizens, and I quote: ''Americans want Congress to cut the pork, but balancing the staggering Federal deficit or financing tax breaks for the rich on the backs of our elderly is morally bankrupt,'' the lawmakers stated in their letter.

Mr. Speaker, they also said, ''Jacking up Medicare part B coverage from $552 annually to $1,100 under your announced plan is signing a death warrant for millions of senior citizens across America. To save electricity, the seniors live in darkness. Their diet is poor. They scrimp and save for goods and services middle-class Americans often take for granted. A $564 increase in their Medicare premium is a stake in the heart,'' the Republican legislators wrote.

DEMOCRATS THREATEN VIABILITY OF THE PROGRAM THEY CREATED

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

Mr. HOKE. Mr. Speaker, I would like to quote another publication this morning. This is the Washington Post, and this is written by our former colleague, who was with us last year, Mr. Tim Penny, former Democratic Representative from the State of Minnesota, and he says:

> Medicare has been a success, helping to provide health care to millions of Americans who otherwise could not afford it. Yet today, with Medicare facing a financial crisis, Democrats are playing politics instead of coming up with constructive solutions. As the architects of Medicare, we have a responsibility to shore up the program before it collapses.

He goes on to say that:

> Members of both parties should work together on this important issue, just as Republicans joined Democrats in voting for Medicare in 1965. Unfortunately, Democratic leaders in Congress have decided otherwise, choosing to attack Republican Medicare plans rather than offering an alternative. By politicizing the issue, Democrats are threatening the viability of the very program they created.

Mr. Speaker, this is from former Representative, Democrat, Tim Penny of Minnesota.

What I would say, on top of that, is that not only is it bad policy what is being done here in terms of the Democrats attack, it is also bad politics. It is not going to work.

PRESERVE HEALTH CARE FOR ALL AMERICANS

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

Ms. JACKSON-LEE. Mr. Speaker, last Friday eight Democrats remained steadfast listening to the hogwash in the Ways and Means so-called Medicare hearings. I regret to say that as the hearings ended there was a paltry three Republicans remaining expressing how little sincere interest they have in this so-called document that preserves Medicare.

Today I have just heard from my Republican colleague, the prior speaker, saying that Republicans joined Democrats in the 1960's to put Medicare forward. Let me tell Members that my historians tell me there was not one single Republican vote that helped past Medicare legislation, but yet there are today a whole bunch of votes to undermine it by cutting $270 billion from Medicare in order to put the blame on our senior citizens.

What is in this so-called Medicare preservation package sponsored by Republicans. Well, I will tell Members, it is to dispossess and put out senior citizens, who need long-term care in nursing homes. It is the blame game on doctors and hospitals in rural and urban communities. It is high premiums for senior citizens who have to make choices between frequent prescription drugs and the ability to keep the lights on and the doors open in their residences.

Do we want to save Medicare, Mr. Speaker? I do and I am ready to discuss with my Republican colleagues any time they want to the elimination of $270 billion in draconian Medicare cuts.

I want to save Medicare so that all Americans can have good health care like the Democrats provided for 30 years since 1965.

COMPARING APPLES AND ORANGES

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

Ms. PRYCE. Mr. Speaker, let us talk about apples and oranges. The Republican Medicare plan will increase funding for each Medicare beneficiary from $4,800 today to $6,700 in 2002. Let us call that fact our apple. House Republicans have also promised to provide tax relief to American families. Let us call that fact our orange.

The Democrats are comparing apples and oranges. The point is these two issues have nothing to do with each other. The tax cuts from working families are more than set off by reductions in discretionary spending and program savings. Medicare would still be broke in 2002 even if we did not provide those tax cuts.

Why are the Democrats trying to confuse things? To scare the American people. They have no plan, just scare tactics. It is shameful and, as the Washington Post said, it is just plain wrong.

REPUBLICAN MEDICARE PLAN DETAILS DELAYED UNTIL COLUMBUS DAY

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

Mr. DOGGETT. Well, the gentlewoman from Ohio [Ms. PRYCE] can call it broccoli if she wants to, but it is still a cut and the Republicans are still unwilling to level with the American people on these cuts. Now they come forward and tell us they will delay all the way to Columbus Day before they give us any details. It is incredible, but maybe it is not inconsistent. After all, Columbus set out on a voyage not knowing where he was going. He did not know where he was when he got there , and he did it all with somebody else's money.

Our Republican friends are a little like that, using money for seniors to pay for a tax break cruise for the rich. As they dismantle Medicare to fund their tax breaks for the rich, there is one thing that is not similar, they have not discovered middle America. They have abandoned it. With the havoc they are wreaking with Medicare, maybe they should wait from Columbus Day to Halloween or perhaps, better yet, how about April Fool's Day?

VOTE FOR MEDICARE REFORM

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

Mr. TIAHRT. Mr. Speaker, Medicare is a 1965 Blue Cross/Blue Shield program that was started by Lyndon Baines Johnson and is frozen in time. According to the President's board of trustees, it is going broke by 2002 and it does not matter if we had a balanced budget and we had no tax cuts, the plan is still going broke by 2002.

Now, health care in the private sector has improved in the last 30 years, but Medicare is frozen in time. We have a plan not only to preserve and protect Medicare, but we are also going to allow additional options to seniors. We also have a increase in spending from $4,800 per year to $6,700 per year.

Mr. Speaker, I think we not only need to have Medicare reform, but I think we need to have remedial math, too, because going from $4,700, excuse me $4,800 to $6,700 per year per beneficiary is an increase in spending and not a cut. I urge my fellow Congressmen to vote for Medicare reform.

SENIORS ABOUT TO TAKE A DOUBLE HIT

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

Mr. WATT of North Carolina. Mr. Speaker, the seniors in our country are about to experience what we call in North Carolina a double hit. Not only are the Republicans cutting Medicare by $270 billion, they are cutting Medicaid right behind it $182 billion. Medicare is for the elderly, Medicaid is for the poor, but 69 percent of the money in Medicaid goes to the elderly also, even though they represent only 28 percent of the people who are served. Sixty-nine percent. A double hit they will be taking.

Medicare cuts on the one hand, Medicaid cuts on the other hand. It is un-American to be mean to our poor and our elderly and we should stop it right now before we get too far down the line.

KEEP HANDS OFF STOCK CAR RACING

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

Mr. FUNDERBURK. Mr. Speaker, on Sunday I was in Martinsville, VA, enjoying the Goody's 500 stock car race with 60,000 hard-working, law-abiding fans, drivers, and promoters. They sent a loud and clear message to the White House and the FDA: ''Bill Clinton, keep your hands off racing.''

As you know, Mr. Speaker, millions of race car fans are up in arms about Bill Clinton's plan to destroy auto racing by unconstitutionally banning legal, tobacco-based advertising at sporting events. Mr. Speaker, enough is enough. One driver summed it up before the race, ''* * * until they did this I really didn't know what the difference was between a conservative and liberal. Now I know. If we let big government get away with this, next they will ban Hardees' and McDonald's hamburgers and Coca-Cola, then they will be bashing down my door to take my guns.''

Mr. Speaker, America's race car fans really do know what separates liberals from conservatives. If Bill Clinton had been in Martinsville with real America instead of partying through the night with his left wing buddies in Hollywood maybe he would realize that difference also.

WOMEN STILL HAVE A LONG WAY TO GO

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

Ms. HARMAN. Mr. Speaker, time is running out to move the statue of women suffragettes from the Capitol crypt to the Capitol rotunda. Despite the unanimous support of the Senate and wide bipartisan support from the House, no action has been taken. Is that where women's rights have been relegated this Congress, to the basement?

This Congress has already waged numerous assaults on women. During the appropriations process, choice opponents succeeded in restricting a woman's constitutional right to choose, and they threaten to take us back to the days of dangerous back alley abortions.

Congress has broken its promise to take violence against women seriously. Last Congress we passed the Violence Against Women Act, yet this year its funding was substantially reduced.

Education is one of the best ways to increase opportunities for women. Congress, however, recently eliminated the Women's Educational Equity Act and reduced job training programs for women. The refusal to move the statue of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony is symbolic of this Congress' assault against women. If women cannot gain a reasonable place in the Capitol rotunda, what can we expect legislatively?

Women gained the right to vote 75 years ago, but we still have a long way to go, even to get out of the basement.

HIGHER TAXES, MORE GOVERNMENT, AND MORE REGULATION

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

Mr. WHITFIELD. Mr. Speaker, over the past 40 years the National Democratic Party has shown without question they sincerely believe that higher taxes, more government, and more regulation can best solve the problems of the American people.

In 1993, the Clinton administration, with help from the Democrats on that

side of the aisle, passed one of the largest tax increases in the history of this country. Earlier this year we passed a small tax reduction, which has been characterized as a tax for the wealthy. I would like to go over a few of those provisions for you.

If you are an American family and you have children today we are going to give you $500 per child tax credit. We are going to restore $145 to remove the tax penalty for married couples in this country. We are going to restore IRA's to help savings in this country. We are going to allow small businessmen and women around this country to deduct up to $35,000 of their investments each year to provide more jobs and a stronger economy. We are going to provide a refundable tax credit of up to $5,000 for people who adopt children.

Is this a tax break for wealthy Americans? No, it is for the working men and women of this country.

SPIRIT AND LETTER OF LAW SHOULD BE OBSERVED

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

Mr. JOHNSTON of Florida. Mr. Speaker, in an article in the Hartford Current dated September 27 of this year, the chair of the Committee on Standards of Official Conduct reflected on the committee's inquiry into the complaint against Speaker NEWT GINGRICH. I quote, ''The letter of the law is not compelling to me,'' she said, ''I will work with our rules. Our rules have a certain degree of flexibility. My goal is to have a process that the committee members feel good about.''

Mr. Speaker, the work of the Committee on Standards of Official Conduct is not about Members feeling good about themselves. If both the spirit and the letter of the law are not compelling and relevant to each and every inquiry undertaken by this important committee, then we have lost sight of the purposes of its function.

□ 1030

Mr. EHLERS. Point of order.

Mr. JOHNSTON of Florida. The inquiry into the Speaker's actions and the issue of whether to hire outside counsel are critically important to this institution.

The SPEAKER pro tempore (Mr. HEFLEY). Will the gentleman suspend.

POINT OF ORDER

Mr. EHLERS. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. EHLERS] will state his point of order.

Mr. EHLERS. Mr. Speaker, the gentleman is addressing a matter currently under consideration by the Committee on Standards of Official Conduct, and under House rules that is not permitted.

Mr. DOGGETT. Mr. Speaker, I wish to be heard on the point of order.

Mr. Speaker, on March 8 of this year, Speaker GINGRICH himself announced a new policy concerning speech on the House floor. Let me quote directly, for your consideration in making this ruling, his comments on March 8.

He said, and I quote, ''The fact is, Members of the House are allowed to say virtually anything on the House floor. It is protected and has been for 200 years. It is written into the Constitution.''

Mr. Speaker, it would seem to me, in view of the Speaker's own words, that comments about the Speaker and about ethics on the floor of this House are certainly within the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to be heard?

Mr. EHLERS. Mr. Speaker, that point that was just made has been made a number of times. The point is simply the rules of the House prevent us from speaking about matters which are under consideration in the Committee on Standards of Official Conduct, and the speaker was out of order.

The SPEAKER pro tempore. Does the gentleman from West Virginia [Mr. WISE] wish to be heard?

Mr. WISE. Mr. Speaker, yes, I wish to comment. As I understood the remarks of the gentleman from Florida [Mr. JOHNSTON], they were directed at the Committee on Standards of Official Conduct and the process it is undertaking. Those remarks also went to a general process and, as I think he specifically referred to, proceedings affecting any Member.

Mr. Speaker, certainly I would hope that the general conduct of the Committee on Standards of Official Conduct would be a proper subject for discussion here on the House floor.

Mr. JOHNSTON of Florida. Mr. Speaker, if I may further address the inquiry, I agree with the last speaker. I was inquiring and investigating the process of the committee itself, and not into the specific inquiry of the Speaker. I think if the gentleman from Michigan [Mr. EHLERS] listened closely, the gentleman would see the distinction of his complaints last week and the freedom of speech.

Mr. DOGGETT. Mr. Speaker, if I might be heard further on the point of order. In consideration of the rules, particularly as it relates to the Committee on Standards of Official Conduct, I believe that the rules do refer to certain proceedings in front of the Committee on Standards of Official Conduct being secret.

But, Mr. Speaker, when the chairwoman of the Committee on Standards of Official Conduct comments publicly and repeatedly in the newspapers on this subject, surely there is an exception within our rules to permit our Members to comment on the proceedings in front of that committee when she is, herself, speaking about the Committee on Standards and Official Conduct and how it is disregarding its own rules.

Mr. EHLERS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order raised by the gentleman from Michigan [Mr. EHLERS]. The Member is reminded not to refer to matters currently pending before the Committee on Standards of Official Conduct, and Members should refrain from references in debate to the official conduct of other Members where such conduct is not under consideration in the House by way of a report of the Committee on Standards of Official Conduct or a question of the privilege of the House.

Mr. JOHNSTON of Florida. Mr. Speaker, their fair adjudication depends on a serious and faithful reading of the rules and the laws that govern our conduct. Anything less is totally unacceptable.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, my parliamentary inquiry is this. Your ruling to the speaker in the well, was your ruling that we cannot speak or address on this floor matters pending before the Committee on Standards of Official Conduct, or are we allowed to speak about the ethics process, which is published in the ethics rules that we all receive and is a public document?

Mr. Speaker, are you ruling that we cannot even speak about the process, if we disagree that the process is not being properly followed out? We are now gagged and cannot talk even about the process?

The SPEAKER pro tempore. The Chair's ruling speaks for itself. Let me repeat that ruling. Members are reminded not to refer to matters currently pending before the Committee on Standards of Official Conduct.

Mr. STUPAK. Mr. Speaker, further parliamentary inquiry. So we can speak about the process? Is that your ruling? It is OK to speak about the process of the Committee on Standards of Official Conduct?

The SPEAKER pro tempore. Members can speak about the process, but should refrain from speaking about matters that are pending before the committee.

ADVOCATING THE WITHHOLDING OF A MEMBER'S SALARY FOR DAYS MISSED

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

Mr. METCALF. Mr. Speaker, today a Member of Congress will appear in court for sentencing due to his August conviction on charges of criminal sexual assault, child pornography, aggravated criminal sexual abuse, and obstruction of justice.

Mr. Speaker, he has not cast a single vote since June. Through the end of

last week, he has missed 31 consecutive days of congressional session, including every day this month.

Mr. Speaker, I respectfully submit that no Member should be paid for a month in which he completely failed to report for work and was sentenced to jail. Under the law, the Speaker has the authority to deduct from Members' salaries for each day they are absent from the House, unless the Member was absent for his sickness or family sickness.

Mr. Speaker, today I am submitting a letter to Speaker GINGRICH, signed by quite a few Members of the House, requesting him to stop this Member's collection of over $11,000 of taxpayers' money for September's salary. The National Taxpayers Union has led the investigation into the Speaker's authority into this matter and strongly supports this urgent request.

ETHICS INVESTIGATION REQUIRES CONSISTENCY

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

Mr. WISE. Mr. Speaker, the credibility in this institution requires that both the public and the Members serving here know that there is consistency in the application of the processes by which Members are investigated for alleged wrongdoings. Specifically, that the Committee on Standards of Official Conduct follows the same process for each and every Member.

Simple due process for anyone requires that they know what to expect, and know what the procedures are. That is why I have some concern when I read that the gentlewoman from Connecticut, the present chair of the Committee on Standards of Official Conduct, was quoted as saying recently that, and I quote from the Hartford Courant, ''The letter of the law is not compelling to me. I will work with the rules. Our rules have a certain amount of flexibility. Our goal is to have a process that the committee members feel good about.''

Mr. Speaker, justice and Committee on Standards of Official Conduct investigations are not best conducted in a hot tub, feel-good atmosphere. I am concerned when an aide of hers quotes Speaker GINGRICH in 1987, when he said that investigation requires a high standard. I urge it to be followed today.

READ ALL ABOUT IT

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

Mr. FOLEY. Mr. Speaker, read all about it. The Washington Post, Thursday, September 28. Democratic former Member of Congress, Tim Penny, ''Medicare Mistake.'' ''My party is making a big mistake. The Democratic Party is closely identified with Medicare, and rightfully so. Democrats first conceived of Medicare, put it into law. As architects of Medicare, we have a responsibility to shore up the program before it collapses.''

Democratic Congressman Tim Penny says:

> We cannot afford to ignore Medicare's shaky financial situation or put it off until after the next election. It is just too important. Medicare trustees have given us a 7-year warning. Those 7 years shouldn't be squandered in indecision, stall tactics and politicking. We should view this time as an opportunity to devise and employ creative solutions. Democrats should be the leaders in this debate, not the obstructionists.

Mr. Speaker, my parents are on Medicare. I love my parents. As Republicans, we are promoting protecting and preserving Medicare for this generation and future generations. Democrats, take Mr. Penny's comments seriously. Join us in the fight to protect it and stop the demagoguery.

THE EFFECTS OF A $270 BILLION CUT IN MEDICARE

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

Mr. PAYNE of Virginia. Mr. Speaker, in a few weeks this House will have a profound choice. We can cut $270 billion from the Medicare Program, or we can scrap big tax cuts and move forward with a reasoned program of Medicare reform.

Many of my constituents have made that choice. I have spoken to hundreds of them, both elderly and young people, about Medicare. They have looked at this budget and decided that it is unfair to pay for big tax cuts at the expense of health care for the elderly.

Mr. Speaker, I toured hospitals that are typical of the 13 rural hospitals in my district. One administrator told me that 56 percent of his facility's revenues are derived from Medicare and that Medicaid accounts for another 13 percent. This hospital is 50 miles from another acute care facility and, like many rural hospitals, it operates at the margins.

The hospital administrator told me that if cuts of the magnitude being proposed now in the Republican plan are adopted, they could well force this facility to close. Where will the elderly go then? If we move forward recklessly or cut too deeply just to pay for a tax cut, we will do irreparable damage.

Mr. Speaker, I urge this body to move responsibly and to reject $270 billion in cuts in Medicare.

DEMOCRATS: COME IN FROM THE RAIN

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

Mr. GOODLATTE. Mr. Speaker, last week the Democratic leadership sat outside in the rain moaning and groaning and grandstanding for the television cameras about the Republican plan to preserve and strengthen Medicare and increase spending on Medicare.

What do others have to say about that? The Washington Post calls them ''medigogues.'' Former Congressman, Democratic Congressman, Tim Penny calls their tactic the ''Medicare mistake.'' He says:

> There was a time when Democrats were willing to act responsibly, but by politicizing the issue, Democrats are threatening the viability of the very program they created.

He goes on to say:

> We cannot afford to ignore Medicare's shaky financial situation or put it off until after the next election. It is just too important.

So, what have the Democrats done? Nothing. Where is their plan? Nowhere.

Mr. Speaker, that is not surprising for people who do not even know enough to come in from out of the rain.

THE REPUBLICAN RECORD AFTER 7 MONTHS

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, today I rise to inform you of the Republican record after 7 months. The Republican agenda is strictly an agenda that caters to the rich and powerful special interest and alienates and belittles the rest of us. For example, the Republicans have given families earning more than $100,000 a $245 billion tax cut while on the other hand they are cutting Medicare spending by $270 billion. Talk about robbing Peter to pay Paul—Paul must be an awfully happy camper.

Mr. Speaker, not only do the Republicans want to save the wealthy money—they want to give them money also. The Republicans are giving an average tax break of $20,000 a year to the richest 1 percent of taxpayers while senior citizens are going to experience an average reduction in Medicare benefits of more than $1,000 a year. I ask you, does this sound like a fair agenda for our seniors that have worked so long and hard for their benefits?

Finally, Mr. Speaker, the Republicans want to hurt our educational system by making changes in our student loan program that would increase profits for banks and guarantee agencies while the spending cuts would make college students pay $4,500 to $7,500 more for each student loan.

Mr. Speaker, I ask my colleagues, does this sound like a fair agenda for our seniors who have worked so long and so hard?

Mr. Speaker, these uncalled for tactics show you why the American people are becoming more disgruntled with the Government.

HELP SAVE MEDICARE

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

Mr. HERGER. Mr. Speaker, Democrats have been playing a broken record for the last few months. It goes something like this: ''Medicare is not really going bankrupt—Republicans only want to give a tax break to the rich.''

What unmitigated drivel. I've heard a lot of tall stories in my time, but this takes the prize. It is true that Republicans advocate tax cuts. But the vast overwhelming majority of those tax cuts go to middle-income working American families. One of those tax cuts is the $500-per-child tax credit for almost every child in America.

Now, let me ask a question: Are there more millionaires in this country, or working families with children?

The most important point to realize here is that tax cuts have nothing to do with Medicare. Even if the budget was balanced and rich people were taxed 100 percent of their income, Medicare would still go broke in 7 years.

Mr. Speaker, Democrats need to fix their broken record and begin helping Republicans save Medicare.

WHY CUT $270 BILLION FROM MEDICARE?

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

Mr. STUPAK. Mr. Speaker, there are philosophical differences between Democrats and Republicans on Medicare, and there is no doubt that the Republican party would like $270 billion in tax cuts, but why $270 billion in tax cuts in the Medicare program? To pay for the tax breaks for the wealthiest 1.1 percent of all Americans and for tax breaks for corporations.

□ 1045

I sit on the Subcommittee on Health and Environment of the Committee on Commerce. As of October 10 we will begin the Medicare markup. We have never yet seen a bill. We have a 59-page summary. In that summary that we have read from cover to cover, nowhere, nowhere does it say that $270 billion will go and be reinvested into Medicare. Nowhere does it say that.

If they wanted to save Medicare, take the $270 billion in tax cuts and put it back into the Medicare system. What is going to happen, Mr. Speaker, is just what the U.S. News & World Report says: Tax exempt. You pay Uncle Sam.

How come thousands of American corporations do not? Because they are going to take the $270 billion in tax cuts out of Medicare and give it to the corporations.

CONTACT REPRESENTATIVES DIRECTLY

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

Mr. EHLERS. Mr. Speaker, recently I received a letter from a senior citizen in my district, Mrs. Esther Koster, who responded to a letter I had sent her. She responded as follows:

DEAR SIR: It was refreshing to get a letter from a Congressman with information without having to sign a petition and send money. For the past month I have received a minimum of three letters a day from different organizations asking me to sign petitions and send money. At first I complied but lately it has gotten out of hand and now those letters go from the mailbox to the garbage without being opened. Are all these organizations necessary and how can I tell if some are using the funds for themselves or for other purposes?

Mr. Speaker, last month I gave a speech on this floor decrying the fraudulent organizations which are soliciting money from senior citizens, ostensibly to let us know their opinion. Mrs. Koster, I want to assure you, you do not have to send money to these organizations to let us know what you think. Spend 32 cents for a stamp to send us a letter, as you did. To all senior citizens out there, avoid these fraudulent organizations. Contact your Congressperson directly.

PEOPLE WANT THE LETTER OF THE LAW

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include therein extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, as an American, I feel very good about the fact that everybody is under the letter of the law. As a Member of this body during Watergate, I was very saddened by the fact that the Presidency was being attacked, but I also felt very good that we were showing the world that no one is above the letter of the law in this great and wonderful country, thanks to Thomas Jefferson and many of our forefathers and the rules they put together.

Yesterday, Mr. Speaker, I felt sick because I found an article in the Hartford Courant in which the ethics charges against the Speaker were being discussed by the chairwoman of the Ethics Committee who said, the letter of the law is not compelling to me, that there is a lot of flexibility in our rules, and I wanted to put together a process that will make Members feel good.

I do not think people want that flexibility. I think they want the letter of the law.

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

JOHNSON DEFENDS ETHICS CASE STANCE

(By John A. MacDonald)

WASHINGTON.—Rep. Nancy L. Johnson, R-6th District, confirmed Tuesday that she signed a 1988 letter to the House ethics committee urging if to conduct a ''full inquiry'' into complaints against then Speaker Jim Wright, a Texas Democrat.

The letter was a circulated by Rep. Newt Gingrich, who at the time was a relatively unknown Republican from Georgia. Now, he is speaker of the House and is the subject of complaints under review by the ethics committee.

Johnson became the committee's chairwoman when Republicans took control of the House in January.

In addition to the letter, Gingrich issued a press release may 26, 1988, in which he said it was ''vital'' for the committee to hire an outside counsel to pursue the complaints against Wright throughly.

The letter and press release are significant because many think they set a standard the committee has failed to meet in its Gingrich investigation.

Asked why that was not happening, Johnson said, ''This is Newt speaking, and you see some of our Democratic colleagues agree with him. . . . In signing this original letter, that didn't mean I agreed with him on all this stuff.''

Johnson's comments came during a wide-ranging meeting with Connecticut reporters.

The committee is considering complaints relating to a book deal Gingrich signed with media magnate Rupert Murdoch, the financing and promotion of a college course Gingrich taught in Georgia and whether the speaker allowed an outside consultant to perform official House business.

Johnson also defended the committee's decision not to use an investigative procedure set out in the House Ethics Manual.

''The letter of the law is not compelling to me,'' she said. ''I will work with our rules. Our rules have a certain amount of flexibility. . . . My goal is to have a process that the committee members feel good about.''

Rep. Jim McDermott of Washington, the senior committee Democrat, has objected to the course the committee is following, complaining that the panel was not prepared to question key witnesses who appeared in July. Tuesday, Johnson complained that McDermott had not raised his concerns with the committee before making them public.

McDermott did not respond to a request for comment.

As she has in the past, Johnson held out the possibility that the committee will turn for help to an outside counsel, as many House Democrats and several government watchdog groups have requested. But she said the 10-member panel, evenly divided between Republicans and Democrats, had not reached that point.

Responding to reports the panel was close to appointing an outside counsel, Johnson said, ''It is absolutely true, without doubt in my mind, that the committee has made no decision.''

Johnson sought to portray the committee as struggling to find the best way to achieve a consensus on how to complete its inquiry. ''Jim's position is certainly legitimate,'' she said, referring to McDermott.

But, she went on, ''Six-four decisions aren't healthy. They don't get you anywhere, particularly 6–4 procedural decisions. Six-four procedural decisions tend to set up 5–5 deadlocks.'' A 6–4 vote is the narrowest majority by which the 10-member committee can approve an action.

The letter Johnson and 70 other House Republicans signed in 1988 has been circulated in recent days by groups seeking an outside counsel with unlimited authority. It concluded: ''The integrity of the House of Representatives and the trust of the American people require a full inquiry [into the Wright complaints].''

Johnson said Tuesday, ''I don't see that as contradictory of what I'm doing . . . I have every intent that this will be a full inquiry.''

She also said that naming an outside counsel could get in the way of the committee making its own judgments.

''We need original source information where it's practical and where it's reasonable,'' she said. ''I think we're going to do a better job than those who would have turned it over to someone.''

Others have said that only an outside counsel could conduct a complete, impartial investigation.

Johnson disagreed with those who say the committee has established special rules for Gingrich, and she defended the committee's action in setting aside the ethics manual in the speaker's case.

''My job, as I perceive it, is not to fulfill some sort of generic expectation,'' she said. ''My job is to provide just consideration of the complaints that come before us.''

The ethics manual says that once the committee decides a complaint meets certain criteria, it may begin a formal inquiry. The panel then is to split into subcommittees—one to investigate the complaints and the other to hear sworn testimony and decide the validity of the complaints.

Instead, the committee has yet to vote to conduct a formal investigation while the full panel has taken sworn testimony from more than a dozen witnesses, including Gingrich and Murdoch.

Johnson said the committee's 1992 investigation of members who bounced checks on the now-defunct House Bank showed the ethics manual process to be an ''utter and total disaster.'' McDermott served on the ethics sub, that recommended making public the names of only 24 members who abused their banking privileges.

But Johnson and three other committee Republicans objected that all those who wrote bad checks should be named. Eventually, Johnson's position prevailed. She said the bank investigation unfairly harmed the reputations of many members, adding, ''I don't want a result like that.''

Government watchdog groups that have recently joined the call for an outside counsel with unlimited authority to handle the Gingrich case include Common Cause, Public Citizen and the Congressional Accountability Project, a Ralph Nader organization.

A ''YES'' VOTE ON BOSNIA MEANS TROOP DEPLOYMENT

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

Mr. NEUMANN. Mr. Speaker, this afternoon we will be addressing the Defense appropriations bill on the floor of the House. While the chairman, the gentleman from Alaska [Mr. YOUNG], and the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], deserve praise for hitting the budget targets, we need to be aware of one other happening because of this bill. We need to be aware of the fact that this bill allows President Clinton by himself to deploy United States troops, young men and women, United States men and women, to Bosnia.

Make no mistake, a ''yes'' vote on the Defense appropriations bill means United States troops will be deployed into Bosnia. If we deploy United States troops in Bosnia, we, the United States, must be prepared to accept the consequences. The Post this morning reports that the White House is now coming to ask for this deployment. If these troops are deployed, we must be prepared for our young men and women coming home in body bags, and we must be prepared for $3 billion price tag that goes with the deployment of United States troops in Bosnia.

The Defense appropriations bill originally contained an amendment that would have required the President to come to Congress for a vote of confidence, for an acceptance of the expenditure of these funds prior to deploying troops into the Bosnian arena. If we vote yes on the Defense appropriations bill today, we must be prepared to accept the consequences.

I do not even wish to advocate a yes or no vote but, rather, I would encourage my colleagues to be prepared for the consequences of the votes they make, and the consequences clearly are our young people being returned in body bags and a $3 billion expenditure.

EXTENDING AUTHORITIES UNDER MIDDLE EAST PEACE FACILITATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2404) to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. HAMILTON. Reserving the right to object, Mr. Speaker, I do not intend to object, and I yield to the gentleman from New York [Mr. GILMAN], chairman of the committee, to explain his unanimous-consent order.

Mr. GILMAN. Mr. Speaker, H.R. 2404 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise would have expired on October 1, 1995. That act was previously extended by Public Law 104–17 and by Public Law 104–22.

H.R. 2404 extends the act until November 1, 1995, and includes a transition provision to make certain that there is no lapse in the act's authority.

Mr. HAMILTON. Mr. Speaker, continuing my reservation of objection, I do not intend to object, I simply want to note that I do not think it is helpful to Israel, to the Palestinians or to maintaining momentum in the peace process to have to come to this floor every 30 or 45 days to extend these authorities on a short-term basis. I hope that we will be able to make this the last short-term extension of the Middle East Peace Facilitation Act and that we can instead fashion a provision that holds the parties to the Middle East peace process to the terms of the agreements they have negotiated but which does not go beyond those terms.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend from Indiana for yielding to me.

Mr. Speaker, this is now the third time that we are renewing the Middle East Peace Facilitation Act. This, in my opinion, is not really the way to go about it. Each time we renew it, we say it is for a temporary moment until we can put the law together and pass a new Middle East Peace Facilitation Act and each time there is just a simple renewal.

I do not think this is a good process. We have had legislation introduced. I have introduced a bill. We have had no markups on the committee. We had one hearing last week, but we have not had any markups.

The Senate is moving ahead with its foreign ops bill. Senator HELMS and Senator PELL are putting together language. Quite frankly, I see no reason why we should cede our authority to the Senate. Why should the Senate language ultimately be the language that is adopted?

I think that this House has a very important role to play and, frankly, I think that our Committee on International Relations ought to put all the legislation that has been proposed at a hearing, talk about it, do a markup, have a markup of the bill, and we ought to come up with new MEPFA language. That is the way I think that we ought to proceed.

Yasser Arafat's feet must be held to the fire. I know there is a signing going on in the White House today. I intend to be there. All of us hope and pray for Middle East peace, but I think a just peace will only be a just peace if there is compliance on all sides, and that includes the PLO and it includes Mr. Arafat.

I believe that United States money should continue to flow for this process, if the Palestinians, if Mr. Arafat is keeping his pledges. If he does not, then I think the money ought to stop; only Mr. Arafat and the PLO can determine that.

So I do not think an automatic renewal is the way to go. I understand it is only for 30 days and I will not object to the 30 days, but I will be hard-pressed 30 days from now to come here and agree to another extension.

Again, I think that the peace process will only work and American money should only continue to flow if both sides are adhering to what they agreed. We do not have that now. The covenants are still in place, talking about the destruction of Israel, the PLO covenants, and Yasser Arafat's track record has been less than admirable. So I think that while we probably have no choice today, again, I think that our committee, and I would hope that the chairman, in fact, I wonder if the chairman would give a commitment that we would have a markup of my

bill and other bills that have been proposed and also perhaps that our committee can formulate a bill.

Again, I see no reason why this House has to cede its authority on this important sphere to the Senate. Why should the Senate foreign operations bill be the core to any new Middle East Peace Facilitation Act that is proposed?

While Senator HELMS and Senator PELL are putting together their language and doing a good job, I think we have an equal role to play, not simply a role of following the Senate.

So I am wondering if the chairman can give me assurances that we will indeed have a markup in this House and that this House will come up with its own bill and not simply rubberstamp the Senate version in the foreign ops bill.

Mr. HAMILTON. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, in response to the concerns of the gentleman from New York, we share those concerns. We will have an opportunity in the next 30 days to take a good, hard look at all of those problems. And hopefully our committee will be able to address some of the gentleman's concerns.

I thank the gentleman for raising this issue.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

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

There was not objection.

The Clerk read the bill, as follows:

H.R. 2404

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

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended Public Law 104–22, is amended by striking ''October 1, 1995,'' and inserting ''November 1, 1995,''.

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to October 5, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

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

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Dayton, OH [Mr. HALL]. All time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, I yield myself such time a I may consume.

Mr. Speaker, the rule provides for consideration of House Joint Resolution 108, a continuing resolution making appropriations for fiscal year 1996 through November 30, 1995. The rule provides for consideration of the joint resolution in the House, any rule of the House to the contrary notwithstanding, with 1 hour of general debate divided equally between the chairman and ranking member of the Committee on Appropriations.

Finally, the rule provides for one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, we are in the midst of an historic effort to change the Washington culture of deficit spending by balancing the Federal budget over a 7-year period. For the first time in three decades, the majority in Congress is insisting that Federal spending not take priority over the future of our children. We are implementing a budget plan that sets priorities within the $1.5 trillion Federal budget by slowing the rate of growth of most Federal programs while eliminating those that are clearly wasteful, duplicative, or unnecessary.

Balancing the budget is clearly not a simple job, especially when the President, sizable minorities in the House and Senate, and special interests that live off the fat of the bloated Federal Government stand in the way. The appropriations process is a central feature of that budget balancing struggle.

□ 1100

It is clear that the bills that meet the targets of the 7-year balanced budget plan will not be completed by October 1, the beginning of the new fiscal year. The continuing resolution that we are going to be considering here today gives Congress time to complete the regular appropriations bills.

Mr. Speaker, the administration supports House Joint Resolution 108, the chairman and ranking minority member of the Committee on Appropriations appeared before the Committee on Rules yesterday and both supported both the rule and the measure. This continuing resolution is a bipartisan compromise that was the result of a long, sincere, and tireless negotiating process.

While this continuing resolution is a responsible bill, there should be no mistake the fact he continuing resolutions will not replace the regular appropriations process. House Joint Resolution 108 provides the time we need to do the work we need, and that is it. It is a temporary stopgap, and it is a fiscally responsible stopgap.

The spending level incorporated in this continuing resolution is below the level in the House-passed balanced budget plan. It should be made clear that this continuing resolution does not attempt to impose major policy changes on the Federal Government. Those policy changes will be accomplished through the regular legislative process, an effort, even a struggle in some cases, that I look forward to. But they will not be implemented today.

Mr. Speaker, with the beginning of the new fiscal year rapidly approaching, it is important that we act quickly. I urge my colleagues to support this rule and to support the resolution. It should be approved, sent to the other body for equally prompt and responsible consideration, and sent to the President for signature this weekend. Then we can get back to the critical work of balancing the Federal budget, saving the Medicare system from bankruptcy, ending welfare as we know it, and implementing a growth-oriented tax cut that will create more jobs and increase the take-home pay of American workers.

Mr. Speaker, I include for the RECORD a comparison of the rules considered by the Committee on Rules during the 103d and 104th Congresses.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 27, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	50	74
Modified Closed [3]	49	47	15	22
Closed [4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 A: voice vote (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)..
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

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

Mr. HALL of Ohio. Mr. Speaker, House Resolution 230 is a closed rule to allow consideration of House Joint Resolution 108, a bill making continuing appropriations for the fiscal year 1996.

As my colleague from California has described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Under the rule, no amendments will be allowed. A motion to recommit with instructions may be offered only by the minority leader or his designee.

The Rules Committee reported this rule by voice vote without opposition.

Too often in recent years, Congress has waited until the last minute to keep the Government going past the beginning of the fiscal year. With this ritual comes the fear of Government furloughs, shutdowns, and programs grinding to a half.

This year, with loud threats being made not to compromise, the fears were stronger than usual. There was talk of a train wreck coming October 1.

The American people deserve better. What kind of a signal are we sending to the dedicated, public-spirited civil servants who work for the Governments?

What kind of a signal are we sending to Americans who depend on Government services?

What kind of a signal are we sending to the people of other nations who are our allies and trading partners?

There has to be a better way.

During Rules Committee consideration of the continuing resolution, we heard testimony from our colleague from Pennsylvania, Mr. GEKAS, who has proposed a bill that would provide an automatic back-up plan in case the appropriations bills are not passed before the end of the fiscal year. It is a sound idea that has merit.

I hope that the House will give serious consideration to his bill—or any proposal that will end this embarrassing ritual once and for all.

The rule under consideration is a closed rule. In general, I am opposed to closed rules. This institution usually does its best work when full and open debate is permitted, giving the American people an opportunity to hear complete discussion of the issues.

But there is a time when legislation is so urgent and so fundamentally important to our Nation that a closed rule is acceptable. This is such a time.

We must pass this bill quickly to ensure the smooth continuation of Government services into the next fiscal year. Even more important, we must send a signal to the Federal workers at military bases, veterans' hospitals, air traffic control towers, national parks, and elsewhere that this House respects their work.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to my good friend, the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the vice chairman of the Committee on Rules for yielding me this time. The gentleman has very ably stated the necessity for this continuing resolution.

Mr. Speaker, let me first of all just really praise the chairman of the Committee on Appropriations, the gentleman from Louisiana, BOB LIVINGSTON, for the great job than he and his staff have done on this entire appropriation process this year under very difficult circumstances. But let me speak just briefly to the aspect of a closed rule.

This is not a typical closed rule. What this rule does is simply allow the Committee on Appropriations to bring a continuing resolution to this floor which will allow an additional 6 weeks for this body to negotiate between the Democrats and the Republicans, to negotiate between Republicans and Republicans, and to negotiate with the other body as well as the White House.

I want to make one thing very clear: This in no way diminishes our effort to stay on a glidepath toward a balanced budget. This Member of Congress is voting for nothing that is going to in any way diminish that effort to bring about a balanced budget. As a matter of fact, the continuing resolution, as the gentleman from Louisiana [Mr. LIVINGSTON] has stated and will state in a few minutes, and the gentleman from California [Mr. DREIER], this continuing resolution actually keeps us on that glidepath more than if we did nothing at all. That is very, very important.

For example, when various programs or projects or bureaus or agencies have been zeroed out, have not been funded, this says that they can continue at last year's 1995 levels, minus or not to exceed 90 percent; nor can they go ahead with any kind of expediting of programs that are not provided for. For all of the other programs, and this is very important, they will only be funded during the next 6 weeks at the average of the House and Senate, minus another 5 percent.

That means by passing this continuing resolution, we are actually saving the taxpayers dollars. That is important to keep in mind. I hope everyone does support this continuing resolution so we can get on toward balancing this budget, which is desperately needed in this country.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules and the chairman of the Subcommittee on Legislative Process.

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

Mr. GOSS. Mr. Speaker, I am very pleased to rise in support of this rule and I thank my friend, the vice-chair of the Rules Committee, Mr. DREIER, for yielding. For those who despair that partisan politics have ground the legislative process to a halt, this rule and this continuing resolution should provide some encouragement. Today we have before us the product of good faith negotiation and practical cooperation between the Houses of Congress and up and down Pennsylvania Avenue. The continuing resolution reflects a bipartisan commitment to ensuring that the Government continues to function beyond the first of the fiscal new year. Yet we must be perfectly clear—this continuing resolution is temporary—lasting no more than 6 weeks—and it is carefully designed to squeeze discretionary spending enough so that all parties to the budget negotiations will have the incentive to get the real job done in passing—and signing—the 13 regular appropriations bills. This concurrent resolution reflects our commitment to balancing the budget and cutting Federal spending, while allowing us to work out some very deep philosophical differences on issues involving the size and scope of the Federal Government. That work lies at the heart of what must be accomplished in our congressional budget process. I know that many Americans are concerned about what has been labeled an impending train wreck in the budget process. While we have yet to reconcile the issues of Medicare, Medicaid, welfare and other major components of the budget picture, today's action at least clears the way for the discretionary spending train to leave the station, only slightly delayed, but on the right track. Mr. Speaker, this rule, as has been explained, is simple and should be noncontroversial. Although few people believe that continuing resolutions have been—or should ever be—standard business, today's rule is highly standard for such matters and I hope my colleagues will support it. I would like to note that we did have some testimony in the Rules Committee from Members taking a longer view of the congressional budget process, seeking a way to avoid annual action on continuing resolutions in the future. While we are not able to resolve that process question here today, I would like to assure Members interested in the broader topic of budget process reform that our Rules Subcommittees, chaired by Mr. DREIER and myself, have been reviewing our entire budget process and seeking opportunities for reform. We welcome the input of all Members. While process cannot protect us from making the tough policy decisions needed to find balance in our budget, it can help us adhere to those decisions once they are made.

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

Mr. Speaker, I do so to simply inform my colleagues that we are very pleased to have the distinguished former chairman of the Committee on Rules, the ranking minority member here, the gentleman from Massachusetts [Mr. MOAKLEY], and the entire House would like to extend our very warm welcome.

Mr. Speaker, I yield 4 minutes to my very good friend, the gentleman from Loveland, CO [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I would like to thank the gentleman from California [Mr. DREIER] for yielding me time. I commend the gentleman for his hard work in bringing about reform in the Congress.

Mr. Speaker, I rise in support of H.R. 230 and House Joint Resolution 108. In August I introduced H.R. 2197, the Continuing Resolution Reform Act. It was clear to me that a continuing resolution was very likely and that it would

be necessary to ensure that any continuing resolution immediately begin to cut spending.

The Allard rule would amend the rules of the House to require that a continuing resolution would find programs at the lower of the House-recommended level or the Senate-recommended level at, and in no case would funding exceed 95 percent of the prior year's level. This proposal would mandate a minimum of 5 percent real cut in any continuing resolution.

Mr. Speaker, I intend to continue the fight to get this proposal enacted into our House rules so it can provide a guideline for any future continuing resolutions.

Today we have before us a continuing resolution that will temporarily fund most programs at the average of the House recommended level and the Senate recommended level with an additional 5-percent cut below that level. I want to commend my colleague from Louisiana for working on such a strong agreement with the administration.

This continuing resolution is consistent with the overall discretionary spending target established by the budget resolution. It would result in $24.5 billion in discretionary spending cuts if calculated on an annualized basis.

This represents real spending cuts. In addition, it will act as a catalyst to get the regular appropriations bills enacted into law as soon as possible. It is not a painless alternative for those who wish to preserve the status quo and block budget cuts.

This is a credible agreement and a good start to our 7-year balanced budget plan. It will let the American people know that we are serious about keeping our promises. It will let them know we are serious about eliminating deficit spending by 2002.

Mr. Speaker, I intend to support this continuing resolution, and I urge my colleagues to do the same.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my good friend the gentleman from Harrisburg, PA [Mr. GEKAS].

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

Mr. Speaker, it is no secret to the members of the Committee on Rules that for several terms now I have regularly appeared before it to urge consideration of my proposal which we have called the instant replay, meaning that if on September 30 of every year, the end of the fiscal year, we do not have a budget in place, that automatically on October 1, would go into effect—by instant replay mechanism—last year's budget, or the lowest figure between the House and Senate, whichever is the lowest figure, for the remainder of the term, so that the White House and the Congress could continue to negotiate without the fear of and without the pressure of a threat of or actual shutdown in Government.

□ 1115

That is all I ever intended, to prevent a shutdown of our Government. We had the anomally, the sad state of affairs, where in 1990, as our youngster were gathering their military forces in Saudi Arabia—waiting for Desert Storm to occur, in forming Desert Shield—that while they were there, the Government supported the shutdown. That is unacceptable.

Well, Mr. Speaker, where are we? I should feel chagrined that the Rules Committee again smacked me down and did not consider my proposal, but, on the other hand, the sense of that instant replay has been incorporated in the current continuing resolution. It prevents shutdown of Government, does bring in the lower levels of spending for an appreciable time, but the problem is that, after this 6-week continuing resolution's life, the question recurs, the danger recurs, the specter of a shutdown in Government comes back to haunt us.

Mr. Speaker, my instant replay would have prevented that for all time. But I am happy at least for 6 weeks to be able to debate the merits of instant replay again. There should never be a Government shutdown.

Mr. DREIER. Mr. Speaker, I would inquire of my friend if he has any speakers on the other side of the aisle.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time. I would simply say that I am thankful that we are avoiding this tremendous embarrassment, this big, certainly hurt to the country by having this continuing resolution before us. I am very thankful to the gentleman from Louisiana [Mr. LIVINGSTON] for his work, certainly the gentleman from Wisconsin [Mr. OBEY] for his diligence behind the scenes and working very, very hard to keep this, along with Mr. LIVINGSTON, and certainly our President for making it happen.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I would join in saying that I believe this is a very important day. We are headed toward a balanced budget within the next 7 years. We have successfully, when we pass this resolution, avoided a shutdown of the Federal Government. It is due to the efforts of the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], and all of us who have participated in supporting their work here.

I hope, very much, that we will be able to move quickly to passage of this and then provide it so that the President can sign it this weekend. With that, Mr. Speaker, I urge support of the rule and support of the resolution.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 108) making continuing appropriations for fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The Speaker pro tempore (Mr. HEFLEY). Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 108, and that I might include tabular and extraneous material.

The Speaker pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I might consume, and I do not anticipate that I will take nearly all the time allotted to me.

First, I want to thank the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, and all of the members of that committee for hearing us out and for bearing with us while we entertained the ongoing negotiations on this continuing resolution. We did have some last minute changes that we had to engage in with the administration but the Committee on Rules was most gracious in giving us the extra time so that we could put the final touches on this package. I am deeply appreciative of their consideration.

Likewise, Mr. Speaker, I want to thank the representatives of the administration, Mr. Panetta, Chief of Staff over at the White House, and all of his people for working with us. We had some interesting moments, but I am glad to say that with their help we finally brought it to a conclusion.

I especially wanted to thank my friend, the gentleman from Wisconsin [Mr. OBEY], the ranking member on the Committee on Appropriations. Without his help, I do not think we could have closed the loop on this package, and I do think that it is important that we have an additional 6 weeks of time to complete our processes on the appropriations bills.

Mr. Speaker, we went through a very exhaustive spring when the Contract With America was working its way through the Congress and, obviously, the budget and appropriations process was put to the back of the line in terms of the agenda on the floor of the House.

We have had to take a little extra time at the back end, but we are in the process of completing our business, and I think that this 6-week continuing resolution will enable us to get over the hump without unduly stressing the work force of the Federal Government or the business of the United States of America.

I am very, very pleased then to bring to the House this fiscal year the 1996 continuing resolution, House Joint Resolution 108. We will not have all 13 appropriations bills enacted into law before October 1. A continuing resolution to keep the Government operating is, therefore, necessary.

This continuing resolution has been developed in consultation with both sides of the aisle, with our Senate counterparts, and with the joint leadership, as well as with the President. The President has indicated that he will sign it if it is presented in its current form. The passage of this continuing resolution by this body and its enactment will avoid any unnecessary and costly disruption of Government operations while we work out our difference on the regular 13 appropriations bills.

Mr. Speaker, the current status of our 13 regular bills is as follows: Two bills, military construction and legislative branch have been cleared by us for presentation to the President. Two more conference reports, Interior and Defense, are ready for consideration in the House. One bill, the Agriculture bill, has completed conference, and I expect that the conference report will be filed later today, and I am hopeful we may even consider the conference report on the floor of the House tomorrow before adjourning for the week. Three bills, Energy and Water Development, Transportation, and Treasury-Postal, have passed both bodies and are currently in conference. Two bills, foreign operations and VA–HUD, have passed both bodies and are awaiting appointment of conferees. Two bills, Labor–HHS and Commerce-Justice, passed the House and are awaiting floor consideration in the Senate. The bill on the District of Columbia has not yet been reported to the House, but we anticipate that it could be considered in the coming days.

We are well on our way, Mr. Speaker, to completing congressional action on all of these bills. Not all will be signed at the outset when they are presented to the President. Some may be vetoed, but until action on all 13 is completed and they are enacted, we will need to have a continuing resolution.

We need to continue Government while maintaining funding prerogatives and providing incentives to get all 13 bills signed into law. The key features of this continuing resolution are, first, that its funding levels are below, and I have to stress that, Mr. Speaker, they are below the section 602(a) levels of the budget resolution. In order words, any projected savings that we anticipated with the 13 appropriations bills in fiscal year 1996 leadership likewise will be achieved, and we will exceed those savings under the rates in the continuing resolution during its term of no more than 6 weeks.

As such, it will not be more attractive, because the savings are greater actually during the period of the continuing resolution, for the administration to sit back, not sign the appropriations bills and depend on a continuing resolution to fund Government. Also, because it does not produce the specific reductions we think are important, it provides an incentive to us to produce the bills that provide the savings we want.

The continuing resolution has restrictive funding rates but does not prematurely terminate any ongoing program. It does not allow for any new initiatives. It prevents costly furloughs and associated termination costs. It does not prejudge final funding decisions either up or down in the 13 regular bills. It establishes a climate which is conducive to all involved to produce 13 bills as soon as possible. It is clean of extraneous provisions. It runs until November 13 or until all of the regular bills are signed into law, whichever is sooner, meaning that as appropriation bills are signed by the President, all the programs within that bill are taken off the table and the continuing resolution pertains only to the bills which have not yet been signed into law under the normal appropriations process.

Mr. Speaker, this continuing resolution should be passed by the House and the Senate. If that occurs the President will sign it and we will avoid any unnecessary shutdown of the Government. It will give us the additional time we need to work out our remaining individual bills.

Mr. Speaker, I would strongly urge the adoption of this joint resolution.

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

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Louisiana [Mr. LIVINGSTON] for his kind comments.

Mr. Speaker, Let me simply say that I think this bill is very simple. It simply guarantees that the functions of Government will continue and that innocent Federal workers will not, through no fault of their own, be furloughed because the Congress itself has not yet completed its work on appropriation matters.

I appreciate very much the flexible attitude of the gentleman from Louisiana. As he knows I was especially concerned yesterday when things appeared to be breaking down, and I am happy that a little frank private talk could resolve those matters in a very short period of time, and I appreciate the gentleman's help on that.

Mr. Speaker, I would simply say that, as the gentleman from Louisiana has indicated, this bill creates some additional pressure on both sides, both the White House and the Congress, to finish action on the appropriation bills on which action has not yet been completed, because it contains a spending level which is lower than the level provided for in the budget resolution. It also works out a reasonable way of dealing with the differences in funding levels between the bills in the two Houses. It does not unfairly advantage either the White House or the Congress in the disagreements that are still pending, and I think it is well worth the support of people in this body.

Mr. Speaker, those who say that somehow the way to avoid these potential train wreck problems is some procedural fix, I would urge a bit of caution on that. It has been my experience that these bills get finished when the committee is allowed to do its work without outside forces and pressures intervening, and I think we demonstrated that last year, for instance, when every single appropriation bill was passed by the House and by the Senate and signed by the President before the expiration of the fiscal year.

When other events intervene as they have this year, it makes it very difficult for the committee to do its work So this is the responsible thing to do. It does not cause unnecessary turmoil in the country just because there are strong differences on legislation before this body. Dick Bolling, my old mentor in the House taught me that when you do not have the votes you talk, and when you do have the votes you vote. So I would just as soon we get to the voting, as soon as the gentleman assures me there are no other speakers.

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

Mr. LIVINGSTON. Mr. Speaker, I have one remaining speaker and, otherwise, we will not ask for additional time.

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

□ 1130

Mr. ROGERS. Mr. Speaker, I want to congratulate the distinguished chairman of the full Committee on Appropriations for his great leadership in bringing about this step forward that we are making today, along with the help of the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking Democrat on the committee. These two gentlemen should be congratulated by the entire country for the work that they have done, their yeoman's work over the last several days in trying to avert the shutdown of the Federal Government.

Mr. Speaker, shortly I will offer a technical amendment to the bill to assure that international broadcasting operations under the United States Information Agency are covered under the terms of this continuing resolution.

What the amendment does is waive the provision in the 1994 International Broadcasting Act which says that no

appropriation can be provided unless previously authorized.

Since there is no authorization in place, no appropriation could be provided for the next 43 days without this waiver, and international broadcasting operations would have to shut down.

There are already waivers in the continuing resolution for all the programs at the State Department, the Agency for International Development, the Arms Control and Disarmament Agency, and other programs at USIA, but it was not until last night that their lawyers discovered that in the 1994 Act, a requirement was inserted applying to international broadcasting that requires a separate waiver.

Since then, the Director of USIA has called requesting this; the Office of Management and Budget says it is necessary; the chairman of the Committee on International Relations has requested it; and the ranking minority member of the committee has concurred.

AMENDMENT OFFERED BY MR. ROGERS

Mr. Speaker, I offer an amendment, and I ask unanimous consent that it may be considered at this point, and that the previous question be considered as ordered on the amendment and on the joint resolution in accordance with House Resolution 230.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 2, line 16, after ''1948,'', insert the following: ''section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),''.

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

The amendment was agreed to.

Mr. HOYER. Mr. Speaker, while I rise in support of the continuing resolution, I want to express my deep regret that the leadership has waited until 3 days prior to the end of the fiscal year to bring this important bill to the floor.

For the last 2 months, the Federal Government has invested an enormous amount of time and effort preparing for a possible shutdown of Government operations beginning this weekend.

While I am glad that this scenario will not occur, I very much regret the leadership's decision to allow millions of dollars to be spent in preparation for such a shutdown.

In addition to the expense, this delay has caused unnecessary worry for Federal employees in Maryland and throughout our Nation who have children to feed and mortgages to pay. Some of my colleagues may have found it amusing rhetoric to talk about a furlough of many of our civil servants, but I believe it is the wrong way to treat those who have committed themselves to public service.

A private company that treated its employees this way could certainly not expect the best and the brightest to stay on staff.

In August I pressed for the Appropriations Committee to hold a hearing on a possible shutdown. While I can think of no more important issue for the committee to consider, we have yet to have a single hearing.

On September 13, during consideration of the Treasury, Postal Service, General Government Appropriations Conference, I offered a continuing resolution to keep the Government operating after September 30.

At that time it was clear that the Congress would not get all of the appropriations measures to the President by the end of the fiscal year. Despite the fact that it was clear then that a crisis was imminent, none of the Republican house conferees supported my motion.

My intention in offering that resolution was to ensure that no Federal employee would be furloughed. I am pleased that the leadership has accepted my contention that no employees should be laid off even if the House or the Senate or both bodies have made substantial cuts in fiscal 1996 funding.

While I join in supporting this measure, I think we should have passed it several weeks ago. Federal employees should not have been forced to wait until today to find out when they might next get a pay check.

Mr. MFUME. Mr. Speaker, I rise today in strong support of the continuing resolution and to urge its swift enactment.

This resolution, which I understand is a compromise worked out between the White House and the congressional Republican leadership, will allow the Government to continue to operate after the beginning of fiscal year 1996, and through November 13, 1995. This resolution will also mean that Federal employees will be allowed to continue to go to work and collect their paychecks.

As the representative of tens of thousands of Federal employees, I can assure you that this resolution is welcomed news. And, although I support the resolution, I would like to take a minute to reflect on why I feel that we should really be doing more. We should be exploring possible options of ensuring that Federal employees are not put in the unenviable position of not knowing if they are going to have a job—or a paycheck—after October 1 every year.

We may hear today that Federal employees are being used as ''pawns in the budget battle.'' While I agree that there does appear to be some merit to that accusation, it has always been my sense that in order to use a person or a group in that fashion, you must at least be aware of their existence.

I am not convinced that the concerns of Federal employees are even being taken into account by the people who are leading the confrontation that may still result in furloughs. From the Republican leadership, we hear strong words about not backing down and allowing the ''train wreck'' to go forward. Yet I have not heard from one of these ''leaders'' about trying to help, or at least abate the impact of a shut down, on the people who would be most affected.

Combine the threat of furloughs with the other proposals that have been floated this year which would have an adverse affect on Federal employees and the result is an unwarranted disrespect for the men and women who have chosen to work for the people of this Nation. Rather than place these dedicated people on a situation of constant uncertainty, we should be thanking them for their efforts on our behalf and providing them with the benefits and security that they deserve.

There are Members, on both sides of the aisle, who have been working hard to try to ensure that Federal employees are not adversely affected by a Government-wide shut down. I have tried to contribute to these efforts and I certainly support them. I am hopeful that at some point in the very near future we will be successful and the budget problems that may exist between Congress and the White House do not result in sleepless nights and tension-filled days for Federal employees.

It is the right, and indeed perhaps the duty, of politicians to stand up for what they believe in and to fight for their principles. Yet I would urge them to try to develop a means of ensuring that our hard-working Federal employees are not the innocent victims of their convictions.

Until that time, I urge support of the continuing resolution and hope that my colleagues will join me in working towards its swift enactment.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution, as amended.

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

INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 228 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. 1601.

□ 1134

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. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space stations, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 27, 1995, all time for general debate had expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member offering

an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Space Station Authorization Act of 1995''.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the National Aeronautics and Space Administration has restructured and redesigned the International Space Station, consolidated contract responsibility, and achieved program management, control, and stability;

(3) the significant involvement by private ventures in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners;

(4) further rescoping or redesigns of the International Space Station will lead to costly delays, increase costs to its international partners, discourage commercial involvement, and weaken the international space partnership necessary for future space projects;

(5) total program costs for development, assembly, and initial operations have been identified and capped to ensure financial discipline and maintain program schedule milestones;

(6) in order to contain costs, mission planning and engineering functions of the National Space Transportation System (Space Shuttle) program should be coordinated with the Space Station Program Office;

(7) complete program authorizations for large development programs promote program stability, reduce the potential for cost growth, and provide necessary assurance to international partners and commercial participants; and

(8) the International Space Station represents an important component of an adequately funded civil space program which balances human space flight with science, aeronautics, and technology.

The CHAIRMAN. Are there any amendments to section 2?

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration; and

(2) the term ''cost theat'' means a potential change to the program baseline documented as a potential cost by the Space Station Program Office.

SEC. 4. SPACE STATION COMPLETE PROGRAM AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there are authorized to be appropriated to the National Aeronautics and Space Administration for the period encompassing fiscal year 1996 and all subsequent fiscal years not to exceed $13,141,000,000, to remain available until expended, for complete development and assembly, of, and to provide for initial operations, through fiscal year 2002, of, the International Space Station. Not more than $2,121,000,000 may be appropriated for any one fiscal year.

(b) CERTIFICATION AND REPORT.—None of the funds authorized under subsection (a) may be appropriated for any fiscal year unless, within 60 days after the submission of the President's budget request for that fiscal year, the Administrator—

(1) certifies to the Congress that—

(A) the program reserves available for such fiscal year exceed the total of all cost threats known at the time of certification;

(B) the Administrator does not foresee delays in the International Space Station's development or assembly, including any delays relating to agreements between the United States and its international partners; and

(C) the International Space Station can be fully developed and assemble without requiring further authorization of appropriations beyond amounts authorized under subsection (a); or

(2) submits to the Congress a report which describes—

(A) the circumstances which prevent a certification under paragraph (1);

(B) remedial actions undertaken or to be undertaken with respect to such circumstances;

(C) the effects of such circumstances on the development and assembly of the International Space Station; and

(D) the justification for proceeding with the program, if appropriate.

If the Administrator submits a report under paragraph (2), such report shall include any comments relating thereto submitted to the Administrator by any involved party.

(c) Neutral Buoyancy Laboratory.—The Administrator is authorized to exercise an option to purchase, for not more than $35,000,000, the Clear Lake Development Facility, containing the Sonny Carter Training Facility and the approximately 13.7 acre parcel of land on which it is located, using funds authorized by this Act.

SEC. 5. COORDINATED WITH SPACE SHUTTLE.

The Administrator shall—

(1) coordinate the engineering functions of the Space Shuttle program with the Space Station Program Office to minimize overlapping activities; and

(2) in the interest of safety and the successful integration of human spacecraft development with human spacecraft development with human spaceflight operations, maintain at one lead center the complementary capabilities of human spacecraft engineering and astronaut training.

SEC. 6. COMMERCIALIZING OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to find operations.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the submission of the President's budget request for fiscal year 1997, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Federal Government from commercial users of the Space Station.

SEC. 7. SENSE OF CONGRESS

It is the sense of Congress that the ''cost incentive fee'' single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial accountability into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation's civil space program.

SEC. 8. SPACE STATION ACCOUNTING REPORT.

Within one year after the date of enactment of this Act, and annually thereafter, the Administrator shall transmit to the Congress a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

Mr. BEVILL. Mr. Chairman, I rise today in strong support of H.R. 1601, the international space station authorization. This legislation firmly establishes the space station as a national priority. In fact, it sets completion of the space station as NASA's highest priority.

I commend the committee for crafting a bill that authorizes adequate funding to complete this project. Stable funding is essential to the success of the space station program. At the same time, we want to make sure that the project stays on time and on budget. This legislation contains those safeguards.

As you know, the space station is the largest cooperative science program in the world. It has become a premier international undertaking with the participation of the United States, Canada, Japan, the European Space Agency, and Russia. Our international partners expect us to meet our obligations. This legislation will send a strong message that the United States is committed to completing the space station on schedule.

NASA has made great strides in streamlining the space station program. The changes have been extremely positive and excellent progress has been made. Much of the actual flight hardware has been completed and the redesign of the space station has succeeded in lowering its expected cost. The timetable for completion has been advanced and a launch schedule has been firmly established for late 1997.

The space station is important to the future of high technology in this country. It will help us advance into the 21st century and keep us on the cutting edge in our scientific endeavors.

I urge my colleagues to support this important legislation.

Ms. LOFGREN. Mr. Chairman, I rise in strong support of H.R. 1601, the international space station authorization.

Space station *Freedom* represents a challenge for the 21st century. Not since President John Kennedy challenged this country to land a man on the Moon has this country had such an opportunity to respond.

The space program has already given us new technologies and products that have enhanced the quality of our lives.

Technological spinoffs from space research have produced important benefits for our society. The development of high-speed computers and the creation of programs and software has improved industrial engineering. Other advances in computers, miniaturization, electronics, robotics, and materials have dramatically affected industrial production and U.S. technological competitiveness.

Advances in biomedical technology from the space program are abundant, particularly in the areas of monitoring, diagnostic, and testing equipment. Devices such as the electroencephalograph [EEG] and the electrocardiogram [EKG], pacemakers and medical scanners have their origins in equipment developed for the space program. Other medical advances include surgical tools, voice operated wheelchairs, and an implantable insulin delivery system.

New products such as photovoltaic power cells, improved thermal underwear, digital clocks, battery-powered hand tools and scratch-resistant coating for glasses are only a few of the useful innovations that are a direct result of the space program.

All of these advancements have provided great benefits to our society, but as I said during committee consideration of the space station: The truth is we don't know all of the innovations, discoveries, and prosperity the space station will bring to us.

Detractors of the space station will argue that during these times of tough budget decisions we just can't afford it. We have problems in this country, and we need to tend to them. Having said that, I would point out that cutting the space station *Freedom* is not going to solve them.

Our country will not be stronger, greater, braver, or more prosperous if we pull back and retreat from human space exploration.

In fact, it will be just the opposite. It is during times like these that we have to rekindle the human spirit and intellect. To look forward to the future with hope, daring, and vision. To do less would be to quit. Give up. That is not the spirit that has made this country great.

There is a quote from Tennyson on the wall of the House Science Committee hearing room that says,

For I dipped into the future, far as human eyes could see
Saw the vision of the world and all the wonder that would be.

Tennyson held in wonder the world—we now hold in wonder the universe.

I ask my colleagues to support space station *Freedom.*

Ms. HARMAN. Mr. Chairman, I rise today to support both H.R. 1601 and a strong, balanced space program.

Exactly 2 months ago, the House decisively defeated an amendment to terminate funding for the international space station. Today, we have the opportunity to pass a multi-year space station authorization bill. This legislation will provide the program with much-needed stability and will show our partners from around the globe that we are firmly committed to this truly international space station.

The bill contains an amendment I offered which was adopted by voice in the Space and Aeronautics Subcommittee, providing that the station is an important part of an adequately funded space program that balances human space flight with key science, aeronautics, and technology initiatives like the Mission to Planet Earth.

Mr. Chairman, our country needs a strong and balanced space program. The international space station needs stability once and for all. I urge my colleagues to support H.R. 1601.

Mr. DAVIS. Mr. Chairman, I rise today to express my support for H.R. 1601, the International Space Station Authorization Act of 1995. This bill gives NASA the authority to proceed with its current space station development plan, extending the authorization through complete assembly in fiscal year 2002. H.R. 1601 authorizes a total of $13.1 billion for station, with authorizations not to exceed $2.1 billion in any 1 fiscal year. Importantly, the authorization is conditioned upon each year's success, meaning NASA must be on time and on budget for this legislation to remain effective.

As you are aware the space station has gone through numerous redesigns since its inception in 1984, as the space station *Freedom* program. The redesigns and the on-again, off-again nature of space station budgets has led to increased costs. The bill before us is essential if we are to secure completion of the international space station, ensure reduced costs, and demonstrate to our international partners our commitment to completing this long-awaited project.

The international space station is the largest international scientific and technological endeavor ever undertaken. The project is taking shape not only here at home, but in 13 nations around the world. The space station will provide a permanent laboratory in an environment where gravity, temperature, and pressure can be changed and manipulated in such a way that is not possible on Earth. The opportunities for scientific and technical experimentation and for educational growth are unmatched. The station will clearly be the scientific testbed for the technologies of the future. It will allow us to expand our existing capabilities in areas such as telecommunications, medical research, and new and advanced industrial materials. And the technologies we develop in space will have immediate and practical applications for our citizens on Earth.

Mr. Chairman, the space station project is essential for the United States if we are to maintain our commitment and leadership in space. It will serve as the driving force for the technical R&D that will keep us competitive in the 21st century. Further, it will inspire our children, and foster their interest in space and science. I urge my colleagues to support H.R. 1601.

Mr. GANSKE. Mr. Speaker, I rise today in opposition to H.R. 1601, the International Space Station Authorization Act of 1995.

The American people are tired of Washington wasting their money on frivolous projects. Projects that begin with good intentions. Projects that grow in size and price and begin to take on a life of their own because no one has the courage to stop them.

Proponents of this bill state that we must authorize the space station for the next 7 years to demonstrate a commitment to our international partners. Meanwhile, we leave ourselves no way out should any of our partners decide to end or decrease their participation. And if they do drop out, we will be forced to increase our spending to pick up the slack, or publicly admit that we have spent billions on a failed program.

Full-program authorization is premature and ill-advised. Boeing has still not signed contracts with major subcontractors. International agreements have not been reached.

Space station supporters recognize that the program may not have the financial reserves to cover cost overruns. They acknowledge that our international partners are facing budget constraints and may not be able to fully participate. What they refuse to admit is that we do not need to spend $94 billion to construct and maintain the space station until 2012 in order to demonstrate a cooperative international effort in space.

I have too many questions and far too many doubts about the space station to support a 1-year, let alone a 7-year, $13 billion authorization. We cannot afford the space station and we cannot afford to make the space station NASA's top priority at the expenses of other worthwhile programs.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HOBSON, 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. 1601), to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, pursuant to House Resolution 228, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

PROVIDING FOR CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 227 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 227

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. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, this is an open rule for consideration of the bill, H.R. 1170, legislation to bolster in American voters the confidence that their democratic system is fair and just.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment, and each section will be considered as read.

Under this open rule amendment process, Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority and recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, we are at a critical time in our Nation's history. The very institutions of American democracy are threatened with increasing public discontentment, or at least apathy. Too many Americans are losing faith in our system, threatening the very foundation of the democracy that has served as the inspiration for people striving for freedom and democracy around the globe.

H.R. 1170, the first legislation introduced by my California colleague, the gentleman from Palm Springs [Mr. BONO], a new member of the Committee on the Judiciary, attempts to address in an exceedingly responsible fashion a legal practice that is undermining the faith that voters have in their statewide referendum systems. Basically, it is judge shopping.

As we have learned in the State of California, special interests often shop around to find an ideologically biased Federal judge to stop State referenda from taking effect by gaining a temporary injunction pending final court action. Of course, such final action can take many years.

H.R. 1170 is not an indictment of any particular judge. Nor is it an indictment of any past legal decision which resulted in a referendum in California, or any other State, not taking effect after it was passed by the State's voters. Instead, the legislation takes direct aim at the practice of judge shopping that stacks the deck in legal challenges in order to overturn the clearly expressed will of a State's populace.

At a time when many Americans believe that our political and legal systems are stacked in favor of special interests over the mass of voters and taxpayers, it is especially unsettling when an overwhelming statewide vote can be overturned, often in a matter of days, by a single Federal judge.

For example, and this actually was really the genesis of this legislation, when the people of California approved the highly emotional Proposition 187 by an overwhelming 3 to 2 margin, a single Federal judge in San Francisco issued an injunction when the polls had been closed for 24 hours keeping the measure from ever taking effect.

It does not matter whether the injunction in that case was technically warranted. The very fact that a Federal judge with a lifetime judicial appointment can single-handedly overturn the directly expressed will of the people of the State can, and does, undermine public confidence in our system.

Using a three-judge Federal panel to determine injunctions in cases of statewide voter referenda, as they are currently employed in cases involving voting rights, is a sensible insurance policy to bolster public confidence in our democratic process.

Mr. Speaker this rule provides, as I said, for an open amendment process. It is a fair rule, respectful of the right of every Member of this House to participate in debate.

There was no opposition to the rule in the Committee on Rules, and I look forward to rapid and bipartisan approval of the rule now so that the House can get down to the very important business of considering this bill.

Mr. Speaker, I include for the RECORD the following material.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 28, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	74
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 28, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 28, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

□ 1145

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

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

Mr. Speaker, I thank the gentleman from California for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this open rule for H.R. 1170, the bill mandating that three-judge panels review constitutional challenges of State referenda.

With respect to the bill itself, we are somewhat mystified at the manner in which it has moved through committee and on to the House floor.

According to the dissenting views in the committee report, the Committee on the Judiciary rushed through the hearing and markup of H.R. 1170 before the Judicial Conference of the United States had an opportunity to consider the bill and provide the committee with the benefit of its views.

The conference's official views would have been especially important to the Committee on the Judiciary in this case since the conference has consistently, since 1970, opposed three-judge courts except for certain reapportionment cases.

The 12 members signing the dissenting views noted that, and I quote them:

> not for the first time this year, the Judiciary Committee majority has ridden roughshod over the Federal judiciary, taking action on measures with a significant impact on the workload of the Federal judiciary without waiting the short period of time it would take to permit the Judicial Conference to consider those measures and give the committee the benefit of its views.

Mr. Speaker, the Committee on Rules should have a fundamental concern about process, about the manner in which committees that come to us have considered the legislation under their jurisdiction.

We ought to ensure that there is no perception that the standing committees have given inadequate thought to measures they report out to the floor for consideration by the full membership of the House, that there has not been a sufficiently deliberative committee process prior to consideration by the full House.

That is especially applicable in the consideration of legislation such as this, that has no need at all to be rushed.

Mr. Speaker, H.R. 1170 was written because of frustration with the injunction granted by a Federal court preventing immediate enforcement of California's proposition 187.

As a Californian, I think it is fair to say that everyone in California, even those of us who voted against this very

controversial immigration-related referendum, is anxious for a resolution of the matter.

It is also fair to say that many proponents of this referendum knew from the beginning that it had very serious constitutional problems and that those problems would hold up its implementation because they would have to be tested in court.

In fact, the major proponents of proposition 187 always described it as a means of sending a message to the Federal Government. They knew it would run into the very problems this bill is seeking to prevent, not only in Federal courts but also in the State courts, one of which, incidentally, has issued an injunction against its taking effect because it raised substantial questions about the State's involvement in Federal areas of jurisdiction.

Members should also be very concerned, we think, about voting for legislation like this that would mandate an appeal directly to the Supreme Court from the decision of a three-judge court. The Judicial Conference has argued that this procedure bypasses the screening and fact-finding that occurs at the court of appeals level, and circumvents the development of legal interpretations through the various circuits.

As the Judicial Conference recently wrote, and I quote them:

> Bypassing intermediate appellate review prior to ultimate consideration of constitutional issues by the Supreme Court is an extraordinary measure that should be left to the Supreme Court in the exercise of its constitutional responsibilities.

Members should also carefully consider whether Congress should be saying, in effect, that one method of enacting a State law is preferred over another. The premise of H.R. 1170 is that a State law enacted by a ballot measure passed by the voters is somehow more worthy than one enacted by a State legislature, and that the Federal judiciary should be mandated to give preferential treatment to State laws adopted by referendum. As UCLA law professor Evan Caminker recently said, and I quote:

> It ought to make no difference that it is a ballot measure, because the people have no greater authority to transgress the Constitution than does the State legislature.

Mr. Speaker,, we do support this rule. It is an open rule, but we are concerned about the legislation and the need for it and the need to rush it to judgment here on the floor. We urge the adoption of the rule so that we can proceed today with the debate on this bill and, hopefully, a full discussion of what it will and will not accomplish.

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

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

Mr. Speaker, this is an open rule and does not seem to be controversial. I urge an ''aye'' vote on this rule. I am a strong supporter of the legislation of the gentleman from California, Mr. BONO, and should say that I believe it is a great day when Mr. BONO has seen something that he believes is wrong and needs to be corrected and has stepped forward and introduced this legislation and has come before our Committee on Rules and will be in just a very few minutes speaking here on the floor for this legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during considertion of H.R. 1170, pursuant to House Resolution 227 the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee on the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

There was no objection.

THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1170.

□ 1151

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, with Mr. EWING in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will be recognized for 30 minutes.

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

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

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

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 1170, which provides for a three-judge court review of statewide referenda.

H.R. 1170 provides that requests for injunctions in cases challenging the constitutionality of measures passed by State referendum must be heard by a three-judge panel. Like other Federal legislation containing a provision providing for a hearing by a three-judge court, H.R. 1170 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the populace of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 when an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other Voting Rights Act cases.

H.R. 1170 recognizes that referenda reflect, more than any other process, the one-person, one-vote system, and seeks to protect a fundamental part of our national foundation.

Unlike other acts which provided for three-judge court consideration of constitutional challenges to State laws prior to the abolishment of many such panels in 1976, H.R. 1170 is specifically limited to State laws which are voted on directly by the entire populace of a State. This legislation more closely parallels apportionment and Voting Rights Act cases which traditionally have been granted three-judge court panel consideration by Congress because of the importance of such cases and because such cases are presented so rarely they do not present the same burden on the courts as cases which involve constitutional challenges to general State laws passed by the ordinary State legislative process. Thirty-six States have some sort of referendum system.

A Congressional Research Service survey conducted on March 9, 1995, reveals that over the past 10 years, only

10 cases in the Nation would have been eligible for review by the three-judge court procedure provided under H.R. 1170. Given that this statute would only require a three-judge panel in actions for injunctive relief which attack the constitutionality of a state-wide referendum, the burden on the judiciary as a result of this legislation is very small. The importance of this bill to Federal-State relations, however, is great.

H.R. 1170 will assure that State laws adopted by referendum or initiative, reflecting the direct will of the electorate of a State on a given issue, will be afforded greater reverence than measures passed generally by representative bodies because of their importance and their expression of the direct vote of the populace of a State.

The use of a three-judge court is imperative to the proper balance of State-Federal relations in cases such as these where one Federal judge can otherwise impede the direct will of the people of a State because he or she disagrees with the constitutionality of the provision passed. A three-judge court panel will help to provide fairer, less politically motivated consideration of cases.

Mr. Chairman, if a law passed directly by the majority of the people of a State is unconstitutional, then the people have a right to a final decision on the merits as soon as practicable. H.R. 1170, as reported by the Committee on the Judiciary, will safeguard the direct expression of democracy, and preserve individual voting rights.

I urge a favorable vote on H.R. 1170.

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

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

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, on this bill, can I just say to my colleagues, let us talk? I mean, this sounds like something very easy, but it is very complex and I think it is not a solution for the problem that some are saying it is.

My fear is, whenever we adopt something telling people we have just solved a problem and then they later find out we have not solved it at all, it only builds voter frustration.

It is very clear that this bill arose out of Californians' frustrations with having passed proposition 187 and then having had a Federal judge say that that proposition was unconstitutional. Listen to the words, that is what they are saying. So they are saying, well, that judge was probably biased and what we really need is a three-judge panel and that would not happen.

Let us go to that very issue, because this would not have solved, if we had this on the books at the time that proposition 187 went to the courts, this would not have solved that problem.

□ 1200

No. 1, the State court judge also held it was unconstitutional. This goes to the Federal court, so it would not have done anything about the State court.

No. 2, enough time has passed so the Federal judge who held it was unconstitutional, people had time to appeal it to the court of appeals, which are three Federal judges, and they unanimously held it was also unconstitutional. So we have the State court saying it is unconstitutional, we have the Federal court saying it is unconstitutional. And to stand up and say that if we pass today a bill 1170, which will solve these kind of issues, is really, I think, not accurate.

Now, let me also say there are some other problems with this bill. We are saying to the States that if a legislature passes a bill to which citizens have a challenge on constitutionality, that will be treated differently than if there is a referendum.

Now, why? The Constitution is the Constitution, and the courts are the courts, and why isn't a constitutional issue, whether it is passed by the legislature or passed by referendum, equally as important to deal with in the same way? I do not understand that, and I think people would think there is an awful lot of arrogance if we start deciding one requires more judges than the other or whatever.

There are other problems with this. In 1976, both the House and the Senate, I believe unanimously, repealed this very same procedure on a three judge court. Why? Well, there was all sorts of rhetoric at that time about how it was the worst idea that ever happened, because what we are really doing today by going back and undoing what we did in 1976 is we are mandating that Federal courts have to act a certain way.

Everybody talks about mandates, and one more time we have got one branch mandating on another branch how they are going to allocate their resources. On the one hearing that we did have, the Federal courts were very clear that these three judge panels are very difficult to deal with.

Why? Because each judge in every Federal circuit is up to here with their agenda. They have got drug cases, criminal cases, all sorts of cases. There is no American that does not know we have a terrific backlog and all sorts of pressure on the Federal courts. If instead of going to one judge you now have to pull three judges out of their courtroom and you have to put this at the front of everything, you are going to be delaying all sorts of other issues and all sorts of other progress, and you are not giving the courts more resources, you are not doing everything else.

So this is a judicial mandate. The Federal courts have spoken very clearly through their policy branch, under Justice Rehnquist, who is not a left-leaning liberal, for heaven's sake. They have spoken very clearly that they think this is not the right bill; this is the wrong bill. They hope people vote against this bill because of the tremendous management problems it will give the Federal courts.

When you look at many of the other issues around, you find that the other thing this bill does is it mandates each one of these coming from a referendum will go from the three-judge panel right to the Supreme Court, and that the Supreme Court will not have any option as to whether or not to take the case. They must take the case.

So we are also mandating the Supreme Court must have to do this. Now, this is also very critical, because I think, again, every American knows there are all sorts of issues that want to get to the Supreme Court. The Supreme Court has a process. This will be much more complex for the Supreme Court to handle than any other case, because any other case comes to the Supreme Court with an appellate decision from an appellate court. This will not be an appellate-type decision. This will be a district court-type decision with three judges trying to decide what the rules of evidence and every other issue must be.

Imagine three Judge Ito's. That is kind of what you are going to have here, and that is a very different process. So you are going to get an entirely different kind of record that is going to be much more difficult for the Supreme Court to handle.

Again, why is a constitutional issue coming from referendum able to go directly to the Supreme Court, whereas one that is passed by a legislative body in a democratic system not guaranteed that same access and so forth? Furthermore, people going this route, through the three-judge panel, will be denied the court of appeals route. So there are all sorts of things in here that I think are terribly confusing.

The bottom line, I think, behind this bill is whether or not the Constitution is a rough draft, whether or not people can amend it simply by having a referendum.

One of the great things in this country has been the Constitution has not been a rough draft. I always thought we in this body said we were to protect and defend the Constitution. Apparently some people think it is protect and amend. But I feel very strongly that, yes, it is frustrating sometimes; yes, sometimes we do not like to have to honor minority rights; and yes, there are some things in the Constitution that probably bother every single American citizen. But basically it has been a fair document, and we have said we are a government of laws and not of men, and that a majority cannot overrule the Constitution and impose its will on the minority.

I think that is really what the crux of this complaint is about. The crux of the complaint is about the fact that the citizens of California wanted to overrule the Constitution when it came to proposition 187. A Federal judge said no, they could not, and, guess what? So

did the State judge and so did now the court of appeals. So now we are going to try and tell them, well, that Federal judge was wrong, the court of appeals was wrong, the State judge was wrong, and, if we only had this process, it would have come out with a different answer. No, I do not think they would. In the interim we are going to mess up this whole thing.

You are going to hear on the other side too ''forum shopping, forum shopping, forum shopping.'' If that is truly your concern, we have an amendment that would limit this process to circuits where they do not apply and put the judge on according to the normal way.

When this case came to the district in California where it was assigned, there were 25 judges on that bench and it was assigned in the normal rotating way. So if you said you were forum shopping for a judge, I do not know how you could do that when there are 25 judges there and they are assigned routinely in a rotating manner.

But I will offer an amendment when we get into the amendment process that would narrow this so that if there are any circuits where there are just one or two judges, so you could forum shop, or where there is any circuit where they do not use the traditional rotation, then, of course, you could have this process, and it would keep people from forum shopping.

That will go right directly to the forum shopping. But other than that I think this is much too broad. It is like shooting flies with an automatic weapon. You are not going to get the fly, and you are apt to do a lot of other damage.

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

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, first of all, I would like to say that this is a tremendous honor for me, because the last thing I thought I would be doing at this time in my life is being a Congressman. These kind of things only happen in America. It is so magical that a citizen can have views, and then decide to get involved, and then decide they are willing to make the effort to get elected, and then get elected, and then submit bills that you think will improve the country or contribute to the country and to society.

So, for me, this is the first time for me. For me to come here and make this contribution to my country is a tremendous honor, and I will never forget it.

In this case, being a Californian, I saw the people speak. Five million people spoke, and they believed in something. They went to the polls and they turned out in droves. They had a comment, and they had a feeling, and they decided they wanted justice. They were so dedicated that they themselves put their signature on the change that they wanted in our country, and that part worked fine.

But after that part, what happened is someone who opposes their view is very politically savvy and very legally savvy, and knows the ins and outs and how to do something, so they forum shop.

Well, I did not even know what forum shopping means. But forum shopping is going to an area or a district where the judge is sympathetic to the opposition, and decides to help the opposition and bury the very referendum that was voted on unanimously by the people.

So this injustice has been going on. And it occurred to me that if the people speak, we represent the people, and their voice is the most important voice of all voices, and if we do not represent their voice and if we do not fight for what they believe in, then we are not doing our job. This all becomes a charade and a game.

Not being a politician, but being a very patriotic American, I want to fight with them as well. So now here I am able to carry the banner for them, and I have come up with a bill that I think will eliminate this injustice that occurs now when the people speak. It simply requires, rather than being able to go to one Federal judge who has an opposing opinion and have him bury that referendum, which, by the way, is still tied up in the courts, it will require three judges. That will give that referendum an opportunity to be represented more fairly, because it is going to be hard to get three people that are biased the same way.

So with all the legal rhetoric that the gentlewoman has just given us, you know, there is legal rhetoric, and then there are the facts. And fact is that this is a game, and the game is if you lose at the polls, we have got another angle. We will get it to a judge who will bury it for us.

Those are the kind of things that we want to get rid of. Those are the reasons that I ran for Congress and now am a Member of Congress, with great pride.

So as a first effort, and as my very first bill, I am asking this Congress to vote for this bill and correct this injustice.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume, only to say my understanding was that while the gentleman is saying there was judge shopping, this case went to a district that had 25 judges, sitting judges, and that it was randomly assigned. Then it was appealed to a three Federal judge panel at the Court of Appeals, two of whom were known to be very conservative.

Mr. MOORHEAD. If the gentlewoman will yield, I want the gentlewoman to know the California situation is not the reason that I am so strongly in favor of this bill.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, what the other gentleman from California said he did this because of judge shopping. I know the gentleman knows that the districts in California are run the way Federal districts are supposed to be run.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

□ 1215

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

Mr. CONYERS. Mr. Chairman, this is the California against proposition 187 proposal that claims that there was forum shopping when there was, in fact, none. I see my California colleagues are in strong array here, and I was happy that the gentleman from California [Mr. BONO] did not mention proposition 187 as the bill that sent him into his first legislative activity. The fact of the matter is, that the people of California did not know that proposition 187 was unconstitutional. I did not either, but the State court corrected that, I would say to the gentleman. Nobody was forum shopping there, and the Federal court supported it.

Mr. Chairman, can we not agree that these courts were not anti-Republican, were not against proposition 187, but that they found a fatal constitutional error that they were duty bound to profess and articulate as something that was not correct, even though 5 million, 10 million, 100 million sign it? That does not make it legal.

Let us be clear about this, Mr. Chairman, this is proposition 187 now coming to the House of Representatives. The proponents of this bill tell us we need to adopt three-judge panels to review constitutional challenges to State referenda to provide a more expedited review process. Did we not listen to the chief judge of the U.S. Court of Appeals who came and explained this to us at great length out of his very busy schedule, that if the one thing we wanted to do was to expedite an appeal is we should not put it in three courts.

Now, ladies and gentlemen, that is not awfully judicial concept to understand. We cannot take three judges and make something go faster than one judge. There was no forum shopping, so we are trying to fix something that is not broke. If anything, the bill will make it much more likely that the plaintiff will be able to tailor their lawsuit in an effort to obtain a favorable forum. How? knowing that the chief circuit judge will be given the discretion in selecting the panel members, the moving party can decide whether he or she is better off bringing the case in a State or Federal Court. So, Mr. Chairman, we will have achieved the precise opposite of the intended result.

And just to make everybody as happy as we can, we are going to give Members the Schroeder amendment that will correct even what we are imagining. We have a rotating system in almost all the Federal court jurisdictions. They are random. They rotate. There was not any hanky-panky in the California Federal courts, I am happy

to report. There can not be any in selection because it is random. So at the end of the day we are left here with the conclusion that it is not good policy to mandate greater use of the three-judge panels.

That is why this Congress, on a bipartisan basis, repealed almost all of the three-judge provisions in 1976. That is why the judicial conference, which must live with the burdensome requirements of this proposal before us, and the administration strongly oppose the bill. That is why most judges that have ever heard of this proposition are outraged that we would be moving back to pre-1976 to try to get back at a proposal in California that we felt badly that it was improperly worded and we held unconstitutional.

Mr. Chairman, the real tragedy, however, is the bill's proponents would have the voters believe that we are taking some magic action that will allow for fair and more expeditious legal challenges of State referenda. When they learn this is not the case, the blame will rightly lay with this body, so oppose H.R. 1170.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Chairman, I want to extend congratulations to the gentleman from California [Mr. BONO], my friend from Palm Springs, for the valiant effort he has put into the legislation. As I was saying during management of the rule, he saw a wrong and decided to right it and he stepped forward and I am pleased we are able to proceed with this legislation.

I have been listening to debate here, and one thing that needs to be underscored is the fact that the U.S. Congress has consistently maintained the use of three-judge panels when it comes to issues of voting rights an voting procedure, and this legislation we are considering here today simply moves into a very small and limited areas that same provision.

Mr. Chairman, some have said this would be a tremendous burden. Well, we have seen 10 of these cases over the last 10 years. I think that as we recognize that, this is a very responsible route to take.

One of the questions that was raised, Mr. Chairman, and this was given to me by the gentleman from California [Mr. MOORHEAD], the subcommittee chairman, was why should legislation passed by statewide referenda be afforded preferential treatment? The answer is in this concurring opinion in Baker versus Carr V regarding apportionment.

Justice Clark explicitly recognized the similarity between State referenda and the protection provided by the constitutional prohibition of unfair apportionment. By use of a referendum, a State is reapportioned into a single voting district to vote directly on legislation. When the population exercises its individual vote, that process is revered as a cornerstone of our democracy. For that reason, apportionment cases go to a three-judge panel for the same reason the cases falling under H.R. 1170 should go to a three-judge panel.

This is very important legislation. I again congratulate the gentleman from California [Mr. BONO] for having the vision to introduce this measure and I urge my colleagues to support it.

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

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, it is almost comical to me, because the gentleman from California almost gave my speech. I think that as I sit listening to the gentleman from Michigan, Mr. CONYERS, even Mr. CONYERS, I do not think, would advocate—matter of fact, I will ask the gentleman.

I do not think the gentleman advocates, whether he does or does not, setting aside the mandatory three-judge panel under the 1965 Voting Rights Act. Would the gentleman be in support of that or not?

Mr. CONYERS. Mr. Chairman, if the gentleman would yield, no, I supported leaving it like it is.

Mr. BUYER. Mr. Chairman, the gentleman has indicated for the 1965 Voting Rights Act.

Mr. CONYERS. If the gentleman would continue to yield, does he?

Mr. BUYER. Yes, Mr. Chairman, I do also. I listened to the gentleman's arguments, and I wanted to make that clear.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I thought it might be helpful for the gentleman from Indiana [Mr. BUYER] to understand the historical and factual background in which the three-judge panel for voting rights cases was adopted initially. If the gentleman is interested in that, I would be happy to tell him. It had nothing to do with this kind of situation.

Mr. BUYER. Mr. Chairman, reclaiming my time, the three-judge panel is important because not only do we have the nexus of the 1965 Voting Rights Act, but we have that nexus the gentleman from California [Mr. DREIER] referred to when we have a State referendum. We have voters acting as one voting block, so there is a nexus. And I compliment the gentleman from California [Mr. BONO] for drafting this legislation.

Mr. Chairman, this legislation recognizes the nexus and the needs for the three-judge panel. Whether we want to debate this issue about the forum shopping or not, I think when we have the people's voice, we must respect the people's voice under the law.

So often, Mr. Chairman, people like to talk about the fact we have a democracy in America. We do not have a democracy, we have a republic, a nation of laws, not of people, for the preservation of the rights of the minority. When we have a State referendum acting with that nexus we are talking about, I think it is important to have that single judge move from that to the three-judge panel so we do not have this debate about whether they are acting as capricious or arbitrary authorities. I think it is imprudent and it would be an imprudent exercise of Federal power.

I compliment the gentleman from California [Mr. BONO] for his legislation and urge its passage.

Mrs. SCHROEDER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding me time and being generous with her time, and I will try not to use the entire time but I think this is an important issue.

I rise in opposition to the bill which is under debate at this time. The gentleman from California [Mr. BONO] apparently thinks that because he does not like the result that a court gave him changing the process by which the court got to that result is the appropriate thing to do.

I will submit to the gentleman that, first of all, I never, ever got a spanking when I was growing up that I liked the result of, but I never had the opportunity to go back and say, I want three mothers or fathers to make this decision about whether I get a spanking or not just because I did not like the result.

Mr. Chairman, I do not like the result when I get stopped by a highway patrolman out on the highway and get a traffic ticket.

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

Mr. WATT of North Carolina. I will not yield. The other side has plenty of time over there. I will be happy to yield after I get through making the points I want.

I do not have the right to ask for three highway patrolmen to come out on the street and decide whether it was proper for me to get a speeding ticket just because I do not like the result.

Mr. Chairman, what the gentleman from California [Mr. BONO] is proposing is tantamount to the same thing. We do not have the resources to bring to bear on the traffic ticket that I get out there.

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

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman please stop interrupting me? I will yield at the end of my presentation.

The CHAIRMAN pro tempore (Mr. EWING). The gentleman declines to yield. The gentleman from North Carolina will continue.

Mr. WATT of North Carolina. Mr. Chairman, I will yield at the end of my presentation. If the other side is going

to interrupt me every time I get into the middle of a sentence, then I am going to do the same with them.

Mr. DREIER. Mr. Chairman, I have asked the gentleman to yield one time.

Mr. WATT of North Carolina. Mr. Chairman, they can pass around that right if they want, but I am not yielding at this time. I will be happy to yield if I have time left.

We do not have the resources. We are dealing with scarce resources right now. The Republicans tell us every day we have scarce resources and here we come. We do not like the result so we will change the process. Instead of using one judge, we are going to use three judges.

Now, Mr. Chairman, I want to go back to the point the gentleman from California [Mr. BONO] made. We should have three biases in a situation where a referendum has been held rather than one bias. I did not realize that our Federal Judiciary consisted of any biases. We go through a rigorous process of trying to select the best judges we can select, and we have a very intense process of appeals to the court of appeals, to the Supreme Court of the United States.

There are always appeals in the process if we do not like the process or bias of that particular judge. So this notion that we ought to bring three biases to bear on a referendum issue rather than the bias of one judge, I hope we do not bring any biases to bear. If they are looking at the Constitution and interpreting the Constitution in the way that the U.S. Supreme Court has indicated the Constitution ought to be interpreted, and in the way that we know is correct, then it ought not be a question of whether there are any biases or not.

□ 1230

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

Mr. WATT of North Carolina. Mr. Chairman, regular order. I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, if the gentleman from California [Mr. DREIER] wants to play this game, I am going to do it to him when the gentleman gets up.

Mr. DRIER. Mr. Chairman, I am used to it.

Mr. WATT of North Carolina. Mr. Chairman, I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, the third point I want to address is this notion that we ought to, basically, dictate to States that they have referenda in their States, rather than deciding their State's policies through the regular legislative process.

If we say we are going to provide a three-judge panel if they have a referendum, but we are not going to provide a three-judge panel if the State legislature meets and passes a law that is constitutionally suspect, then all we have done is we are going to give the States that have a preference for referenda some kind of deference. That ought not to be the case.

There are States who do not submit issues of this kind, or any other kind, to State referenda. In North Carolina, we seldom have a statewide referendum on any issue. That is what we elect State representatives for, to go and make public policy, and we ought not give a referendum State any greater deference than we give the regular legislative body.

Finally, Mr. Chairman, and then I will be happy to yield to the gentleman, and I will be happy to engage in whatever dialog the gentleman wants, and I hope the gentleman will yield to me and we can engage in it on his time.

Mr. Chairman, let me talk to my colleagues about the historical background for having a three-judge panel in voting rights cases. The Voting Rights Act was adopted in 1965, in the midst of overt racial discrimination in the South.

It applies, primarily, to southern States. All of the judges in the South were from the South. The process that was set up was to try to get those racial biases out of the process by bringing more people to bear on it. There was a historical record of why it was necessary.

Mr. Chairman, there is no record of anybody discriminating against the State of California. Nobody has come in here and said that the judges have discriminated against the State of California.

The State court in California also held unconstitutional this proposition that you are concerned about the result of. The Federal court held it unconstitutional, and the State court held it unconstitutional.

So, are we asking for a three-judge panel in the State courts of California also? Are we accusing the State courts of discriminating against California?

There was a factual basis for a three-judge panel in voting rights cases. There is simply not that factual basis in this case.

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

Mr. WATT of North Carolina. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentleman from North Carolina [Mr. WATT], my friend, very much for yielding and I compliment him on his statement, even though I have disagreement with it.

We need to realize that in cases of voting rights, Baker verses Carr.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, are we going to have a dialog or is the gentleman going to give a speech? If the gentleman is going to give a speech, I want the gentleman to do it on his time.

Mr. DREIER. Mr. Chairman, I was going to respond to the three mothers and the three highway patrolmen, but if the gentleman does not want me to, that is fine.

Mr. WATT of North Carolina. Mr. Chairman, I yield back the balance of my time, since the gentleman from California does not want to engage in a dialog; the gentleman wants to make a speech.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I want to respond to a couple of things the gentleman from North Carolina [Mr. WATT] said. It is perfectly legitimate, it is utterly appropriate that we would actually give a preference to referenda, popular referenda, State referenda, because that is the only instance in which the people speak themselves. It is the purest form of democracy that we have got and we ought to do everything in our power to protect that, to give assurance to the people, to let them know, without any question, that that will be respected and that will be given a preference, if you will, and a larger standing or a higher standing than the legislative process.

Mr. Chairman, what happens in the legislative body? People get elected and they make decisions as representatives, but in a referendum it is the only time that we actually have the equivalent of a statewide town meeting. We have a situation in California where there were 5 million people and their voice was then drowned out by one individual.

The fact is, and the gentleman from North Carolina brings up a good point, the fact is that we are obviously admitting that there are the possibilities of imperfections in our Federal judiciary and that we are going to do a better job of dealing with those imperfections in a say that spreads it out, that balances it out, so that we cannot have an abuse and so we cannot have a forum shopping situation where we look for a particular judge.

We work specifically and hard to make sure that there is not only the reality of fairness but, in fact, the perception of fairness. Because this is the way that we ensure that these Democratic institutions have the confidence of the people.

Mr. Chairman, the other thing I would like to say is that I find it a little bit silly to listen to the fiscal responsibility argument regarding this; that somehow we cannot afford—in the handful of cases that will be brought up under this across the country—we cannot afford a three-judge panel instead of a one-judge panel to decide these matters.

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

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

Mr. WATT of North Caroline. Mr. Chairman, the gentleman is saying to transport three judges to a central location, three sets of clerks, court reporters to a central location is not something that we ought to be concerned about? That is an expenditure of the taxpayers' money.

Mr. HOKE. Mr. Chairman, reclaiming my time, of course I am not saying that. What I am saying is that the benefit far, far, far, outweighs the burden.

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

Mr. HOKE. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, what I think we are seeing on this side of the aisle is that we had about 5 million Californians overridden by 1 judge. Prop 187 was approved by an overwhelming majority of Californians, and a couple of other issues. We are just saying that is wrong and we would like to make sure that that does not happen again.

Mrs. SCHROEDER. Mr. Chairman, could I inquire, please, of the remaining time on both sides?

The CHAIRMAN (Mr. EWING). The gentlewoman from Colorado [Mrs. SCHROEDER] has 6½ minutes remaining and the gentleman from California [Mr. MOORHEAD] has 12 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, could the gentleman from California use a little more of his time, because the remaining time is unbalanced.

Mr. MOORHEAD. Mr. Chairman, may I inquire how many more speakers the gentlewoman has?

Mrs. SCHROEDER. At least one, and maybe more.

Mr. MOORHEAD. Mr. Chairman, I would not like to get to the end and the gentlewoman have 10 minutes remaining for one speaker to speak and we have nothing.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of H.R. 1170. As was mentioned, we talk about 5 million Californians speaking out last year in support of an initiative that passed by overwhelming majority and 1 man silenced their voice. If there is one thing I hear on the central coast of California, our constituents are very concerned, whether real or not, about the shopping for a judge that is going to come out with a decision that is opposite the majority voice on this. Whether it is real or perceived it is there.

State referenda are special. They allow, more than any other process, the direct will of the majority of citizens in that State to be heard. I do not believe any single person without accountability to anyone should have the power to dismiss that will.

Mr. Chairman, under the current system, a single judge can suspend the direct will of the majority indefinitely without answering to anyone. This bill simply rectifies the unjust situation. It provides for three judges to come to a professional consensus on whether a radical action, such as the injunction, has merit. The judges' consideration of the case is specifically limited to the State laws which are voted on directly by the entire populace of the State.

There are those who will say that this legislation will bog down the court review process with unneeded appeals, but I say do not believe them, because the Congressional Research Service did a survey that revealed that only 10 cases in the last decade would be eligible for review by a three-judge court under this bill.

Mr. Chairman, I just would encourage this bill to be heard and passed on. It recognizes that State referenda reflect, more than any other process, the one-person one-vote system. It seeks to protect a fundamental part of our national foundation. Laws that come directly from the people should not, be easily set aside. We should not, and will not be held in legal limbo by those losing litigators.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California [Mr. MOORHEAD] the chairman of our subcommittee, for yielding this time to me, and I also compliment the gentleman from California [Mr. BONO] for this fine piece of legislation that will simply give greater assurance to people participating in statewide referendums that they are not going to be overturned by a single judge who may be basing his opinion on something that is not sound judgment.

Mr. Chairman, this is something that is going to help prevent forum shopping. This is going to help prevent the kind of delays that are experienced in these cases. It has now been nearly a year since proposition 187 was voted on by more than 5 million voters in the State of California and we still do not have a final resolution of this case.

Mr. Chairman, when millions of people take the time to vote, time away from work, time away from their family, significant inconvenience, sometimes significant cost, they have the right to be assured that their vote is being effectively and carefully considered and a three-judge panel simply gives them that assurance.

Mr. Chairman, this does not apply in the case of proposition 187, but that is a good example of why we need to have this kind of assurance, simply because of the fact that three judges will be more carefully looking at this right from the start, rather than as a situation that has dragged on for a considerable period of time.

In the past 10 years, there have been only 10 instances where this has been used. So when judges complain that this is a burden on the judiciary, that simply is not the case. When we add up the collective burden of millions of people gong to vote in a referenda and then being told by one judge that their votes did not count for anything, I think we have a substantial justification for having a three-judge panel in those instances.

Mr. Chairman, each time this is used, it is used for very important and very significant reasons and I think it is highly justified and properly called for; very comparable to the other instances in which we use three-judge panels. Mr. Chairman, I urge my colleagues to support the bill.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I wonder if I could ask the sponsors some questions. I have a copy of the bill. I wonder if the gentleman from California, [Mr. BONO] could answer some questions about the exact language of the bill.

Mr. Chairman, on line 11 of page 2 of the bill, the gentleman from California [Mr. BONO] mentioned that these cases would be heard by a three-judge panel, and then appealed only directly to the Supreme Court. Is my understanding correct?

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

Mr. WARD. I yield to the gentleman from California.

□ 1245

Mr. BONO. Mr. Chairman, the gentleman is correct. Under U.S.C. 2284, that is the procedure.

Mr. WARD. Mr. Chairman, I wonder if I could ask, what other kinds of cases are sent. I know redistricting cases are sent directly to the Supreme Court. I wonder what other kinds of cases.

Mr. BOND. Mr. Chairman, if the gentleman will continue to yield, voting rights cases.

Mr. WARD. But are there any other cases? I will wait until the gentleman gets some advice there.

Mr. BONO. Mr. Chairman, redistricting and Voting Rights Act cases.

Mr. WARD. Well, Mr. Chairman, this is an open rule. I wonder if the gentleman would be amenable to our adding a whole range of other things that are vitally important, drug kingpin cases, so that we do not have delayed justice or the Oklahoma City bombing case or a case of a Presidential assassination? If a referendum would be that important to see appealed directly to the Supreme Court, I wonder what other kinds of things the gentleman might include.

Mr. BONO. Mr. Chairman, the gentleman is welcome to make any amendments the gentleman cares to. However, it is a very simple bill. It represents the people of America. It is uncomplicated. I am not a lawyer, but I feel very strongly that the people deserve this representation. And it goes to constitutionality. It really, in my view, does not need any altering.

Mr. WARD. But the gentleman is saying I may offer any amendment I wish?

Mr. BONO. That is what an open rule means.

Mr. WARD. Would the gentleman not be supportive? As the gentleman knows, in this context of an open rule, we still have to have the assent of the sponsor of the bill in order to offer an amendment which is not beat on a party line vote.

Mr. BONO. As I said before, it is simple, very clear. If the gentleman wants to submit an amendment, fine. Otherwise, I really would like it to stand as it is.

Mr. WARD. Mr. Chairman, I understand it is a very clear bill. It is very straightforward. There are actually a couple other questions I might ask, if I can seek the gentleman's indulgence in that.

Mr. BONO. Mr. Chairman, what is being displayed before America right now is the thing that they hate. That is lawyers in Congress dealing with rhetoric rather than substance and discouraging Americans in believing in Congress.

Mr. WARD. Mr. Chairman, if I might respond to the gentleman, my only comment would be, first, I am not a lawyer. I am a citizen legislator, as I expect the gentleman is, but I think that we need not denigrate the decisions we are making by saying that only lawyers would care about these decisions. These are laws which will affect every American. We cannot say, this is just a simple law; let it slide through. What are we going to do about cases that also deserve to go directly to the Supreme Court?

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to thank the gentleman from California [Mr. BONO] for bringing forth this proposal, because I think it really is a determining factor of the credibility of our democratic processes that we have not only here in the United States but I think we need to recognize in many parts of our States separately.

Mr. Chairman, this is not about 187. That is water under the bridge. But it is about the credibility of the Federal Government's commitment to the right of voters to have that right executed, the voting rights concept.

There are two ways to deny a citizen the right to be able to express themselves through the ballot box. One way is the old way that was addressed in 1965. That is not allow them to the ballot box at all. Never let them drop their vote certificate in that. That was addressed in the 1965 law. But now we have this new insidious approach that says, let us wait for them to drop the ballot in the box and then let us erase every ballot in that box by going to one judge who will override the democratic process by that judge's own process.

For good reason in the 1970's, we pointed out that we needed, in 1976, that we needed to make sure that we defended this most sacred right of democracy, the right to express yourself at the polls by having a three-judge requirement. And we can talk all we want, about that it is only one part of this country that law was meant to apply to. But I am sorry, the last time I read the law, it applies to us all, and it applies to California, Michigan, Connecticut, and, yes, to Louisiana.

We are asking, with this law that Mr. BONO has brought up, that we defend the whole foundation of democracy just as much after the ballots have been dropped as we have before the ballots.

I think that it is appropriate that we follow this, Mr. Chairman. I am rather distressed that democracy, as we know it, can somehow be expendable. I ask those who claim to be from the Democratic Party to one time stand up and support the gentleman from California [Mr. BONO] in his quite rational and logical defense of the democratic process.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON–LEE. Mr. Chairman, I thank the gentlewoman from Colorado both for her work and her sincere work on this issue.

I would simply like to note that members of the Committee on the Judiciary are entrusted with the responsibilities of justice, as well as the responsibilities of overseeing the full justice system, as it relates to the courts, both lawyers, nonlawyers and the courts are opposed to this particular legislation.

I would like to ask, if I could, the sponsor of this bill, my colleague, the gentleman from California [Mr. BONO], if he would again answer an inquiry that I have concerning this legislation. I would simply like to ask the gentleman a yes or no question.

If, in fact, this proposition had been ruled on, if the decision in the 187 proposition in California had been ruled on, I assume, in the gentleman's favor, the gentleman would have not offered this legislation? I ask that question because clearly the U.S. judicial conference has stated that this is a bureaucratic piece of legislation that would clog up the Federal courts.

I know the gentleman to be a person that wants to unclog the courts, wants to ensure that people do have reasonable concern to justice.

My concern is, that this is an isolated incident of which the gentleman is now trying to create legislation to, in his opinion, correct?

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

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, if I understand the gentlewoman correctly, this certainly is not retroactive to prop 187; 187 is not involved.

Ms. JACKSON-LEE. Mr. Chairman, but would the gentleman have promoted this legislation if the decision by that judge had been one that the gentleman would have considered favorable?

Mr. BONO. Mr. Chairman, if the gentlewoman will continue to yield, would she restate that again?

Ms. JACKSON-LEE. Would the gentleman have promoted this legislation if in fact he had gotten what he would consider a favorable decision?

Mr. BONO. Mr. Chairman, I would stand behind this legislation any time. It is bipartisan, in my view, and it represents the public. So the referendum is a side issue.

Ms. JACKSON-LEE. Reclaiming my time, Mr. Chairman, I think the point is that the gentleman did not answer the question directly.

Mr. BONO. Mr. Chairman, I said I would support it.

Ms. JACKSON-LEE. Was the genesis of the gentleman's interest the fact of prop 187, which denies rights to those children and adults in California needed social services?

Mr. BONO. Mr. Chairman, that is a whole other discussion.

Ms. JACKSON-LEE. Mr. Chairman, the Judicial Conference of the United States, the U.S. judicial policymaking group, declares that this would be a horror story for the Federal judiciary. The Conference stated that it would be difficult to manage. The legislation would cause scheduling problems, consume limited judicial resources, of which many of the Republican Congress say they would not support, and, frankly, it would clog the Supreme Court and take away from them the discretion of making determinations on which cases to hear.

I see no judicial basis in having this legislation passed other than disgruntled representation from one State suggesting that they want to have one court decision over the decision the federal court in their jurisdiction fairly rendered.

The other point that I would like to end on is that this is not forum shopping. The judge in the 187 case made a fair and impartial decision. We in the legislature now, with this legislation, are trying to detract from an independent, unbiased decisionmaking. I think that that is poppycock. I ask my colleagues to vote this bad bill down.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to support this very excellent legislation of the gentleman from California [Mr. BONO].

This legislation will enhance our system of checks and balances by establishing three-judge courts under limited circumstances, which are where injunctive relief has been requested regarding a voter approved initiative. As Thomas Jefferson said, Mr. Chairman, trust not to the good will of judges but bind them down by the chains of the Constitution. This bill takes us 10 steps in that direction.

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

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

Mr. WATT of North Carolina. Mr. Chairman, this was the judge's decision based on the Constitution in this case. Is the gentleman saying that we should disregard the judge's decision based on the Constitution?

Mr. DOOLITTLE. Reclaiming my time, Mr. Chairman, I am saying it

takes 10 steps in the direction of Jefferson's quote because it gets three judges involved instead of one judge.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise in strong support of this very important and timely legislation. I commend my California colleagues, especially Mr. BONO and Chairman MOORHEAD, for bringing this measure forward.

Too often, as seen in California, special interests can misuse the courts. They go forum shopping, which we have talked about here today, for a friendly judge in an effort to thwart the will of the people. California's prop 187, which would have denied taxpayer-funded social services for illegal immigrants, is a perfect case in point. Although a majority of our citizens voiced their strong support for prop 187 in a statewide referendum, the vote was barely official before the court challenges and delays began. So this legislation corrects a fundamental wrong, a flaw in our system, because we believe on this side it is wrong for one activist Federal judge to issue an injunction thereby thwarting the will of the people.

H.R. 1170 will counter this imbalance. It will help restore public confidence in the judicial system, and it continues the process that we began when we passed the Common Sense Legal Reform Act.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this bill.

Our colleague, the gentleman from California [Mr. BONO], has authorized a bill I think we should all support. There is probably nothing more basic to the principles of fairness and democracy than the ballot. When a majority of the people have spoken through a ballot initiative or through a referendum, they are entitled to timely implementation of their mandate. Opponents who contend that a law is unconstitutional are of course entitled to their day in court, but the courts should not be used capriciously to delay or thwart the will of the people.

This bill preserves the rights of both sides by adding injunction requests based on constitutional grounds against State referendum to the list of cases to be heard by a three-judge Federal panel. It ensures a quick resolution of the issue by allowing appeals against such injunctions to go directly to the U.S. Supreme Court. It would affect only one case a year.

This bill really protects the one-man, one-vote system. Should one judge have the power, without even ruling on a case, to invalidate 5 million ballots? I think not. Requiring at least two judges on a panel to agree to an injunction will help deter judge shopping by opponents of the law while still preserving their rights. The requirement for a direct appeal to the Supreme Court is in the interest of all parties and is the same procedure, as we have discussed, we now use for congressional reapportionment and for the Voting Rights Act cases.

Voters deserve to have their votes count and are entitled to have a decision rendered in a timely fashion. There is no more direct mandate than a ballot initiative. Let us keep faith with our democratic contract with the people. Vote for this bill. I urge all my colleagues to vote for voters rights.

□ 1300

Mr. MOORHEAD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to make it clear that this proposition, this bill, does not apply to proposition 187; 187 is gone. It has nothing to do with it whatsoever. Only future cases in other States where problems arise; they can be on the right or left. It cuts both ways. One can get judges that are far to the right and those that are far to the left.

The question has been raised as to whether this procedure is too difficult. It is not. The procedure already exists for similar cases and is used more in Voting Rights Act cases and apportionment cases than would be used in referendum cases. Understanding that the Speedy Trial Act and heavy Federal caseloads have increased the Federal judiciary burden, only one referendum case would be brought up statistically each year. While some States use the referendum process more frequently, there is no reason to think that this will cause undue burden on the courts.

Mr. Chairman, districts who have been overburdened received the benefit of temporary judgeships in 1990. Under the three-judge court statute, one judge may issue temporary restraining orders and make all evidentiary findings alleviating the three-judge trial court difficulties.

On balance, protection of the voters of a majority of a State's electorate outweighs the relatively minor inconvenience caused to the Federal Judiciary. I ask for an ''aye'' vote.

Mr. KIM. Mr. Chairman, I rise today in strong support of H.R. 1170. As a strong supporter of proposition 187, which was overwhelmingly passed by the people of California in 1994, I was deeply disappointed by the abuse of power 1 judge can have over the will of 30 million California voters.

As a cosponsor of H.R. 1170, I believe it is important that this Congress act, as representative of the people, to ensure their rights under the Constitution. To accomplish this, H.R. 1170 would ensure that laws passed by statewide referendum must be subject to review by a three-judge court comprised of one appellate court judge and two district court judges.

I believe this legislation is necessary given the quick decision of a single district judge to reverse the strong voice of California residents who, under the Constitution, voted to pass proposition 187 and eliminate the free giveaway of benefits for illegal immigrants. This is an issue of great importance to the State of California and the State taxpayers who must continue to pay for those who are blatantly in violation of the law.

The question of the unconstitutionality of proposition 187, although an issue for valid debate in the courts, should not be made by one judge. Three-judge panels are already in use for voting rights cases because of the importance of an individual's right to vote—a three-judge panel should exist for statewide referendum on the same principle—the right to vote.

Again, Mr. Chairman, I call upon all of my colleagues to act in good faith and return the right to vote to the people in California and all the States by passing H.R. 1170.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting my electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. 3-JUDGE COURT FOR CERTAIN INJUNCTIONS.

Any application for an interlocutory or permanent injunction restraining the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground of the unconstitutionality of such State law unless the application for the injunction is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for an injunction.

Mr. MOORHEAD. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''State'' means each of the several States and the District of Columbia;

(2) the term ''State law'' means the constitution of a State, or any statute, ordinance, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto; and

(3) the term ''referendum'' means the submission to popular vote of a measure passed upon or proposed by a legislative body or by popular initiative.

SEC. 3. EFFECTIVE DATE.

This Act applies to any application for an injunction that is filed on or after the date of the enactment of this Act.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MRS. SCHROEDER

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

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: In the first sentence of section 1, strike ''Any application'' and insert ''(a) GENERAL RULE.—Subject to subsection (b), any application''.

Add the following at the end of section 1:

(b) APPLICABILITY.—Subsection (a) applies only to—

(1) any case filed in a judicial district, or a division in a judicial district, that has only 1 sitting judge; and

(2) any case that is filed in a judicial district with more than 1 sitting judge but is assigned to a judge in any manner other than on a random basis only.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado [Mrs. SCHROEDER]?

There was no objection.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, this amendment takes this case, or this bill, and it applies it to the case that many have alleged they are most concerned about, and that is the issue of judge shopping. What my amendment says is that this procedure may go forward wherever there is just one or two judges in that district, so obviously one could pick it or where they do not use randomly applied, normal procedures for assigning the case inside the circuit. So, if there is any evidence of forum shopping, then this procedure comes forward because on that issue I think the gentleman from California has a legitimate concern.

My understanding is that in proposition 187, no matter what they say, it was a district with 25 judges, and they were randomly assigned. But if there are districts with one judge, of which of course there are, and if there are districts, and I do not know if there are, that do not use random assignment so forum shopping would be possible, then this is insurance against forum shopping because forum shopping really would corrupt justice, and I think that this is very important because this amendment then brings down the inconveniences this bill might impose on certain circuits to just those who were really trying to misuse the system.

What are we hearing? We are hearing today that what people are really mad about is that American citizens have the right to challenge a referendum in the courts, and since nobody wants to take away the right of the citizen to challenge the referendum, we are now blaming the judge. But in the case of 187 it was not only one Federal judge. It ended up at this point being four Federal judges because it went to the three-judge panel of the court of appeals and also the State judges. So all of those agreed that whoever brought this appeal had that right, and I do not think anybody wants to take that right away from American citizens to challenge anything if it violates their constitutional rights.

Now the second thing and the reason I think it is so important to narrow this bill is that, if we pass this bill, and it is really going to impact just certain circuits because there is just a handful of circuits where the referendum process is so prevalent, but in those circuits every single time we call one of these three-judge panels what we are going to do is close down three courts to drug cases, three courts to crime cases, three courts to all the other cases on the Federal docket that are so critical. At the same time we are going to be shoving these cases right at the Supreme Court, and they will be given absolutely no discretion as to whether they take them up or not, and they will be having to take them up within an entirely different kind of record, not the appellant record they usually look at, but a much more complex record, and so they will be shutting out the ability of the Supreme Court to look more fairly and openly at the whole range of issues that come in front of it.

All of us know that every year there are more and more and more appeals to the Supreme Court, but there is just a very limited number they can take, and they are on critical constitutional issues that we all care a lot about. We hear a lot of debate about that, and so should we give this specific referendum a very special pass? We are giving them the golden keys to the Supreme Court. They can then unlock the Supreme Court anytime they want, and no one else has got those keys on any other issues of constitutional weight except in the voting rights area.

So I think this is terribly important. I think the Federal circuits are very worried about this, and that is why they have asked us not to pass this bill, but at least with this amendment we will be bringing it down to what the gentleman from California said is his specific concern, which I think is legitimate, and that is judge shopping. If there is judge shopping, we want to stop it. This amendment gets at that, and I would hope that everybody would strongly, strongly support this amendment. Otherwise I hope they vote against the bill.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Mrs. SCHROEDER].

(Mr. HYDE asked and was given unanimous consent to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman from California [Mr. BONO] for initiating this excellent piece of legislation. I cannot imagine anything more startling than to learn that a referendum or an initiative, in which 5 million people have participated has been set for naught by one judge who, as we all know, being people in the real world, judges can be whimsical, judges are not always correct, and one judge who decides against 5 million people, or a large percentage thereof, is really an anomaly.

Now what the gentleman from California [Mr. BONO] and what we are seeking in this bill is justice and a fair chance at justice. It is not forum shopping to say that collective wisdom is better than individual wisdom. When my colleagues have surgery, they would like a second opinion, a third opinion. There is nothing wrong with getting opinions of people who are skilled, and who have the judgment and have the knowledge that is important in this field. So, if we are dealing with something of such dignity, and such importance, and such weight, and such significance as a statewide referendum, what in the world is wrong with asking that a three-judge panel decide whether it should be operative or it should be set aside? I think that is justice.

Now the gentlewoman, for whom my admiration is boundless, and I mean that, says we are going to close down three drug courts. I suppose she means two; they have to slow one down anyway for the judge who is going to hear the case, but I do not see this as an either/or proposition, and I do not see an individual drug case being delayed a week or two so that the wishes of millions of people can be adjudicated in a reasonable way, as a bad tradeoff. So I think this is a fine idea.

The gentlewoman obscures and obfuscates the neat simplicity of this proposal by requiring qualifications where there is only one judge or other procedures for random selection. I think it clutters up the bull. The bill is very plain and very direct, and I think it is the quickest way to justice for millions for people who take seriously their role in a statewide referendum.

I yield to the gentlewoman from Colorado [Mrs. SCHROEDER] my dear friend.

Mrs. SCHROEDER. Mr. Chairman, I think my chairman for yielding.

Mr. HYDE. Mr. Chairman, I was reading her mind and assuming that is what she really wanted.

Mrs. SCHROEDER. Absolutely I am delighted, and I think the gentleman would admit that people do have that right to a three-judge panel. They could appeal it to the Court of Appeals, and of course in this case on 187 they did. So at this point they have had four Federal judges, and all four Federal judges have agreed.

Mr. HYDE. Is the gentlewoman saying an appeal is as good as winning the case in the first instance?

Mrs. SCHROEDER. Mr. Chairman, I think, if one does not win it in the first instance, as the gentleman also knows, one has an immediate right, if they think that that injunction was unfairly granted, one has an immediate right to move on that, and I think that is the insurance that a person has.

Mr. HYDE. But that is costly and cumbersome, and maybe the people who are initiating this do not have the resources that some of the special interests who want to set it aside do. But an appeal is never as good as winning it in the first place; the gentlewoman knows that I am sure.

Mrs. SCHROEDER. The gentlewoman knows that we always want to win it the first time, but I want to say also I want to make sure that people have those rights and they have the right to immediately go up, and I think the gentleman knows that all the Federal courts have randomly assigned judges and that, unless there is only one judge on the circuit, one cannot forum shop really in the Federal courts.

I guess the other question I have is: If you have a constitutional issue that comes out of a legislature, why should that have a lesser right, if you think this is a higher right, than one by referendum?

Mr. HYDE. Reclaiming my time, that is another issue, and we can debate that on another day, but one of the things that I have never particularly felt favorably toward is no change of venue in the Federal courts, and one can get a budget that they are not at all comfortable with, and perhaps with good reason, and there is no way one can change a venue from him if he or she does not choose to grant it on their own.

So that is another reason that one can get justice more readily by the collective wisdom of a three-judge panel than one, and I am sure the gentlewoman has much more to say, and she can do it on her own time, and I will listen to her with interest.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] to the bill. I obviously oppose this bill. The amendment would make it slightly better, probably not well enough for me to vote for it even if it passes because I just think this is a bad idea, and I think the American public and my colleagues need to understand why this is a bad idea and why we have not done this in more circumstances. I mean if it was a wonderful idea, why is the only case in which one gets a three-judge panel is in voting rights cases? Why do we not apply it to all cases? If judges are whimsical, as the chairman of the Committee on the Judiciary indicated, and they are; I mean I practiced law for 22 years, I know judges are whimsical.

□ 1315

But that does not mean that this is a good idea. There is a reason that we have not done this in other areas of the law.

You should know that we had this process in the Federal law from 1948 to 1976. We repealed this process in 1976. The reason we repealed it was that the bench, the Federal judiciary, lawyers, and the people concluded, and this is from a report that was filed, that ''This was the single worst feature in the Federal judicial system.''

Now, as if we have forgotten this history, we are going to go back and reinstitute the same thing again. Well, if we do it for this line of cases and it is a good idea, where are we going to draw the line? We are going to get on this slippery slope, and next week we are going to want it for, I guess, traffic offenses or legislative things that are subject to judicial attack. Or, hey, certainly if the Congress of the United States passes a law, should it not require three judges to declare it unconstitutional, as opposed to just one judge, even though we can appeal it up through the process and go through the normal routine?

This is a bad idea. This is a bad idea. This is not about having an adjudication in a reasonable way, as the chairman of the Committee on the Judiciary has said. If this were reasonable and this were the only way to get a reasonable adjudication or deal with adjudications in a reasonable way, then we would be doing it for all of the cases.

There is a reason that we have not adopted this process for other cases. It is costly to have three judges come in and decide something that one judge, who is open to an appeal if he is wrong, can decide. It is costly.

Mr. Chairman, under this proposal the judges will not be sitting in the same city. They will be coming from different parts of the state. You have got to put them up overnight. You have got to pay their expenses. They have got to have their law clerks with them. You have got to pay their expenses. And at a time when my Republican colleagues are beating us up over limiting expenditures at the Federal level, they are coming in here and proposing something that is absolutely nonsensical, just to do a favor to the Republican Member from California.

That is what this is all about. That is why 99 percent of the people who have debated on this side of the aisle on this issue have been from California. They do not like the results that the judge gave them, two judges, I might add, not one, in this proposition case in California, so they want to change the process, a process which has worked for America for years and years and years.

This is not about process. This is about the result that they do not like.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Schroeder amendment. It would certainly limit the areas in which H.R. 1170 could be used. There are no States in the Union where there are not at least three judges. We are talking about the trial of a case where a piece of legislation has gone to the people of all of the state. There would be no difficulty in getting a three-judge panel if the case came up. Actually, we have the same situation exactly in voting rights cases and in cases of reapportionment.

What this amendment would do would be to change the procedure that is already established for those other cases and have a different kind of a procedure for cases arising out of an appeal from a statewide referendum.

Mr. Chairman, I know that there are people that would say that where you have only one judge or where you have one-judge districts, you can shop; but where you have 25 judges, as you do in some counties of the Nation, you cannot.

But actually there are different proclivities of different panels, in Los Angeles, San Diego, and San Francisco. Believe it or not, they do shop for panels where they hope to have a more favorable judge that is assigned to their case, even though it is done by rotation. That happens even there.

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

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

Mr. WATT of North Carolina. Mr. Chairman, does that mean if we have got these panels that have these proclivities, the next step is to have three panels so we have to have nine judges now?

Mr. MOORHEAD. Mr. Chairman, reclaiming my time, absolutely not.

Mr. WATT of North Carolina. I am relieved.

Mr. MOORHEAD. I hate to see this bill, which I think is a fine bill, tied to a proposition which has gone its way. I know some people have felt emotionally involved because they have not agreed with the court on this particular proposition. But this applies to the American people, to give them a better opportunity of being satisfied that there has been a balanced three-judge panel that has heard their case. And I know it does go both ways. You can get a very rightwing judge that may decide against a more liberal proposition because his tendencies go in that direction, as well as you have the other direction.

We are bringing more democracy to the American people, who have feelings on one side or the other. And I think that the bill, as it is written, is much better than if you lock out certain parts of the country because the judges are more scattered or there are not as many in one district, where there are several districts in the State.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hold in my hand a document that many of us hold extremely dear, and that is the Constitution of the United States. Our Founding Fathers wisely designed a form of government that established the executive, the legislative, and the judicial branches, and in that I think their wisdom was that it was important for the American people to have access to government in three separate and distinct branches. it also offers an opportunity for mutual respect, and also, to a certain extent, some cross-pollination, with basic factual premises.

I think the difficult concepts that need to be evidenced here as I rise to support the Schroeder amendment are important. This is a very carefully crafted amendment, which would eliminate the very burdensome, costly and time-consuming procedures, and answer the so-called question of forum shopping. The concepts are that while we are here discussing a judicial issue, we are really talking about a political question in the State of California and a legislative undoing of an important judicial decision.

I do respect and appreciate the people's right to vote, and I do believe that the people of California were heard by a randomly selected district judge, federally appointed, who would have the freedom and the independence to make a constitutional decision based upon the Constitution and the responsibility of three distinct branches of government.

We now find ourselves here in this legislative body disturbing that sacred process by suggesting that a few disgruntled citizens did not get their way in California, partly to put poor people out in the street, denying educational rights to children and health benefits to the elderly that are in this country, a whole other story, a whole other issue. But because that was not a decision that some in this body appreciated, we now want to alter the Constitution of the United States.

The Schroeder amendment gives some dignity to the Constitution, for what it says is if we determine there is a problem, then in fact this process can be one that we would adhere to. If there is documentation that there has been a real problem in a jurisdiction, then this three-court panel can be established.

Right now we have no documentation. The irony is we have a disgruntled bunch not willing to accept the ruling of the court, and we now want to distort the Constitution and clog up the courts, in direct opposition to a letter from the Judicial Conference of the United States of America.

How interesting. How interesting. In contrast, my colleagues on the Committee on the Judiciary wanted to undermine just a few months ago the habeas proceedings, again dealing with the rights of individuals to access justice. Now we want to abuse the process and clog the courts, even though citizens have a right to go into a courtroom and an impartial judge sits and makes decisions under the Constitution of the United States. We now want to get a panel of three judges, rejected by the Judicial Conference, clogging up the Supreme Court, and rejecting, again, a process that has worked now since 1976.

The Schroeder amendment is clear and simple and precise. It is on the premise that we can in fact fix what is broken. It does not go in massively, all over the Nation, and upset the apple cart, and upset the three branches of government, executive, legislative, and judicial, sanctioned and confirmed by the Constitution of the United States of America.

Mr. Chairman, I would suggest that we support this amendment, which would allow those who have a sincere concern with judge shopping to respond to their problem, while at the same time preserving precious judicial resources. It allows us to go in where there is a problem and fix it. I hope my colleagues who have mentioned this issue of forum shopping, and I do respect the chairman of this subcommittee, I hope that they can understand that we are doing great damage, great damage, to this judicial process, and I frankly cannot understand why we would completely ignore the Judicial Conference of the United States of America which opposes this legislation strongly and firmly.

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

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, I would just like to comment that this case has not been heard. Everything that has occurred has simply been on technicalities. But the case itself has not been heard and it still not heard.

Ms. JACKSON-LEE. There has been an order.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE. Mr. Chairman, if I may make one point, there has been a temporary restraining order.

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

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, all I wanted to say is our committee does have a major responsibility. The Judicial Act of 1789 set up the Federal courts. Our committee, our Subcommittee on Courts, does have the responsibility of providing the judicial procedure that is followed. This bill is strictly in accordance with the responsibilities that we have in carrying out that duty that we have.

Ms. JACKSON-LEE. Mr. Chairman, reclaiming my time, I appreciate the duty, but I would also hope we would do it on the premise that we have a duty to correct. I am not convinced and I do not think the American people can be convinced that this is not just an isolated incident. We do not need additional jurisdiction for three-judge courts and a further clogging of the court system.

Mr. Chairman, I want to say to the gentleman from California [Mr. BONO], there was a preliminary injunction against proposition 187 that was affirmed on appeal.

We have not gone on the premise where there is something to fix. We are clogging up the courts. This amendment will in fact help isolate the problem and solve the problem where there is one, and not broadly disregard the Constitution of the United States.

□ 1330

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to review the purpose of this legislation, and I rise in strong opposition to the Schroeder gutting amendment and in support of the Bono voting rights bill, but I ask the Members if they can imagine this scenario? Last November an overwhelming number of Californians voted, almost 60 percent, supporting the passage of proposition 187. What proposition 187 would have done is eliminate social services for illegal aliens. Not legal aliens or citizens, but for a people who are in this country illegally in the first place. An overwhelming 5½ million California taxpayers said enough is enough.

They said that they have problems enough taking care of their own citizens and they voted to put a stop to this spending that costs California taxpayers over $200 million every year. But, amazingly, this overwhelming will of the people in California was snubbed by just one individual.

Mr. Chairman, referendums, more than any other electoral process, reflect the direct will of the people and should not be easily cast aside. Under the current system, opponents of a referendum can go judge shopping to find one single judge that will stop the referendum. This legislation, the Bono voting rights legislation, will replace that practice with a three-judge panel from all parts of the State so that the referendum, the will of the people, gets a fair shake.

I urge support of the voting rights bill and I urge opposition against the gutting Schroeder amendment.

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

Mr. HERGER. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate the gentleman yielding to me so I can respond to the previous speaker on the other side of the aisle. The gentlewoman from Texas [Ms. JACKSON-LEE] referred to the 5 million California voters, who, as she points out in her remarks, overwhelmingly voted to approve proposition 187 as a disgruntled few.

I would like to tell the gentlewoman that when I have my town meetings back home in my district, I am approached by constituents all too often who inquire about proposition 187 and they ask why proposition 187 is not the law of the State of California today. I have to explain to them about the Ninth District Court, about a very liberal and activist judiciary we have in that court.

Mr. Chairman, I really believe what we are talking about here is correcting a flaw in the judicial system and correcting this bad practice, this precedent of thwarting the people's will by, in fact, venue shopping, or forum shopping. I want to point out again that these 5 million disgruntled few are the voters we are disenfranchising by the law today.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I keep hearing these allegations of forum shopping. My understanding is that the district that this went to had 25 Federal judges and they are randomly assigned. My question is, Does the gentleman have some evidence of forum shopping we do not know about? And does random assignment in circumstances with more than one judge not prevent that type of forum shopping.

Mr. HERGER. Mr. Chairman, to respond to the gentlewoman, again, what we are attempting to do is get the will of the people. We still have a situation where 5½ million, right at 60 percent of the voters of the State of California, voted overwhelmingly on a measure that would prevent their taxpayer dollars going to illegal aliens and we had a situation where one judge, one Federal judge, was able to upset the overwhelming will of the people of the State of California.

What we are trying to do is at least bring in to play a three-judge panel so that the voters will have a better shake in future referendums.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will continue to yield, have three judges not acted on that now? It has gone to the court of appeals and they unanimously upheld that one judge.

I think what the gentleman is complaining about is the U.S. Constitution and a citizen's right to challenge, not the court system. That is why this is so troubling. This is not a solution for what the gentleman is saying his complaint is, which is the right of a citizen to challenge a statute that they think is unconstitutional.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and to speak in support of the amendment.

Mr. Chairman, the reason we are here today and the reason we are in this debate is because some of those who are elected to public office simply do not have the courage to explain the facts to the people they represent. In the State of California, that I represent, along with many of my colleagues in this body, we use the initiative process like some people change their clothes or change channels. It is not a pure process, it was put in as a reform, but now anybody who can came up with about $½ million, I can guarantee, can get the signatures for an initiative in California on any subject matter they desire to have put on that ballot.

Many have ridiculed the California initiative process. Many people say it is crazy, it is out of bounds, whatever, but it is a means by which the people get to express their views on various issues. But it is not always the people that put it on the ballot. Very often it is a commercial interest. It is the tobacco industry that puts an initiative on. And then people who do not like smoking, but put an initiative on.

The farm bureau put one on so nobody could regulate farm workers. The people turned that down. Then the farm workers put one on that said everybody has to regulate the farmers, and the people turned that down.

When they got to putting a smoking initiative on they said, the people who wrote that said, people can smoke in rock concerts but they cannot smoke at the opera. The people said, that sounds funny, and they turned it down. The tobacco industry put on an initiative that said we will overrule all the local jurisdictions trying to eliminate smoking, and the people said that does not sound good, we will turn this down.

Most of this happens because it gets stalled in the legislature. The insurance industry said we will have no fault insurance. Somebody else said, no, we will have fault, fault, fault insurance, and we passed both of those. The insurance industry, and the gentleman from California [Mr. BONO] maybe will remember this, I think they spent $20 million on this. This was about the will of the people? This was not about the will of the people.

Mr. Chairman, now along came 187 and people decided that they did not think they should any longer pay for illegal aliens in this country, residents in this country who had not come here legally. It made a lot of common sense. But as they got into it, they started writing it harder, harder, and kind of overreaching, going further and further, and they went right past the U.S. Constitution. People were emotionally caught up so they voted for it and it passed overwhelmingly.

A lot of politicians were for it and a lot of politicians were against it. Most people reviewed it after the fact and said it probably was not the greatest idea. Well, the people who were impacted by it or disagreed with it under the laws of the land of the United States went to court and said, I think this is unconstitutional. The court said, well, I think they might be right, and they had a restraining order.

Mr. Chairman, the people who lost on that side said this is not good, we will appeal it. They appealed it. It went to a three-judge panel and they said, we think the lower court might be right and they upheld the injunction. Those are the laws of the United States of America.

Rather than tell people that some individual out there that might be impacted was petitioning the court to protect their rights under the Constitution of the United States, the gentleman from California [Mr. BONO] has decided he would make the Government the enemy. He has decided it was come corrupt judge who was not really giving him a fair shake; that was forum shopped.

What the gentleman is suggesting is that somehow the system let the people down; the system let the people down because the judge came from northern California instead of southern California. Were they disenfranchised during the vote? Should they be disenfranchised from reviewing it? Of course not. This is not forum shopping, this was testing the provision against the Constitution.

Mr. Chairman, this is not the first time this has happened. Not the first time in California. They have done it on handguns and other gun control measures. Sometimes we win and sometimes we lose. This is what the Constitution does, it protects the single individual, it protects the minority, it protects the unpopular, that they have a right to go and petition.

If that one judge had ruled in the gentleman's favor, he would not be here today. But we must understand something. Because 5 million people in this country vote for something, that certainly makes us take notice, and that is why we are on the floor today, but it does not make their vote right in terms of the Constitution.

Mr. Chairman, we have nine members across the lawn here that have overruled the desires many times and the wants of tens of millions of Americans when they decide cases, when the decide cases on abortion, or they decide cases on apportionment or on civil rights.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if Members want to know how we

make cynical voters; if they want to know how to make people hate the system, it is that we mislead them about what the system did. Nobody was mistreated under this system. Those people that voted for 187 and those that voted against 187 are being protected throughout this process.

The initial question of whether or not we should enjoin the law before we find out its impacts and who it will hurt and is it the Constitution, one individual deciding that is not a crime. Three individuals may be better or worse, but that is not why we are here today. We are here today because people have chosen to trash the Government rather than explain the Constitution and explain to people that sometimes might does not make right. We are one of the few countries where that is the case.

Mr. Chairman, 5 million people voted Their views are being acknowledged. We have changed our attitudes here. We have changed the laws on immigration. The State legislature has done the same, and a lot of things have happened since that vote, but it does not necessarily mean that that vote is constitutional. People have a right to seek a review of that.

We would be a better government, we would better serve the people if we leveled with them that there is a process, and whether it is the work product of the initiative in California, where people properly go to the polls, or whether it is the work product of this Congress, there is a means by which it is reviewed so that people can protect their rights and enforce others' responsibilities. It is the judicial system. And that was not abused in this process.

Mr. Chairman, the judge did nothing willy-nilly. And I would not like to be this judge, overturning the views of a popular side of an election. But judges are there because they discharge tough issues, tough questions that are brought before them. They have to make that decision. We would probably want to have a hearing on it. We would probably want to send it to interim. We would want to hold it over till the next session, but that judge had to rule, and now the system is engaged.

We would be better served if we discussed that rather than trying to refight proposition 187 on the backs of the judges and the courts and the system in this country, because I think all we do there is we mislead our constituents. We mislead the voters and mislead the citizens about what they can and cannot do under the Constitution of this country.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, first of all, if I understand the referendum system correctly, there is often a disillusionment on behalf of Government to the people, in that they do not act on things. They pontificate, but they do not necessarily act. At a certain point of frustration, the people themselves respond and get it done.

Mr. Chairman, does the gentleman have the same passion about proposition 174, where the CTA spent $25 million to prevent the freedom of school choice and vouchers?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, and I will yield if the gentleman needs more time, but I would have the same passion. What I said at the outset, my point was this, if we want to represent that somehow the pure view and motives of the California voting public was overruled, and I am suggesting to the gentleman that we are all residents in California and we watched this process. The initiative process is the most manipulative process because usually it is bankrolled by tens of millions of dollars by people who want to change the rules of the game one way or another because they were not successful in the legislature for one reason or another.

Mr. Chairman, this is not just Polly Purebreath and her friends coming out and saying, we want to do this for the good of society. It does not happen that way, because most of those people cannot gather the signatures because the legislature makes them get more and more signatures, which means citizens have to have more money, and the gentleman knows that.

□ 1345

Mr. BONO. Mr. Chairman, I just do not remember this argument when 174 went down. Nobody seemed to object at all.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, if you lose in the courts, you lose in the courts. A lot of initiatives have gone down and people have shrugged their shoulders. That is the process.

Mr. BONO. Mr. Chairman, if the gentleman would continue to yield, they lost at the ballot box.

Mr. MILLER of California. Mr. Chairman, again reclaiming my time, what is happening here is the trashing, the absolute trashing of the Government for political motives, which is about trying to lead people to believe that somehow they have been screwed in the process, because somebody exercised their right on the court.

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

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, this bill does not apply to proposition 187. My State of Virginia does not have initiatives, it just has referendums. But the State legislature can put a referendum on the ballot, millions of people can take time to go to the polls. The gentleman from California [Mr. MILLER] pointed out that when millions of people were overruled by this nine-judge court, the Supreme Court, why is it not better to have a three-judge panel on these rare instances when millions of people participate in this process and want to have a little better assurance? It is a protection on both sides.

That judge could have ruled that it was constitutional and the gentleman from California might have thought it was not constitutional. Why not have a three-judge panel and give better protection for the people?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I am almost less concerned about the content than I am about the political motivation here. I think when we see a country that is more and more disenchanted with its institutions, we are suggesting here that when one side or the other, however it happened, whatever the issue is, and again we have been through this numerous times in California, when one side exercises their rights, people want to run around and suggest that they cheated. That somehow the institutions let them down. That is what concerns me here more than anything else.

Again, there will be millions of people that will vote on initiatives this next election in California. We have several that are slated to come up. And in the gentleman's State of Virginia, they have the initiative process. That will happen, but that does not mean that the result of their work product, their voting and interest and involvement, is necessarily constitutional.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, this is more about suggesting to them that their review was outside of the system; that they should have prevailed simply because they won at the ballot box. The gentleman from Virginia [Mr. GOODLATTE] knows, the gentleman is a lawyer, that is simply not the case. We do not get to do that.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, look ahead prospectively. This does not apply to proposition 187. Whatever the politics of that is, leave it behind and look ahead prospectively and say in the future we are going to tell people when they participate by the hundreds of thousands or the millions that they have the opportunity to be assured they will have a three-judge panel.

Mr. Chairman, 10 times in 10 years is all this would have happened. Once a year. Very reasonable, it seems to me, when you bring that many people out, you get that many people aroused about an issue. And you may be right. Sometimes they are ginned up over something that is not a good idea. Let us look at it more carefully with a three-judge panel.

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, I want to tell the gentleman from California [Mr. MILLER] that I love the court system, having practiced in it a great deal of my life and having been on the committee that has jurisdiction over the courts for many years. I would not trash the courts for any reason. I love this body that we are in, the House of Representatives, and I would not trash it in any way either.

I just want to make the court system better, where our responsibility leads us in that direction.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mrs. SCHROEDER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think if I can answer some of the questions that I think the gentleman from California has so eloquently asked, and I really salute the gentleman for taking the floor, we had this process in 1976, and this Congress unanimously did away with it, because they said it was so burdensome on the court.

Mr. Chairman, it takes three judges. You have to pull them out of their courtrooms in different places. We know that the Federal system is absolutely overloaded with drug cases, crime cases. We do not want to give any more resources to the courts, so we are handing them another mandate.

Mr. Chairman, I think the other issue that has been raised is this gives them a direct access to the Supreme Court without an appellate record, because they do not go through the Court of Appeals. Other people do not get direct access to the Supreme Court. They have got to go and make their case and the Supreme Court picks and chooses the ones they want. But this gives them direct access and it is a wonderful way to just push everybody else out of the line.

Mr. Chairman, I think what my colleagues are doing is treating somebody unfairly, and so does Justice Rehnquist and his group that has sent us a letter asking us, please, to remember our history; to remember we tried this from 1948 to 1976; to remember we are the ones who do not want to give anyone else any more resources for anything; and to say that this is not a good idea.

So, Mr. Chairman, I thank the gentleman for pointing that out.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentlewoman from Colorado. I think the gentlewoman raises a good point. My concern here is that if we had a three-judge panel in place after 187, and that three-judge panel, as did the appellate panel, find that there were these constitutional questions, we would be here today asking for a five-judge panel. Because this is about a political motivation to try to tell the people that they got cheated out of a result that they voted for, before we know whether or not that result is constitutional.

Mr. Chairman, we are just here politically trashing the courts. This judge is a perfectly honorable person, and I am assume the three judges were perfectly honorable judges. But some people believe that when they lose, somebody cheated, and then they have to run around and tell everyone.

Mr. Chairman, I do not think the people who are vehement on this issue on 187 would be here saying we have 3 judges overruling 5 million people, so that sound like a good deal. That is not the case at all. I just think the motivation here is terribly bad. I think it is terribly costly for the court system and costly for the institutions of this country and I think it is how we make cynics out of the American public.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BILBRAY. Mr. Chairman, I keep hearing references to 187, and all I have got to say it is not even 5 million we are talking about. We are talking about the almost 10 million people, because people voted for and against, through their electoral process, for the initiative. And fine, that is one thing.

But I am talking about consistency now and let us talk about the Constitution and the concepts of the Constitution.

The fact is, right now we have a process with three judges for reapportionment and that has stood since the 1940's and was reaffirmed by the Congress back in 1976, that we were going to maintain that. What has happened is that we have found a glitch where the existing statutes do not follow Supreme Court ruling and that it is inconsistent. The proposal of the gentleman from California [Mr. BONO] makes the law consistent with the Supreme Court ruling on the Constitution. So this act is a constitutionally compatible activity.

Mr. Chairman, let me remind my colleagues, in Baker versus Carr, Justice Clark said, and I quote, ''By the use of a referendum, a State is reapportioned into single voting district to vote directly on legislation.''

All the legislation of the gentleman from California [Mr. BONO] is saying is that we are going to be consistent now with the Supreme Court ruling. It is really talking about: Let us have our laws reflect the Constitution as clarified by the Supreme Court.

Mr. Chairman, I hear my colleagues on the other side of the aisle keep saying about the Constitution is supreme and we should follow it, and I agree. But here we have a Supreme Court ruling that says: This is a constitutional issue and this is a Voting Rights Act issue. It is not a Crime Act issue; it is not a drug issue; it is not a violent crime issue. It is a Voting Rights Act issue.

Mr. Chairman, there are Members of this Congress who have been here since 1976 and who supported having the three-judge process for reapportionment. I have not heard horror stories about how terrible and how absolutely outrageous this process has been since then. It has worked for reapportionment.

Under Justice Clark's ruling, all the gentleman from California [Mr. BONO] says is let us reflect the fact that the initiative process is a reapportionment issue and should be treated equal to with the same process that reapportionment has had since the 1940's and was specifically retained by this Congress back in 1976.

Mr. Chairman, I have to say to the gentlewoman from Colorado [Mrs. SCHROEDER], if it is going to cause so many problems to follow the lead of the gentleman from California [Mr. BONO] on this thing, then why was this law not changed in 1976? Why did we not have these conditions before?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, it was changed in 1976. They had 3-judge panels from 1948 to 1976, and in 1976, the House and Senate changed it at the request of the courts. The courts today have written a letter, I am sure the gentleman from California [Mr. BILBRAY] has seen it, begging us not to do this again because it is so onerous.

It really impacts on all of their different dockets that they have got that are so backed up and it does not end up with any result. They still get a 3-court panel, because they get to appeal to the Court of Appeals. So they are saying, ''Wait a minute, wait a minute. This is very different.'' And the voting rights case only happened once a decade. That is a little bit unique. That is once a decade. And that is a very different type of case from this. There are 20 referendums a year.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, Justice Clark was clarifying that it is not a totally different issue and that has not been overturned yet. The letters from the judges, as somebody who ran a county of 2.5 million full of judges, I know what the process likes to be and would like to be. They have to follow the Constitution too.

Mr. Chairman, this clarifies the fact that again, if the 3-judge process has worked and continues to work with reapportionment, then all parts of activity that relate to reapportionment should be following the same rule. Mr. Chairman, I insist that we recognize that the gentleman from California [Mr. BONO] is only reinforcing a ruling that was made by the Supreme Court and basically statutorily corrects an inconsistency that we have detected recently. And we not only have the right

to correct this inconsistency; we have the responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] will be postponed.

The point no quorum is considered as having been withdrawn.

Mr. MOORHEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. EWING, 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. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, had come to no resolution thereon.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1170, the bill just considered.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess until 3 p.m. today.

Accordingly (at 1 o'clock and 59 minutes p.m.), the House stood in recess until 3 p.m.

□ 1502

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIGGS) at 3 o'clock and 2 minutes p.m.

THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to House Resolution 227 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. 1170.

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. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, with Mr. EWING in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] had failed by voice vote and a request for a recorded vote had been postponed.

AMENDMENT OFFERED BY MRS. SCHROEDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 692]

AYES—177

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—248

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bateman	Duncan	Tejeda
Collins (IL)	Olver	Torkildsen
Conyers	Reynolds	Tucker

□ 1523

Mr. FLANAGAN and Mr. ROTH changed their vote from ''aye'' to ''no.''

Ms. KAPTUR, Mr. GENE GREEN of Texas, and Mr. SPRATT 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. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 3, beginning on line 1, strike ''each of the several States and the District of Columbia;'' and insert ''the State of California;''.

Page 3, line 4, strike ''a'' and replace with ''the''.

Page 3, line 5, strike ''a'' and replace with ''the''.

Mr. WATT of North Carolina. Mr. Chairman, I am offering this amendment to restrict the effect of this bill to the State of California, rather than to the entire United States, because the bill is being offered to address a specific problem.

□ 1530

This is a terrible bill, my colleagues. If we have a terrible bill, it seems to me that the least we ought to try to do is limit it to as small an area as we can possibly limit it to.

This bill comes forward simply because some of the folks in California do not like the results of a lawsuit that was filed and a court decision that was entered in California which declared the results of a referendum unconstitutional under the Federal Constitution of the United States.

There is not but one other instance, one instance in the law now where a three-judge panel of judges is required, and that is in the area of voting rights. The effect of this bill would be to create a three-judge panel every time a constitutional issue was raised where a referendum has been conducted in a State. It makes no sense to do that.

We had a law on the books from approximately 1945 to 1976 which required three-judge panels. It was taken off of the books, repealed because the judiciary, lawyers, and the general public all concluded that it was the worst part of the judicial system that existed at that time.

Now we are being called upon simply because some of the representatives in California do not like the results of a lawsuit to put that law back on the books to apply to every State in the Union. The effect of this bill would be to require three judges to decide a case when one judge has been deciding it in the past.

Once we start doing it in referendum cases, then I am not sure how we restrict it.

My colleagues, this is a bad, bad bill. It is bad, bad public policy. We should be serious about it if we are interested in saving taxpayers money. We have been here trying to balance the budget, we say. Yet, in this one instance to play politics with one person from California, we are getting ready to add substantial cost to the judiciary and make a public policy decision that makes absolutely no sense.

A State court judge held the referendum in this case unconstitutional. A Federal court judge held the referendum and the results of that referendum unconstitutional. It would not have mattered who decided this case; the issue on that referendum was unconstitutional. To go back and try to address that by changing the process makes no sense.

To say that we are going to convene three Federal judges to come together in one location, when we have the substantial backlog in our courts that we have, every time we got some referendum that somebody does not like the results of, we have got to convene three Federal judges, take up their time, take up their clerk's time, expose the taxpayers to this additional expense, I submit to my colleagues is very, very, very bad public policy.

I understand why the gentleman from California is offering this. It is good politics at home. He can go home tomorrow and say, look, I got something for the State of California and I can deliver. I am a Member of Congress now. But it is our responsibility as Members of this body to set good public policy.

I want to say, this amendment would limit this abomination of a bill to the State of California.

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with apologies to my good friend, the gentleman from North Carolina, California is still in the Union. This is kind of the silly season because it gives us an opportunity, I guess, to redebate a bill which has already been debated for well over an hour.

This is a good bill. Anyone that has listened to the debate understands that we are protecting the rights of every citizen nationwide to the right to have their vote protected when they vote on a referendum. This bill is for all voting citizens, not just those living in California. The procedure already exists for similar cases and is used more in Voting Rights Act cases and apportionment cases than it would be in referendum cases, but it is an important procedure.

The procedure is already set up. It is one which will not affect 187 in California. There is no relationship to this bill and 187 in California, because the bill is gone. It is defeated. We cannot go back to it. We will not go back to it. It will only protect the rights of people for the future.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I just want to say, sort of in passing, to my friend from North Carolina [Mr. WATT], who is one of the most valuable members of the House Committee on the Judiciary, but I was taken aback by his remarks about the extra cost and the burden on the court. I was somewhat taken aback by the gentleman from North Carolina's concern about the extra burden on the courts for convening a three-judge panel to decide a State referendum or initiative that the constitutionality, because my memory could be faulty, I concede that, but I do not recall the gentleman being at the point in habeas corpus reform where cases go up and down and up and down and up and down. I can think of one that lasted 14 years, with 52 appeals. I just do not recall the gentleman being a leader in trying to reform that burden on the courts.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I want to respond to the chairman that the last time I checked the Constitution, there is nothing in the Constitution that guarantees anybody a three-judge panel. There is something that talks about habeas corpus and the writ of habeas corpus.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, justice delayed is justice denied. If it takes 14 years to process a habeas corpus petition and 52 appeals, there is something very wrong. I would expect the gentleman who is sensitive about burdens on the court to help us lead that fight.

Mr. MOORHEAD. Mr. Chairman, I yield to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I rise in opposition to the amendment, and I want to thank the gentleman from North Carolina [Mr. WATT] for giving me the distinction of bringing forth the worst bill he has ever heard of in his life.

However, it is a bill that I am very proud of and simply for this reason: We are here to represent the people. And why do they have a referendum? Because sometimes people are not represented so they can do that themselves.

Five million people from a State speak and feel that they have been the victim of an injustice. And I have heard the Constitution brought up over and over and over. But nobody brings up that our State has been suffering from crime, from illegal aliens. That means against the law. So I think that carries a weight as well as the Constitution does.

So, we have people that continue to violate the law. The State is up to here with it. They wanted it ended. Government did not end it. So they decided to end it themselves. I respect their position. After they ended it, again they were duped. And now they are the victims of this dupe.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MFUME. Mr. Chairman, is it not parliamentary procedure that, when the time on one side has expired, the Chair acknowledges for recognition those seeking time on the other side?

The CHAIRMAN. The gentleman was the first one seeking recognition. The Chair will alternate. There was no committee member seeking recognition on the gentleman's side that came to the attention of the Chair.

Mr. MFUME. Mr. Chairman, if I might respectfully disagree with the Chair, the Chair's call for the culmination of the gentleman's time was so fast and the time that he recognized the other gentleman, that there were persons on this side that did not even know that the Chair was seeking other Members.

The CHAIRMAN. The Chair will alternate between sides.

The gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I would like to make several points. I will not take the full 5 minutes.

That is, I think the 1965 Voting Rights Act rightfully mandates the three-judge panel to pass judgment on issues dealing with voting rights. When we have a State acting as one voice in a State referendum, there is a proper nexus between the State's voice and that of issues of voting rights under the Voting Rights Act. So with that proper nexus, I think it is a very good issue for this Congress to take.

So what we are saying here, if in fact we are going to always mandate in a voting rights case so that it be decided by three Federal judges and now the nexus, it is not also proper for us to have a three-judge panel decide the issues of a State referendum on the issues of constitutionality?

□ 1545

I would submit that, yes, it is, because we do not want to take such a paramount issue and allow it to be decided by one.

Now one can debate on either side whether it is arbitrary or capricious. I think it is extremely important to move to the three-judge panel, especially when we are talking about the people's voice. It is the people's voice under the law. The people's voice under the law is the protection of the minority, and I think that is what is so wonderful about our country and society as a republic, a nation of laws, not people, and I compliment the gentleman from California. It is a side issue to talk about, well, what is the underlying reason. I think that this is a good bill and should be applied across to all States.

Mr. Chairman, that is why I rise in opposition to the gentleman's amendment and say, oh, we are just going to allow it to apply to California. No, we should apply this to any State out there, so let us vote down the gentleman's amendment, and let us side with ration and reason and not with the side of politics.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. EWING, 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. 1170) to provide that cases, challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. SCHROEDER. Mr. Speaker, I demand a recorded vote.

A record vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 159, not voting 9, as follows:

[Roll No. 693]

AYES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—159

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston

Kanjorski	Moakley	Sawyer
Kaptur	Mollohan	Schroeder
Kennedy (RI)	Moran	Schumer
Kennelly	Murtha	Scott
Kildee	Nadler	Serrano
Kleczka	Neal	Skaggs
Klink	Oberstar	Slaughter
LaFalce	Obey	Spratt
Lantos	Olver	Stark
Levin	Ortiz	Stokes
Lewis (GA)	Owens	Studds
Lofgren	Pallone	Stupak
Lowey	Pastor	Thompson
Maloney	Payne (NJ)	Thurman
Manton	Payne (VA)	Torres
Markey	Pelosi	Towns
Martinez	Peterson (FL)	Velazquez
Mascara	Pickett	Vento
Matsui	Rahall	Visclosky
McCarthy	Rangel	Ward
McDermott	Reed	Waters
McHale	Richardson	Watt (NC)
McKinney	Rivers	Waxman
Meehan	Roemer	Williams
Meek	Rose	Wise
Menendez	Roybal-Allard	Woolsey
Mfume	Rush	Wyden
Mineta	Sabo	Wynn
Mink	Sanders	Yates

NOT VOTING—9

Bentsen	Lincoln	Torkildsen
Kelly	Reynolds	Tucker
Kennedy (MA)	Tejeda	Volkmer

□ 1606

Mr. GUTIERREZ changed his vote from ''aye'' to ''no.''

Mr. BARCIA changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court.''

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–268)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1976) ''making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 9, 11, 14, 21, 39, 45, 50, 55, 61, 69, 70, 71, 74, 75, 81, 84, 85, 86, 90, 94, 95, 98, 99, 102, 106, 111, 113, 116, 123, 127, 129, 130, 132, 139, 144, 145, 147, 148, 151, 153, 155, 156, 157, 158, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 10, 13, 19, 22, 24, 27, 30, 46, 52, 53, 54, 56, 58, 60, 63, 64, 66, 67, 73, 76, 77, 79, 80, 82, 83, 88, 97, 101, 110, 112, 115, 120, 133, 138, 140, 141, 142, 143, 146, 149, 150, 154, and agree to the same.

Amendment number 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$7,500,000*; and the Senate agree to the same.

Amendment number 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert: *$3,797,000: Provided, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,355,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level*; and the Senate agree to the same.

Amendment number 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$710,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$168,734,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$20,497,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$27,735,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$49,846,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$96,735,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$650,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$8,100,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$9,200,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$10,337,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$421,929,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$268,493,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$60,510,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,943,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,782,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$936,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$11,065,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,203,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$9,850,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,438,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,291,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,724,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,709,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$25,090,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$12,209,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert: *$427,750,000*; and

On page 15, line 22 of the House engrossed bill, H.R. 1976, strike ''$10,947,000'' and insert in lieu thereof *$10,783,000*, and

On page 15, line 26 of the House engrossed bill, H.R. 1976, strike ''$3,363,000'' and insert in lieu thereof *$3,313,000*, and

On page 16, line 17 of the House engrossed bill, H.R. 1976, strike ''$3,463,000'' and insert in lieu thereof *$3,411,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert *$331,667,000*, and

On page 19, line 16 of the House engrossed bill, H.R. 1976, after the word ''building'' insert *: Provided further, That of the funds provided, the Secretary of Agriculture may provide for the funding of all fees or charges under sec. 2509 of Public Law 101–624, codified at 21 U.S.C. 136(a)(c), for any service related to the cost of providing import, entry, diagnostic and quarantine services in connection with the 1996 Summer Olympic Games to be held in Atlanta, Georgia*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$8,757,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$544,906,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$795,000,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,000,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

Delete the sum stricken and the sum proposed by said amendment, and

On page 27, line 17 of the House engrossed bill, H.R. 1976, strike all after ''disasters'' down to and including ''property,'', and

On page 28, line 3 of the House engrossed bill. H.R. 1976, strike all after ''asters'' down to and including ''property,''; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Delete the sum stricken and the sum proposed by said amendment; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$629,986,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the first sum named in said amendment, insert: *$29,000,000*; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$46,583,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

Delete the sum stricken and the sum proposed by said amendment, and

On page 39, of the House engrossed bill, H.R. 1976, strike all after ''loans'' on line 25 down to and including ''property'' on line 26, and

On page 40 of the House engrossed bill, H.R. 1976, strike all after ''1996'' on line 14 down to and including ''property,'' on line 15; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$148,723,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *: Provided, That no funds for new construction may be available for fiscal year 1996 until the program is authorized*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows:

Delete the sum stricken and the sum proposed by said amendment; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$372,897,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert:

For the cost of direct loans, $22,395,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $37,544,000: Provided further, That through June 30, 1996, of these amounts, $4,322,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000, of which $1,470,000 shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$654,000*; and the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$6,500,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert: *$2,300,000, of which up to $1,300,000 may be available for the appropriate technology transfer for rural areas program*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$525,000,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$56,858,000*; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RURAL UTILITIES ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $487,868,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: Provided, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, not to exceed $4,500,000 shall be available for contracting with the National Rural Water Association or equally qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $18,700,000 shall be available for water and waste disposal systems to benefit the Colonials along the United States/Mexico border, including grants pursuant to section 306C: Provided further, That of the total amount appropriated, $18,688,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $12,740,000, of which $12,623,000 shall be transferred to and merged with ''Rural Utilities Service, Salaries and Expenses''.

And the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *section 21 of the National School Lunch Act and sections 17 and 19*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,946,024,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,348,166,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That once the amount for fiscal year 1995 carryover funds has been determined by the Secretary, any funds in excess of $100,000,000 may be transferred by the Secretary of Agriculture to the Rural Utilities Assistance Program and shall remain available until expended*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That none of the funds in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$27,597,828,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$500,000,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c(note)), the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $166,000,000, to remain available through September 30, 1997: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That none of the funds in this Act or any other Act may be used for demonstration projects in the emergency food assistance program.

And the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

Retain the matter proposed, amended as follows:

After ''That'' in said amendment, insert: *hereafter*; and the Senate agree to same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$107,769,000;* and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That none of the funds made available by this Act may be used to carry out activities of the market promotion program (U.S.C. 5623) which provides direct grants to any for-profit corporation that is not recognized as a small business concern under section 3(a) of the Small Business Act (15 U.S.C. 632(a)), excluding cooperatives and associations as described in 7 U.S.C. 291 and nonprofit trade associations: Provided further, That funds available to trade associations, cooperatives, and small businesses may be used for individual branded promotions; with the beneficiaries having matched the cost of such promotions*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment, and

On page 57, line 21 of the House engrossed bill, H.R. 1976, after ''Act'' insert: *, of which $60,000,000 shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$12,150,000*; and the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$53,601,000*; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 730. None of the funds appropriated or made available to the Food and Drug Administration by this Act shall be used to operate the Board of Tea Experts.

And the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

Retain the matter proposed, amended as follows:

Strike ''immediately withdraw'' and in lieu thereof insert: *not enforce*; and the Senate agree to same.

JOE SKEEN,
JOHN T. MYERS,

JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
FRANK RIGGS,
GEORGE R. NETHERCUTT, Jr.,
BOB LIVINGSTON,
RICHARD J. DURBIN,
MARCY KAPTUR (except for amendments 30 and 150 and the provision on APHIS quarantine exemption),
RAY THORNTON,
NITA M. LOWEY,
DAVID R. OBEY (except for amendment 150),

Managers on the Part of the House.

THAD COCHRAN,
ARLEN SPECTER,
KIT BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
MARK HATFIELD,
DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
J. BENNETT JOHNSTON,
HERB KOHL,
ROBERT BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: ''Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.''

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

Amendment No. 1: Appropriates $10,227,000 for the Office of the Secretary as proposed by the House instead of $12,801,000 as proposed by the Senate.

Amendment No. 2: Provides $7,500,000 for InfoShare as proposed by the House instead of $10,000,000 as proposed by the Senate. The conference agreement also provides that these funds remain available until expended as proposed by the Senate.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

Amendment No. 3: Appropriates $3,948,000 for the Office of the Chief Economist as proposed by the House instead of $3,814,000 as proposed by the Senate.

CHIEF FINANCIAL OFFICER

Amendment No. 4: Restores House language requiring a cost-benefit analysis of commercial software systems and related work at the National Finance Center with commercial systems.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

Amendment No. 5: Adds the United States Code citation providing for the delegation of authority from the Administrator of the General Services Administration to the Secretary of Agriculture as proposed by the Senate. The House bill contained no similar provision.

ADVISORY COMMITTEES (USDA)

Amendment No. 6: Appropriates $650,000 for USDA Advisory Committees as proposed by the Senate instead of $800,000 as proposed by the House.

HAZARDOUS WASTE MANAGEMENT

Amendment No. 7: Makes a technical correction by adding the word ''and'' to the bill language as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

Amendment No. 8: Restores House language consolidating all funding for congressional affairs activities into a single account and appropriating $3,797,000 for such activities. The conferees agree that this consolidation of funds will result in greater efficiencies and oversight of overall departmental activities. The conferees also agree that congressional affairs efforts are more effective if personnel are retained at the agency level. Therefore, the conference agreement includes language transferring not less than $2,355,000 to agencies funded in this Act to maintain personnel at the agency level.

The following table reflects the conference agreement:

	1995 level	Conference agreement
Headquarters	$1,289,000	$967,000
Office of the Chief Economist	66,000	49,000
Office of the Inspector General	65,000	49,000
Agricultural Research Service	172,000	129,000
Cooperative State Research, Education, and Extension Service	160,000	120,000
Foreign Agricultural Service	251,000	188,000
Consolidated Farm Service Agency	474,000	355,000
Rural Utilities Service	189,000	142,000
Rural Business and Cooperative Development Service	69,000	52,000
Rural Housing and Community Development Service	335,000	251,000
Natural Resources Conservation Service	197,000	148,000
Animal and Plant Health Inspection Service	135,000	101,000
Grain Inspection, Packers and Stockyards Administration	21,000	16,000
Agricultural Marketing Service	234,000	176,000
Food Safety and Inspection Service	412,000	309,000
Food and Consumer Service	360,000	270,000
Intergovernmental Affairs	475,000	475,000
Total	4,904,000	3,797,000

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 9: Provides $95,000 for confidential operational expenses of the Office of the Inspector General as proposed by the House instead of $125,000 as proposed by the Senate.

Amendment No. 10: Provides the Office of the Inspector General with authority to use funds transferred through forfeiture proceedings for authorized law enforcement activities as proposed by the Senate. The House bill contained no similar provision.

ECONOMIC RESEARCH SERVICE

Amendment No. 11: Appropriates $53,131,000 for the Economic Research Service as proposed by the House instead of $53,526,000 as proposed by the Senate.

The conference agreement provides for the continuation of the rice modeling project under the special grants program of the Cooperative State Research, Education, and Extension Service.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 12: Appropriates $710,000,000 instead of $707,000,000 as proposed by the Senate and $705,610,000 as proposed by the House.

The conference agreement includes the following increases:

Nutrition Intervention (Delta Initiative)	$900,000
National Agricultural Library	1,462,000
Rural Development (Alcorn State University)	167,000
Citrus Root Weevil	400,000
Alternatives to Methyl Bromide	750,000
Horticultural Research, National Arboretum	350,000
Animal Improvement Laboratory (BARC)	300,000
Joranado Rangeland Management	500,000
Citrus Tristeza Virus	500,000
Pine Bluff, AR (Staffing)	40,000
Arkansas Children's Hospital	300,000
Fish Farming Experimental Laboratory, AR	500,000
Small Fruit Laboratory, OR	485,000
Agroforestry, AR/MO	475,000
Livestock and Range Research, MT	80,000
Cereal Crops, WI	175,000
Wheat Virology, NE	260,000
Warmwater Aquaculture, MS	630,000
Southern Insect Management Laboratory, MS	50,000
Geriatric Nutrition Research, PA	200,000

Amendment No. 13: Makes a technical correction to properly identify the American Sugar Cane League Foundation as proposed by the Senate.

BUILDINGS AND FACILITIES

Amendment No. 14: Deletes Senate language providing that not less than $1,000,000 of the funds made available for the National Center for Agriculture Utilization Research be available for the Grain Marketing Laboratory in Manhattan, Kansas. The House bill contained no similar provision.

The following table reflects the conference agreement:

BUILDING AND FACILITIES

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Arkansas: National Research Center, Stuttgart	.....	1,000	1,000
Florida: Horticultural Research Laboratory, Ft. Pierce	1,500	1,500	1,500
France: European Biological Control Laboratory, Montpellier	2,600	.....	.....
Illinois: National Center for Agricultural Utilization Research, Peoria	9,700	3,900	3,900
Kansas: Grain Marketing Research Laboratory, Manhattan	.....	1,000	1,000
Louisiana: Southern Regional Research Center, New Orleans	900	900	900
Maryland: Agricultural Research Center, Beltsville	8,000	8,000	8,000
Mississippi:			
National Center for Natural Products, Oxford	.....	1,500	1,500
National Center for Warmwater Aquaculture, Stoneville	.....	1,900	1,900
New York: Plum Island Animal Disease Center	5,000	5,000	5,000
South Carolina: U.S. Vegetable Laboratory	.....	4,000	3,000
Texas:			
Plant Stress and Water Conservation Laboratory, Lubbock	1,500	1,500	1,500
Subtropical Research Laboratory, Weslaco	1,000	.....	1,000
Total, buildings and facilities	30,200	30,200	30,200

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSIVE SERVICE

RESEARCH AND EDUCATION ACTIVITIES

Amendment No. 15: Provides $168,734,000 for payments under the Hatch Act instead of $166,165,000 as proposed by the House and $171,304,000 as proposed by the Senate.

Amendment No. 16: Provides $20,497,000 for cooperative forestry research instead of $20,185,000 as proposed by the House and $20,809,000 as proposed by the Senate.

Amendment No. 17: Provides $27,735,000 for payments to 1890 land-grant colleges and Tuskegee University instead of $27,313,000 as proposed by the House and $28,157,000 as proposed by the Senate.

Amendment No. 18: Provides $49,846,000 for special research grants instead of $31,930,000 as proposed by the House and $42,670,000 as proposed by the Senate.

The conference agreement does not provide any earmark for the global change special grant.

Amendment No. 19: Provides $9,769,000 for improved pest control as proposed by the Senate instead of $11,599,000 as proposed by the House.

Amendment No. 20: Provides $96,735,000 for competitive research grants instead of $98,165,000 as proposed by the House and $99,582,000 as proposed by the Senate.

Amendment No. 21: Provides $5,051,000 for animal health and disease programs as proposed by the House instead of $5,551,000 as proposed by the Senate.

Amendment No. 22: Makes a technical correction to the United States Code citation as proposed by the Senate.

Amendment No. 23: Provides $650,000 for alternative crops instead of $1,150,000 as proposed by the House and $500,000 as proposed by the Senate. The conference agreement includes $500,000 for research on canola as proposed by the both the House and the Senate, and $150,000 for research on hesperaloe as proposed by the House.

Amendment No. 24: Provides $500,000 for the Critical Agricultural Materials Act as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 25: Provides $8,100,000 for low-input agriculture instead of $8,000,000 as proposed by the House and $8,112,000 as proposed by the Senate.

Amendment No. 26: Provides $9,200,000 for capacity building grants instead of $9,207,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 27: Provides $1,450,000 for payments to the 1994 Institutions as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 28: Provides $10,337,000 for Federal Administration instead of $6,289,000 as proposed by the House and $10,686,000 as proposed by the Senate.

Amendment No. 29: Appropriates $421,929,000 for Cooperative State Research, Education, and Extension Service, Research and Education Activities instead of $389,172,000 as proposed by the House and $421,622,000 as proposed by the Senate.

The following table reflects the conference agreement:

COOPERATIVE STATE RESEARCH SERVICE

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Payments Under Hatch Act	166,165	171,304	168,734
Cooperative forestry research (McIntire-Stennis)	20,185	20,809	20,497
Payments to 1890 colleges and Tuskegee	27,313	28,157	27,735
Special Research Grants (P.L. 89–106):			
Aflatoxin (IL)	113	113	133
Agricultural diversification (HI)	.....	131	131
Agricultural management systems (MA)	.....	221	221
Alfalfa (KS)	106	106	106
Alliance for food protection (NE, GA)	300	.....	300
Alternative cropping systems (Southeast)	.....	235	235
Alternative crops (ND)	.....	550	550
Alternative crops for arid lands (TX)	85	.....	85
Alternative Marine and Fresh Water Species (MS)	.....	308	308
Alternative to pesticides and critical issues	2,000	2,000	2,000
Aquaculture (CT)	181	.....	181
Aquaculture (IL)	169	169	169
Aquaculture (LA)	330	330	330
Aquaculture (MS)	.....	592	592
Asian Products Lab (OR)	.....	212	212
Babcock Institute (WI)	.....	312	312
Barley feed for rangeland cattle (MT)	.....	250	250
Biodiesel research (MO)	.....	152	152
Biotechnology (OR)	.....	217	217
Broom snakeweed (NM)	169	169	169
Canola (KS)	85	85	85
Center for animal health and productivity (PA)	113	.....	113
Center for innovative food technology (OH)	181	.....	181
Center for rural studies (VT)	.....	32	32
Chesapeake Bay aquaculture	370	370	370
Competitiveness of agricultural products (WA)	500	677	677
Cool season legume research (ID, WA)	103	329	329
Cranberry/blueberry disease and breeding (NJ)	.....	220	220
Dairy and meat goat research (TX)	63	63	63
Delta rural revitalization (MS)	.....	148	148
Dried bean (ND)	85	85	85
Drought mitigation (NE)	200	200	200
Environmental research (NY)	486	.....	486
Expanded wheat pasture (OK)	.....	285	285
Farm and rural business finance (IL, AR)	.....	106	106
Floriculture (HI)	.....	250	250
Food and Agriculture Policy Institute (IA, MO)	850	850	850
Food irradiation (IA)	.....	201	201
Food marketing policy center (CT)	332	332	332
Food processing center (NE)	.....	42	42
Food safety consortium (AR, KS, IA)	1,743	1,743	1,743
Food systems research group (WI)	221	221	221
Forestry (AR)	.....	523	523
Fruit and vegetable market analysis (AZ, MO)	296	.....	296
Generic commodity promotion research and evaluation (NY)	212	.....	212
Global change	1,625	1,615	1,615
Global marketing support service (AR)	.....	92	92
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423	423	423
Human nutrition (AR)	425	.....	425
Human nutrition (IA)	.....	473	473
Human nutrition (LA)	752	752	752
Human nutrition (NY)	622	.....	622
Illinois-Missouri Alliance for Biotechnology	1,357	1,357	1,357
Improved dairy management practices (PA)	296	.....	296
Improved fruit practices (MI)	445	445	445
Institute for Food Science and Engineering (AR)	.....	1,184	750
Integrated production systems (OK)	.....	161	161
Intenational arid lands consortium	329	.....	329
Iowa biotechnology consortium	.....	1,792	1,792
Jointed goatgrass (WA)	296	296	296
Landscaping for water quality (GA)	300	.....	300
Livestock and dairy policy (NY, TX)	445	445	445
Lowbush blueberry research (ME)	.....	220	220
Maple research (VT)	.....	84	84
Michigan biotechnology consortium	1,000	.....	750
Midwest advanced food manufacturing alliance	423	423	423
Midwest agricultural products (IA)	.....	592	592
Milk safety (PA)	.....	268	268
Minor use animal drug	550	550	550
Molluscan shellfish (OR)	.....	300	300
Multi-commodity research (OR)	.....	364	364
Multi-cropping strategies for aquaculture (HI)	.....	127	127
National biological impact assessment	254	.....	254
Nematode resistance genetic engineering (NM)	127	127	127
Non-food agricultural products (NE)	.....	64	64
North central biotechnology initiative	2,000	.....	2,000
Oil resources from desert plants (NM)	169	169	169
Organic waste utilization (NW)	150	.....	150
Peach tree short life (SC)	.....	162	162
Pest control alternatives (SC)	.....	106	106
Phytophthora root rot (NM)	127	127	127
Potato research	638	1,214	1,214
Preharvest food safety (KS)	.....	212	212
Preservation and processing research (OK)	.....	226	226
Red River Corridor (MN, ND)	169	169	169
Regional barley gene mapping project	348	348	348
Regionalized implications of farm programs (MO, TX)	294	294	294
Rice Modeling (AR)	.....	.....	395
Rural development centers (PA, IA, (ND), MS, OR)	400	423	423
Rural policies institute (NE, MO)	322	644	644
Russian wheat aphid (WA, OR, CO, CA, ID)	.....	455	455
Seafood and aquaculture harvesting, processing, and marketing (MS)	.....	305	305
Small fruit research (OR, MA, ID)	212	212	212
Southwest consortium for plant genetics and water resources	338	338	338
Soybean cyst nematode (MO)	303	303	303
STEEP II—water quality in Northwest	500	829	500
Sunflower insects (ND)	.....	127	127
Sustainable agriculture (MI)	445	445	445
Sustainable agriculture and natural resources (PA)	.....	94	94
Sustainable agriculture systems (NE)	.....	59	59
Tillage, silviculture, waste management (LA)	212	212	212
Tropical and subtropical	2,809	2,809	2,809
Urban pests (GA)	64	.....	64
Viticulture consortium (NY, CA)	500	.....	500
Water conservation (KS)	79	79	79
Water quality	2,500	2,757	2,757
Weed control (ND)	.....	423	423
Wheat genetic research (KS)	177	176	176
Wood utilization research (OR, MS, NC, MN, ME, MI)	.....	3,758	3,758
Wool research (TX, MT, WY)	212	212	212
Total, Special Research Grants	31,930	42,670	49,846
Improved pest control:			
Integrated pest management	3,093	2,731	2,731
Pesticide clearance (IR–4)	6,711	5,711	5,711
Pesticide impact assessment	1,795	1,327	1,327
Total, Improved pest control	11,599	9,769	9,769
Competitive research grants:			
Plant systems	37,355	37,000	37,000
Animal systems	24,125	23,750	23,750
Nutrition, food quality and health	7,400	7,400	7,400
Natural resources and the environment	17,650	20,497	17,650
Processes and new products	6,935	6,935	6,935
Total, Competitive research grants	98,165	99,582	96,735
Animal Health and Disease (Sec. 1433)	5,051	5,551	5,051
Advanced materials	1,150	500	.....
Critical Agricultural Materials Act	.....	500	500
Aquaculture Centers (Sec. 1475)	4,000	4,000	4,000
Rangeland Research Grants (Sec. 1480)	475	475	475
Alternative Crops	.....	.....	650
Low-input agriculture	8,000	8,112	8,100
Higher Education	8,850	8,850	8,850
Capacity building grants	.....	9,207	9,200
Native American Institutions Endowment Fund	(4,600)	(4,600)	(4,600)
Payments to the 1994 Institutions	.....	1,450	1,450

COOPERATIVE STATE RESEARCH SERVICE—Continued

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Federal Administration:			
Agricultural biotechnology	.....	394	.....
Agriculture development in American Pacific	564	564	564
Alternative fuels characterization lab (ND)	.....	218	218
Center for Agricultural and Rural Development (IA)	.....	655	655
Center for North American Studies (TX)	87	87	87
Geographic information system	.....	939	939
Herd management (TN)	.....	535	535
Mississippi Valley State University	.....	583	583
Office of grants and program systems	314	314	314
Pay costs and FERS (prior)	451	551	551
Peer panels	300	350	350
PM–10 study (CA, WA)	873	873	873
Rural partnership (NE)	.....	250	250
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,000	3,054	3,054
Vocational aquaculture education	.....	436	436
Water quality (IL)	700	492	492
Water quality (ND)	.....	436	436
Total, Federal Administration	6,289	10,686	10,337
Total, Cooperative State Research Service	389,172	421,622	421,929

BUILDINGS AND FACILITIES

Amendment No. 30: Appropriates $57,838,000 for Buildings and Facilities of the Cooperative State Research, Education, and Extension Service as proposed by the Senate. The House bill contained no similar provision.

The conference agreement has included funding for this program with the understanding that it will be terminated after fiscal year 1997. The conferees expect that projects funded by this appropriation will be based on a matching formula of not to exceed 50 percent Federal and not less than 50 percent non-Federal funding. Matching requirements must be based on cash rather than in-kind contribution for any facility except for projects started prior to fiscal year 1994. Federal funding will be based on firm indications of local cost sharing. The research programs to be carried out at these facilities must be complimentary to the overall programs of the Department of Agriculture.

The following table reflects the conference agreement:

BUILDINGS AND FACILITIES

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Alabama: Poultry science facility, Auburn University	.....	1,338	1,338
Arkansas: Alternative Pest Control Center, Carnall Hall	.....	1,000	1,000
California: Alternative Pest Control Containment and Quarantine Facility, University of California[1]	.....	1,876	3,057
Connecticut: Agricultural biotechnology building, University of Connecticut	.....	1,347	1,347
Delaware: Poultry Biocontainment Laboratory[1]	.....	1,751	1,751
Florida: Aquatic Research Facility, University of Florida[1]	.....	1,500	1,500
Idaho: Biotechnology Facility, University of Idaho	.....	1,181	.....
Illinois: Biotechnology Center, Northwestern University	.....	1,366	1,366
Louisiana: Southeast Research Station, Franklinton[1]	.....	1,280	1,280
Maryland: Institute for Natural Resources and Environmental Science, University of Maryland	.....	2,288	2,288
Massachusetts: Center for Hunger, Poverty and Nutrition Policy, Tufts University	.....	1,641	1,641
Mississippi:			
Center for Water and Wetland Resources, University of Mississippi[1]	.....	1,555	1,555
National Food Service Management Institute[1]	.....	3,000	3,000

BUILDINGS AND FACILITIES—Continued

[In thousands of dollars]

	House bill	Senate bill	Conference agreement
Missouri: Center for Plant Biodiversity, St. Louis	.....	3,995	3,995
New Jersey: Plant Bioscience Facility, Rutgers University	.....	2,262	2,262
New Mexico: Center for Arid Land Studies, New Mexico State University	.....	1,464	1,464
New York: New York Botanical Garden[1]	.....	1,665	1,665
North Carolina: Bowman-Gray Center, Wake Forest	.....	3,000	3,000
Oklahoma: Grain Storage Research and Extension Center, Oklahoma State University[1]	.....	495	495
Oregon: Forest Ecosystem Research Lab, Oregon State University	.....	5,000	5,000
Pennsylvania: Center for Food Marketing, St. Joseph's University[1]	.....	2,438	2,438
Rhode Island: Coastal Institute on Naragansett Bay, University of Rhode Island[1]	.....	3,854	3,854
South Dakota: Animal Resource Wing, South Dakota State University	.....	2,700	2,700
Tennessee: Agricultural, Biological and Environmental Research Complex, University of Tennessee in Knoxville	.....	1,928	1,928
Texas: Southern crop improvement, Texas A & M	.....	1,400	1,400
Vermont: Rural Community Interactive Learning Center, University of Vermont	.....	2,000	2,000
Washington:			
Animal Disease Biotechnology Facility, Washington State University	.....	1,263	1,263
Wheat research facility, Washington State University[1]	.....	3,251	3,251
Total, buildings and facilities	.....	57,838	57,838

[1] Completed.

EXTENSION ACTIVITIES

Amendment No. 31: Provides $268,493,000 for sections 3(b) and 3(c) of the Smith-Lever Act instead of $264,405,000 as proposed by the House and $272,582,000 as proposed by the Senate.

Amendment No. 32: Provides $60,510,000 for the Food and Nutrition Education Program (EFNEP) instead of $59,588,000 as proposed by the House and $61,431,000 as proposed by the Senate.

Amendment No. 33: Provides $2,943,000 for farm safety instead of $2,898,000 as proposed by the House and $2,988,000 as proposed by the Senate.

Amendment No. 34: Provides $7,782,000 for 1890 facilities grants instead of $7,664,000 as proposed by the House and $7,901,000 as proposed by the Senate.

Amendment No. 35: Provides $936,000 for rural development centers instead of $921,000 as proposed by the House and $950,000 as proposed by the Senate.

Amendment No. 36: Provides $11,065,000 for water quality instead of $10,897,000 as proposed by the House and $11,234,000 as proposed by the Senate.

Amendment No. 37: Provides $1,203,000 for agricultural telecommunications instead of $1,184,000 as proposed by the House and $1,221,000 as proposed by the Senate.

Amendment No. 38: Provides $9,850,000 for youth-at-risk programs instead of $9,700,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 39: Deletes Senate language providing $4,265,000 for the nutrition education initiative. The House bill contained no similar provision.

Amendment No. 40: Provides $2,438,000 for food safety instead of $2,400,000 as proposed by the House and $2,475,000 as proposed by the Senate.

Amendment No. 41: Provides $3,291,000 for the Renewable Resources Extension Act instead of $3,241,000 as proposed by the House and $3,341,000 as proposed by the Senate.

Amendment No. 42: Provides $1,724,000 for Indian reservation agents instead of $1,697,000 as proposed by the House and $1,750,000 as proposed by the Senate.

Amendment No. 43: Provides $2,709,000 for rural health and safety education instead of $2,750,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 44: Provides $25,090,000 for the 1890 colleges and Tuskegee University instead of $24,708,000 as proposed by the House and $25,472,000 as proposed by the Senate.

Amendment No. 45: Deletes Senate language providing $2,550,000 for payments to the 1994 Institutions. The House bill contained no similar provision.

Amendment No. 46: Makes a technical correction to the United States Code citation as proposed by the Senate.

Amendment No. 47: Provides $12,209,000 for Federal administration of Extension Activities instead of $6,181,000 as proposed by the House and $10,998,000 as proposed by the Senate.

The following table reflects the conference agreement:

EXTENSION ACTIVITIES

[In thousands of dollars]

	Fiscal year 1995 enacted	House bill	Senate bill	Conference agreement
Smith Lever: 3(d)				
Smith Lever 3(b) & 3(c)	272,582	264,405	272,582	268,493
Pest management	10,947	10,947	10,947	10,783
Water quality	11,234	10,897	11,234	11,065
Farm safety	2,988	2,898	2,988	2,943
Food and nutrition education (EFNEP)	61,431	59,588	61,431	60,510
Pesticide impact assessment	3,363	3,363	3,363	3,313
Rural development centers	950	921	950	936
Sustainable agriculture	3,463	3,463	3,463	3,411
Food safety	2,475	2,400	2,475	2,438
Youth at risk	10,000	9,700	10,000	9,850
Indian reservation agent	1,750	1,697	1,750	1,724
Nutrition education initiative	4,265	.....	4,265	.....
1890's Colleges and Tuskegee	25,472	24,708	25,472	25,090
1890's facilities grants	7,901	7,664	7,901	7,782
Renewable Resources Extension Act	3,341	3,241	3,341	3,291
Agricultural telecommunications	1,221	1,184	1,221	1,203
Rural health and safety education	2,750	.....	2,750	2,709
Payments to the 1994 Institutions	.....	.....	2,550	.....
Subtotal	426,133	407,076	428,683	415,541
Federal Administration and special grants:				
General administration	5,241	4,924	5,102	5,162
Pilot tech. transfer (OK, MS)	331	.....	331	326
Pilot tech. transfer (WI)	165	160	.....	163
Rural rehabilitation (GA)	250	.....	250	246
Income enhancement demonstration (OH)	250	243	.....	246
Rural development (NM)	230	223	230	227
Rural development (NE)	392	.....	200	386
Rural development (OK)	300	.....	300	296
Chinch bug/Russian wheat aphid project (NE)	67	.....	.....	.....
Beef producers' improvement (AR)	200	.....	200	197
Integrated cow/calf resources management (IA)	350	.....	350	345
Extension specialist (AR)	100	.....	100	99
Rural center for the study and promotion of HIV/STD prevention (IN)	250	243	.....	246
Cranberry development (ME)	50	.....	.....	.....
Delta teachers academy	3,935	.....	3,935	3,876
Wood biomass as an alternative farm product (NY)	200	194	.....	197
Range improvement (NM)	200	194	.....	197
Agricultural Plastics (VT)	100	.....	.....	.....
Total, Federal Administration	12,611	6,181	10,998	12,209
Total, Extension Activities	438,744	413,257	439,681	427,750

Amendment No. 48: Appropriates $427,750,000 for Extension Activities instead of $413,257,000 as proposed by the House and $439,681,000 as proposed by the Senate.

The conference agreement also provides $10,783,000 for pest management instead of $10,947,000 as proposed by both the House and

the Senate; $3,313,000 for pesticide impact assessment instead of $3,363,000 as proposed by both the House and the Senate; and $3,411,000 for sustainable agriculture instead of $3,463,000 as proposed by both the House and the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Amendment No. 49: Appropriates $331,667,000 for Animal and Plant Health Inspection Service, Salaries and Expenses instead of $333,410,000 as proposed by the House and $329,125,000 as proposed by the Senate.

The following table reflects the conference agreement:

[In thousands of dollars]

	Fiscal year 1995 enacted	House bill	Senate bill	Conference agreement
Pest and Disease Exclusion				
Agricultural quarantine inspection	25,140	24,914	24,914	24,914
User fees	96,660	100,254	100,254	100,254
Subtotal, Agricultural quarantine inspection	121,800	125,168	125,168	125,168
Foot-and-month disease	3,995	3,991	3,991	3,991
Import-export inspection	6,535	6,528	6,528	6,528
International programs	6,106	6,100	6,100	6,100
Mediterranean fruit fly exclusion	10,089	10,079	10,079	10,079
Mexican fruit fly exclusion	2,156	2,153	2,153	2,153
Screwworm	34,029	33,969	33,969	33,969
Total, Pest and disease exclusion	184,710	187,988	187,988	187,988
Plant and Animal Health Monitoring				
Animal health monitoring and surveillance	59,381	59,276	59,276	59,276
Animal and plant health regulatory enforcement	5,865	5,855	5,855	5,855
Fruit fly detection	3,923	3,919	3,923	3,919
Pest detection	4,206	4,202	4,206	4,202
Total, Plant and animal health monitoring	73,375	73,252	73,260	73,252
Pest and Disease Management Programs				
Animal Damage control—operations	26,592	26,566	26,642	26,642
Aquaculture	493	413	493	470
Biocontrol	7,504	7,497	6,290	6,290
Boll weevil	18,084	18,066	18,084	18,084
Brucellosis eradication	27,781	24,663	21,580	23,360
Cattle ticks	4,578	3,837	4,537	4,537
Golden nematode	615	435	435	435
Gypsy moth	5,177	4,367	4,367	4,367
Imported fire ant	1,500	1,000	1,000	1,000
Miscellaneous plant diseases	1,988	1,516	1,516	1,516
Noxious weeds	404	338	338	338
Pink bollworm	1,069	1,068	1,069	1,069
Pre-harvest program	2,800	.....	.....	.....
Pseudorabies	4,543	4,543	4,543	4,543
Salmonella enteritidis	3,384	.....	.....	.....
Scrapie	2,969	2,967	2,172	2,967
Sweet potato whitefly	2,400	2,398	2,400	2,398
Tropical bont tick	537	537	452	452
Tuberculosis	5,499	4,609	4,609	4,609
Witchweed	1,975	1,663	1,663	1,663
Total, Pest and disease management programs	119,892	106,483	102,190	104,740
Animal Care				
Animal welfare	9,262	9,185	9,185	9,185
Horse protection	362	362	362	362
Total, Animal care	9,624	9,547	9,547	9,547
Scientific and Technical Services				
ADC methods development	9,681	9,665	9,665	9,665
Biotechnology/environmental protection	7,690	7,677	7,677	7,677
Integrated systems acquisition project	3,500	4,055	4,055	4,055
Plant methods development laboratories	5,059	5,053	5,053	5,053
Veterinary biologics	10,371	10,360	10,360	10,360
Veterinary diagnostics	14,811	14,785	14,785	14,785
Total, Scientific and technical services	51,112	51,595	51,595	51,595
Contingency fund	4,938	4,799	4,799	4,799
Total, Salaries and expenses	443,651	433,664	429,379	431,921

The conferees are aware of a recent boll weevil outbreak in New Mexico. This outbreak has potentially devastating consequences. The conferees expect the Animal and Plant Health Inspection Service to monitor the situation and keep the Committees on Appropriations advised.

The conferees concur with the House report language regarding the regulation of importation of Mexican avocados.

The conference agreement includes language allowing the Secretary of Agriculture to fund all costs for agricultural equine quarantine inspection services in connection with the 1996 Summer Olympic Games.

BUILDINGS AND FACILITIES

Amendment No. 50: Deletes Senate language adding the word ''modernization'' to the list of authorized uses of Animal and Plant Health Inspection Service, Buildings and Facilities funds. The House bill contained no similar provision.

Amendment No. 51: Appropriates $8,757,000 for Animal and Plant Health Inspection Service, Buildings and Facilities instead of $12,541,000 as proposed by the House and $4,973,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

Amendment No. 52: Appropriates $46,517,000 for Marketing Services of the Agricultural Marketing Service as proposed by the Senate instead of $46,662,000 as proposed by the House. The conferees expect the agency to continue with the implementation of the organic certification program.

PAYMENTS TO STATES AND POSSESSIONS

Amendment No. 53: Makes a technical correction changing the year of the Agricultural Marketing Act as proposed by the Senate.

Amendment No. 54: Appropriates $1,200,000 for Payments to States and Possessions as proposed by the Senate instead of $1,000,000 as proposed by the House.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 55: Appropriates $23,058,000 for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses as proposed by the House instead of $23,289,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

Amendment No. 56: Appropriates $440,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $450,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

Amendment No. 57: Appropriates $544,906,000 for the Food Safety and Inspection Service instead of $540,365,000 as proposed by the House and $563,004,000 as proposed by the Senate.

The conference agreement does not include funding to continue the *Salmonella enteritidis* program.

CONSOLIDATED FARM SERVICE AGENCY

SALARIES AND EXPENSES

Amendment No. 58: Makes a technical correction and provides for the administration and implementation of programs that are administered by the Consolidated Farm Service Agency as proposed by the Senate.

Amendment No. 59: Appropriates $795,000,000 for Salaries and Expenses of the Consolidated Farm Service Agency instead of $788,388,000 as proposed by the House and $805,888,000 as proposed by the Senate.

Amendment No. 60: Provides $1,000,000 for employment under the Organic Act of 1944 as proposed by the Senate instead of $500,000 as proposed by the House.

STATE MEDIATION GRANTS

Amendment No. 61: Appropriates $2,000,000 for State Mediation Grants as proposed by the House instead of $3,000,000 as proposed by the Senate.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

Amendment No. 62: Appropriates $1,000,000 for Outreach for Socially Disadvantaged Farmers instead of $2,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees expect the Secretary to submit to the Committees on Appropriations a detailed report on grantees and results of the program.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 63: Provides a total of $610,000,000 for farm ownership loans as proposed by the Senate instead of $585,000,000 as proposed by the House.

Amendment No. 64: Provides a total of $2,450,000,000 for farm operating loans as proposed by the Senate instead of $2,300,000,000 as proposed by the House.

Amendment No. 65: Deletes funding for credit sales of acquired property instead of $22,500,000 as proposed by the House and $21,696,000 as proposed by the Senate.

Amendment No. 66: Appropriates a total of $34,053,000 for the subsidy cost of farm ownership loans as proposed by the Senate instead of $28,206,000 as proposed by the House.

Amendment No. 67: Appropriates a total of $111,505,000 for the subsidy cost of farm operating loans as proposed by the Senate instead of $91,000,000 as proposed by the House.

Amendment No. 68: Deletes funding for the subsidy cost of credit sales of acquired property instead of $4,113,000 as proposed by the House and $3,966,000 as proposed by the Senate.

Amendment No. 69: Appropriates $221,541,000 for administrative expenses as proposed by the House instead of $227,258,000 as proposed by the Senate.

Amendment No. 70: Provides for a transfer of $208,446,000 in administrative expenses to Salaries and Expenses as proposed by the House instead of $214,163,000 as proposed by the Senate.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

Amendment No. 71: Restores House language and deletes language inserted by the Senate. The conference agreement provides $677,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the House.

The conferees have agreed to delete the Senate amendment transferring jurisdiction of the United States Forest Service from the Under Secretary for Natural Resources and Environment to the Office of the Secretary. The conferees note the concerns resulting in the Senate's adoption of this amendment and agree that the Under Secretary should conduct policy and procedural affairs in a manner that promotes communication with the legislative branch and those members of the community affected by his decisions. The Under Secretary should carry out the functions of this office in a manner that properly reflects adherence to statutory direction, legislative history, and judicial interpretation. It is important that proper notice of

changes in administration policy and other matters is afforded all interested parties as a means to best serve the comity of public policy debate and avoid unnecessary and potentially harmful misunderstandings and misdirections. The Senate decision to recede to the House is based on personal assurances from the Secretary that he will take steps to address the issues raised by the Senate. The Secretary should review the concerns and recommendations outlined by the Senate during its consideration of this matter.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

Amendment No. 72: Appropriates $629,986,000 for Natural Resources Conservation Service, Conservation Operations as proposed by the House instead of $637,860,000 as proposed by the Senate. The conference agreement also provides for the funds to remain available until expended as proposed by the Senate.

The conference agreement includes $350,000 for Great Lakes Basin Program for Soil and Erosion Sediment Control as proposed by the House instead of $250,000 as proposed by the Senate. The conference agreement also provides for the continuation, at the fiscal year 1995 level, of technical assistance for a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi; and existing groundwater projects in eastern Arkansas, including Bayou Meto an Beouf/Tensas.

Amendment No. 73: Adds the United States Code citation allowing for the temporary employment of qualified local engineers as proposed by the Senate. The House bill contained no similar provision.

RIVER BASIN SURVEYS AND INVESTIGATIONS

Amendment No. 74: Deletes language proposed by the Senate providing $8,369,000 for River Basin Surveys and Investigations. The conferees address this issue in Amendment No. 81.

WATERSHED PLANNING

Amendment No. 75: Deletes language proposed by the Senate providing $5,630,000 for Watershed Planning. The conferees address this issue in Amendment No. 81.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 76: Deletes House language providing that only-high-priority authorized Public Law 534 projects be funded. The conferees address this issue in Amendment No. 77.

Amendment No. 77: Provides $15,000,000 for authorized Public Law 534 projects as proposed by the Senate. The House bill did not provide a specific dollar amount for these projects.

RESOURCE CONSERVATION AND DEVELOPMENT

Amendment No. 78: Adds language proposed by the Senate and appropriates $29,000,000 for Resource Conservation and Development. The House bill provided funding for this program as part of Amendment No. 82.

FORESTRY INCENTIVES PROGRAM

Amendment No. 79: Adds language proposed by the Senate and appropriates $6,325,000 for the Forestry Incentives Program. The House bill provided funding for this program as part of Amendment No. 82.

The conference agreement provides for the continuation of assistance in the replanting of harvested pine trees in Texas at the fiscal year 1995 funding level.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Amendment No. 80: Adds language proposed by the Senate and appropriates $2,681,000 for the Colorado River Basin Salinity Control Program. The House bill provided funding for this program as part of Amendment No. 82.

WATESHED SURVEYS AND PLANNING

Amendment No. 81: Restores House language providing $14,000,000 for Watershed Surveys and Planning.

CONSERVATION PROGRAMS

Amendment No. 82: Deletes language proposed by the House consolidating the funding for Resource Conservation and Development, the Forestry Incentives Program, and the Colorado River Basin Salinity Control Program into a single appropriation. The conference agreement continues to fund these programs as separate appropriations as proposed by the Senate.

WETLANDS RESERVE PROGRAM

Amendment No. 83: Appropriates $77,000,000 for the Wetlands Reserve Program as proposed by the Senate instead of $210,000,000 as proposed by the House.

The conferees are aware that under the Wetlands Reserve Program the Secretary of Agriculture as the authority to purchase easements through partnerships, private landowners, and entities. The conferees encourage the Secretary to explore all options available as a way to achieve a more cost-effective and environmentally beneficial program.

CONSOLIDATED FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

Amendment No. 84: Appropriates $75,000,000 for the Agricultural Conservation Program as proposed by the House instead of $50,000,000 as proposed by the Senate.

Amendment No. 85: Provides $11,000,000 for the Water Quality Incentives Programs as proposed by the House instead of $15,000,000 as proposed by the Senate.

The conference agreement includes the fiscal year 1995 level to continue a demonstration project to reduce atrazine levels in the lakes of Macoupin County, Illinois. The conference agreement also includes the fiscal year 1995 level to continue to provide cost-shared financial assistance to farmers and local communities in support of rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi. The conferees urge the Department to provide assistance to Lake Springfield in an effort to reduce atrazine levels.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

Amendment No. 86: Deletes Senate language establishing a Rural Community Advancement Program. The House bill contained no similar provision.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 87: Appropriates $46,583,000 for Rural Housing and Community Development Service, Salaries and Expenses instead of $42,820,000 as proposed by the House and $50,346,000 as proposed by the Senate.

The conferees agree that the Secretary may use his authority to allocate unobligated fiscal year 1995 section 504 funds for Hurricane Marilyn relief efforts in the Virgin Islands.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Amendment No. 88: Provides a total loan level of $2,700,000,000 for section 502 loans as proposed by the Senate instead of $2,250,000,000 as proposed by the House.

Amendment No. 89: Deletes the loan level for credit sales of acquired property instead of providing a program level of $35,000,000 as proposed by the House and $42,484,000 as proposed by the Senate.

Amendment No. 90: Restores House language providing that the Pine View West Subdivision in Gibsonville, North Carolina, be eligible for section 502 loans.

Amendment No. 91: Appropriates a total of $148,723,000 for the subsidy cost of section 502 loans instead of $118,335,000 as proposed by the House and $212,790,000 as proposed by the Senate.

Amendment No. 92: Restores and amends House language providing that funds for the section 515 rental housing program be available only for rehabilitation of existing units and related costs and funds for new construction be available upon reauthorization instead of making all funds for the program contingent on reauthorization as proposed by the House.

Amendment No. 93: Deletes funds for the subsidy cost of credit sales of acquired property instead of providing $6,100,000 as proposed by the House and $7,405,000 as proposed by the Senate.

Amendment No. 94: Restores House language establishing a $1,000,000 demonstration program of loan guarantees for multifamily housing in rural areas to be funded from the section 515 program, if authorized.

Amendment No. 95: Appropriates $385,889,000 for Rural Housing Insurance Fund Program Account administrative expenses as proposed by the House instead of $389,818,000 as proposed by the Senate.

Amendment No. 96: Provides for the transfer of $372,897,000 from administrative expenses to Rural Housing and Community Development Service, Salaries and Expenses instead of $372,897,506 as proposed by the House and $376,860,000 as proposed by the Senate.

RENTAL ASSISTANCE PROGRAM

Amendment No. 97: Appropriates $540,900,000 for the Rental Assistance Program as proposed by the Senate instead of $535,900,000 as proposed by the House.

COMMUNITY FACILITY LOANS PROGRAM ACCOUNT

Amendment No. 98: Restores House language appropriating a subsidy cost of $34,880,000 to support a loan level of $200,000,000 in direct loans and a subsidy cost of $3,555,000 to support a loan level of $75,000,000 in guaranteed loans. The conference agreement includes a subsidy cost of $1,208,000 to support a loan level of $6,930,000 for empowerment zones and enterprise communities. The conference agreement also provides an appropriation of $8,836,000 for administrative expenses, of which $8,731,000 shall be transferred to Salaries and Expenses. The Senate bill provided for these programs in the Rural Community Advancement Program.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

Amendment No. 99: Deletes Senate language providing $1,000,000 for Supervisory and Technical Assistance Grants. The House bill contained no similar provision.

RURAL COMMUNITY FIRE PROTECTION GRANTS

Amendment No. 100: Appropriates $2,000,000 for Rural Community Fire Protection Grants instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE

SALARIES AND EXPENSES

Amendment No. 101: Appropriates $9,013,000 for Rural Business and Cooperative Development Service, Salaries and Expenses as proposed by the Senate instead of $9,520,000 as proposed by the House.

RURAL BUSINESS AND INDUSTRY LOANS PROGRAM ACCOUNT

Amendment No. 102: Restores House language appropriating a subsidy cost of $6,437,000 to support a loan level of $500,000,000. The conference agreement includes a subsidy cost of $148,000 to support a loan level of $10,842,000 for empowerment zones and enterprise communities. The conference agreement also appropriates $14,868,000 for administrative expenses, of which $14,747,000 shall be transferred to Salaries and Expenses. The Senate bill provided for these programs in the Rural Community Advancement Program.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

Amendment No. 103: Deletes House language and inserts Senate language appropriating a subsidy cost of $22,395,000 to support a loan level of $37,544,000. The conference agreement provides a subsidy cost of $4,322,000 for empowerment zones and enterprise communities as proposed by the House instead of $6,484,000 as proposed by the Senate. The conference agreement also appropriates $1,476,000 in administrative expenses as proposed by the Senate. The House bill contained no funds for administrative expenses.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

Amendment No. 104: Appropriates $654,000 for administrative expenses of the Rural Economic Development Loans Program Account instead of $584,000 as proposed by the House and $724,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

Amendment No. 105: Appropriates $6,500,000 for the Alternative Agricultural Research and Commercialization Revolving Fund instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees expect the Secretary to provide a report to the House and Senate Committees on Appropriations on steps taken to resolve the problems in this program identified by the Inspector General in his Semiannual Report to Congress (Fiscal Year 1995—First Half). Specifically, the report should address issues relating to conflict-of-interest in board decisions, failure to file financial disclosure reports, and exceeding the authorized terms of Board Members.

RURAL BUSINESS ENTERPRISE GRANTS

Amendment No. 106: Restores House language appropriating $45,000,000 for Rural Business Enterprise Grants. The Senate bill provided for this program in the Rural Community Advancement Program.

The House and Senate reports include lists of projects to be considered by the Department under the Rural Business Enterprise Grants program. The conferees believe that there will be other commendable applications to the Department in addition to those mentioned in the reports. The conferees expect the Department to approve only those applications judged meritorious when subjected to the established review process.

The conferees urge the Department to consider the following projects which were not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to these projects as are applied to other applications.

Health care facility, Clay City, Indiana.

Nebraska Department of Economic Development and Partners, Lincoln, Nebraska.

Rural Opportunities, Inc., Rochester, New York.

Estranosa Water Cooperative, New Mexico.

Southern Kentucky Rural Development Center, Somerset, Kentucky.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

Amendment No. 107: Appropriates $2,300,000 for Rural Technology and Cooperative Development Grants instead of $1,500,000 as proposed by the House and $3,000,000 as proposed by the Senate. The conferees agree that up to $1,300,000 of these funds may be used for the Appropriate Technology Transfer for Rural Areas program as proposed by the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendment No. 108: Establishes a loan level of $525,000,000 for municipal rate rural electric loans instead of $500,000,000 as proposed by the House and $550,000,000 as proposed by the Senate.

Amendent No. 109: Appropriates a subsidy cost of $56,858,000 for municipal rate loans instead of $54,150,000 as proposed by the House and $59,565,000 as proposed by the Senate.

Amendment No. 110: Deletes House language permitting borrower interest rates for electric loans to exceed 7 percent per year as proposed by the Senate.

Amendment No. 111: Appropriates $29,982,000 for administrative expenses as proposed by the House instead of $32,183,000 as proposed by the Senate.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendment No. 112: Appropriates a subsidy cost of $5,023,000 for Rural Telephone Bank loans as proposed by the Senate instead of $770,000 as proposed by the House.

Amendment No. 113: Appropriates $3,541,000 for administrative expenses as proposed by the House instead of $6,167,000 as proposed by the Senate.

RURAL UTILITIES ASSISTANCE PROGRAM

Amendment No. 114: Restores House language providing a single account for rural water and waste disposal grants and loans and for solid waste management grants, and appropriates $487,868,000 for the Rural Utilities Assistance Program instead of $435,000,000 as proposed by the House. The agreement also provides $12,740,000 for administrative expenses. The Senate bill provided for these programs in the Rural Community Advancement Program.

The conference agreement also includes $18,700,000 for Colonias, $18,688,000 for empowerment zones and enterprise communities, and $4,500,000 for a circuit rider program.

The conferees expect the Secretary to continue multi-state regional rural community assistance programs to provide solid waste management technical assistance at a rate not less than that of fiscal year 1995. The conferees also expect the Secretary to continue grants for technical assistance authorized under section 306(16)(c) of the Consolidated Farm and Rural Development Act, as amended, at a rate not less than that of fiscal year 1995.

The conferees agree to change the name of the program from the Rural Development Performance Partnerships Program to the Rural Utilities Assistance Program.

SALARIES AND EXPENSES

Amendment No. 115: Appropriates $18,449,000 for Rural Utilities Service, Salaries and Expenses as proposed by the Senate instead of $19,211,000 as proposed by the House.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

Amendment No. 116: Appropriates $440,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the House instead of $540,000 as proposed by the Senate.

FOOD AND CONSUMER SERVICE

CHILD NUTRITION PROGRAMS

Amendment No. 117: Provides for the exemption of sections 17 and 19 of the Child Nutrition Act of 1966 and section 21 of the National School Lunch Act instead of section 17 of the Child Nutrition Act of 1966 as proposed by the House and sections 17, 19, and 21 of the Child Nutrition Act of 1966 as proposed by the Senate.

Amendment No. 118: Provides a total of $7,946,024,000 for Child Nutrition Programs instead of $7,952,424,000 as proposed by the House and $7,952,610,000 as proposed by the Senate.

Amendment No. 119: Provides that $2,348,166,000 for Child Nutrition Programs is hereby appropriated instead of $2,354,566,000 as proposed by the House and $2,354,752,000 as proposed by the Senate.

The conference agreement provides for the Child Nutrition Programs at the following annual rates:

Total obligational authority

[Dollars in thousands]

	Conference agreement
Child Nutrition Programs:	
School lunch program	$4,433,690
School breakfast program	1,160,454
State administrative expenses	101,607
Summer food service program	280,303
Child and adult care food program	1,657,493
Special milk program	18,652
Commodity procurement	275,199
Nutrition studies and surveys	4,162
Nutrition education and training	(1)
Coordinated review system	3,964
Food Service Management Institute	(1)
School meals initiative	10,500
Total	7,946,024

(1) Funds provided by Public Law 103–448, Healthy Meals for Healthy Americans Act of 1994, for 1996 are $10,000,000 for nutrition education and training and $2,000,000 for the Food Service Management Institute.

Amendment No. 120: Deletes language proposed by the House providing funds for the Nutrition Education and Training Program and the Food Service Management Institution through this Act. The conference agreement provides for the funding of these two programs through a permanent appropriation established in the Healthy Meals for Healthy Americans Act of 1994.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 121: Provides that once the amount of fiscal year 1995 carryover funds has been determined by the Secretary of Agriculture, he may transfer any amount in excess of $100,000,000 to the Rural Utilities Assistance Program. The Senate bill contained similar language, but did not allow for this transfer until on or after July 1, 1996. The House bill contained no similar provision.

Amendment No. 122: Provides that none of the funds provided in this account shall be available to purchase infant formula except in accordance with cost-containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 as proposed by the Senate. The House bill contained no similar provision.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Amendment No. 123: Deletes language proposed by the Senate providing $86,000,000 for

the Commodity Supplemental Food Program. The House bill contained no similar provision. The conference agreement addresses this program in Amendment No. 126.

FOOD STAMP PROGRAM

Amendment No. 124: Appropriates $27,597,828,000 for the Food Stamp Program instead of $27,097,828,000 as proposed by the House and $28,097,828,000 as proposed by the Senate. The conferees concur with House report language regarding the acceleration of pilot projects on productivity enhancers.

Amendment No. 125: Provides $500,000,000 for a food stamp contingency reserve instead of $1,000,000,000 as proposed by the Senate. The House bill contained no similar provision.

COMMODITY ASSISTANCE PROGRAM

Amendment No. 126: Restores and modifies House language providing $166,000,000 to the Department of Agriculture to carry out three commodity assistance programs—Commodity Supplemental Food Program, The Emergency Food Assistance Program (TEFAP), and Soup Kitchens. The conference agreement also allows for TEFAP commodity purchases.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

Amendment No. 127: Appropriates $215,000,000 for the Food Donations Programs for Selected Groups as proposed by the House instead of $217,250,000 as proposed by the Senate.

Amendment No. 128: Adds language proposed by the Senate establishing a maximum rate of reimbursement to states, subject to reduction if obligations exceed available funds. The conference agreement also makes this provision permanent law. The House bill contained no similar provision.

Amendment No. 129: Deletes language proposed by the Senate providing $40,000,000 for Soup Kitchens. The House bill and the conference agreement address this program in Amendment No. 126.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Amendment No. 130: Deletes language propose by the Senate providing $40,000,000 for The Emergency Food Assistance Program. The House bill and the conference agreement address this program in Amendment No. 126.

FOOD PROGRAM ADMINISTRATION

Amendment No. 131: Appropriates $107,769,000 for Food Program Administration instead of $108,323,000 as proposed by the House and $107,215,000 as proposed by the Senate.

Amendment No. 132: Deletes language proposed by the Senate earmarking $750,000 for an automated data processing infrastructure. The House bill contained no similar provision.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 133: Appropriates $124,775,000 for the Foreign Agricultural Service as proposed by the Senate instead of $123,520,000 as proposed by the House. The conference agreement includes the budget request for the Cochran Fellowship Program.

Amendment No. 134: Provides a limitation on activities of the Market Promotion Program which will prohibit the granting of Federal funds to for-profit corporations that are not described under the Small Business Act. The conferees agree, however, that funds would continue to be available to farmer-owned cooperatives and trade associations. The conferees also recognize the important role of trade associations in directing branded promotional activities in emerging foreign markets. The conferees also agree that the Department of Agriculture should not discriminate between cooperatives and small businesses in allocating Market Promotion Program funds.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

Amendment No. 135: Provides that $60,000,000 in savings resulting from Public Law 103–465 be used to finance title II of Public Law 480 funding. The Senate bill proposes that $50,000,000 in credited savings be used for title III. The House bill contained no similar provision.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

Amendment No. 136: Appropriates $12,150,000 for Food and Drug Administration, Buildings and Facilities instead of $15,350,000 as proposed by the House and $8,350,000 as proposed by the Senate.

The conferees agree that the Senate language regarding the Food and Drug Administration's field office restructuring is not intended to impede consolidation efforts.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 137: Appropriates $53,601,000 for the Commodity Futures Trading Commission instead of $49,144,000 as proposed by the House and $54,058,000 as proposed by the Senate.

FARM CREDIT ADMINISTRATION

Administrative Provision

Amendment No. 138: Adds language proposed by the Senate allowing employees of the Farm Credit Administration to reenter the Federal Employees Health Benefits Plan. The House bill contains no similar provision.

TITLE III—GENERAL PROVISIONS

Amendment No. 139: Deletes the word ''and'' which was added by the Senate.

Amendment No. 140: Adds language proposed by the Senate which adds that Consolidated Farm Service Agency, Salaries and Expenses funds made available to county committees remain available until expended. The House bill contained no similar provision.

Amendment No. 141: Makes a technical correction updating the fiscal year citation as proposed by the Senate.

Amendment No. 142: Adds language proposed by the Senate that exempts Small Business Innovation Development grants from a 14 percent overhead cap. The House bill contained no similar provision.

Amendment No. 143: Makes a technical correction changing the word ''Agriculture'' to ''Agricultural'' as proposed by the Senate.

Amendment No. 144: Restores House language prohibiting an increase in full-time equivalent positions in certain offices of the Food and Drug Administration above the fiscal year 1995 level.

Amendment No. 145: Restores House language prohibiting the use of Market Promotion Program funds for assistance to the U.S. Mink Export Development Council or any mink industry trade association. The Senate bill addresses this issue in Amendment No. 157.

Amendment No. 146: Limits the acreage enrollment in the Wetlands Reserve Program to not more than 100,000 acres in fiscal year 1996 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 147: Deletes language proposed by the Senate limiting the Export Enhancement Program to $795,556,000. The House bill contained no similar provision.

Amendment No. 148: Deletes language proposed by the Senate prohibiting disaster payments to livestock producers for feed if crop insurance is available. The House bill contained no similar provision.

Amendment No. 149: Prohibits the enrollment of additional acres into the Conservation Reserve Program in fiscal year 1996 and requires 1,579,000 new acres to be enrolled in the year beginning on January 1, 1997, as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 150: Provides that none of the funds in this Act may be used to develop guidelines, implement, or enforce the poultry labeling regulations promulgated on August 25, 1995, until legislation is enacted directing the Secretary of Agriculture to promulgate such a regulation, or the House and Senate authorizing committees receive and approve a revised proposal as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 151: Deletes language proposed by the Senate prohibiting funds from being used for the salaries and expenses of the Board of Tea Experts. The House bill contained no similar provision. The conference agreement addresses this issue in Amendment No. 152.

Amendment No. 152: Provides that none of the funds appropriated or made available to the Food and Drug Administration in this Act shall be used to operate the Board of Tea Experts as proposed by the Senate. The conference agreement does not repeal the Tea Importation Act as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 153: Deletes the sense of the Senate language providing that the marketing assessment statute for the Tobacco program be amended to cover the administrative costs of the tobacco program. The House bill contained no similar provision.

Amendment No. 154: Provides that none of the funds shall be used for any action that results in a loss or restriction and use of water from existing water supply facilities located on National Forest lands as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 155: Deletes language proposed by the Senate providing for energy savings at Federal facilities. The House bill contained no similar provisions.

Amendment No. 156: Deletes the sense of the Senate language providing that the marketing assessment statute for the peanut program be amended to cover the administrative costs of the peanut program. The House bill contained no similar provision.

Amendment No. 157: Deletes language proposed by the Senate prohibiting the funds made available in the Market Promotion Program from being used to carry out mink exports. The House bill and the conferees address this issue in Amendment No. 145.

Amendment No. 158: Deletes the sense of the Senate language on United States-Canadian cooperation concerning an outlet to relieve flooding at Devils Lake in North Dakota. The House bill contained no similar provision. The conferees expect the Natural Resources Conservation Service to participate in a technical committee to address the problem.

Amendment No. 159: Deletes language proposed by the Senate repealing the Swine Health Advisory Committee and the Global Climate Change Technical Advisory Committee. The House bill contained no similar provisions.

Amendment No. 160: Amends language proposed by the Senate directing the Secretary of Agriculture to not enforce final regulations promulgated on September 8, 1995, to implement the Forest Resources Conservation and Shortage Relief Act of 1990. The

conferees expect the Secretary to take notice and public comment on these final regulations and make the appropriate revisions based upon that public comment. Such revisions should be directed at provisions in the regulations, including but not limited to, excessive log painting requirements, substitution and sourcing regulations, the transportation of private timber into or through sourcing areas; and provisions that discourage domestic use of private timber; among other provisions of the regulation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligations) authority, fiscal year 1995.	$68,991,361,000
Budget estimates for new (obligational) authority, fiscal year 1996	66,421,993,000
House bill, fiscal year 1996	62,579,232,000
Senate bill, fiscal year 1996	63,825,150,000
Conference agreement, fiscal year 1996	63,194,564,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−5,796,797,000
Budget estimates of new (obligational) authority, fiscal year 1996	−3,227,429,000
House bill, fiscal year 1996	+615,332,000
Senate bill, fiscal year 1996	−630,586,000

JOE SKEEN,
JOHN T. MYERS,
JAMES T. WALSH,
JAY DICKEY,
JACK KINGSTON,
FRANK RIGGS,
GEORGE R. NETHERCUTT, JR.,
BOB LIVINGSTON,
RICHARD J. DURBIN,
MARCY KAPTUR, (EXCEPT FOR AMENDMENTS 30 AND 150 AND THE PROVISION ON APHIS GUARANTINE EXEMPTION),
RAY THORNTON,
NITA M. LOWEY,
DAVID R. OBEY, (EXCEPT FOR AMENDMENT 150),
Managers on the Part of the House.

THAD COCHRAN,
ARLEN SPECTER,
KIT BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
MARK HATFIELD,
DALE BUMPERS,
TOM HARKIN,
J. ROBERT KERREY,
J. BENNETT JOHNSTON,
HERB KOHL,
ROBERT BYRD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 895, SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

Mrs. MEYERS of Kansas submitted the following conference report and statement on the Senate bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the administration, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–269)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 895), to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Lending Enhancement Act of 1995''.

SEC. 2. REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

''(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

''(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $100,000; or

''(ii) 80 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $100,000.

''(B) REDUCED PARTICIPATION UPON REQUEST.—

''(i) IN GENERAL.—The guarantee percentage specified by subparagraph (A) for any loan under this subsection may be reduced upon the request of the participating lender.

''(ii) PROHIBITION.—The Administration shall not use the guarantee percentage requested by a participating lender under clause (i) as a criterion for establishing priorities in approving loan guarantee requests under this subsection.

''(C) INTEREST RATE UNDER PREFERRED LENDERS PROGRAM.—

''(i) IN GENERAL.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.

''(ii) PREFERRED LENDERS PROGRAM DEFINED.—For purposes of this subparagraph, the term 'Preferred Lenders Program' means any program established by the Administrator, as authorized under the proviso in section 5(b)(7), under which a written agreement between the lender and the Administration delegates to the lender—

''(I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

''(II) authority to service and liquidate such loans.''.

SEC. 3. GUARANTEE FEES.

(a) AMOUNT OF FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

''(18) GUARANTEE FEES.—

''(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender and may be charged to the borrower, in an amount equal to the sum of—

''(i) 3 percent of the amount of the deferred participation share of the loan that is less than or equal to $250,000;

''(ii) if the deferred participation share of the loan exceeds $250,000, 3.5 percent of the difference between—

''(I) $500,000 or the total deferred participation share of the loan, whichever is less; and

''(II) $250,000; and

''(iii) if the deferred participation share of the loan exceeds $500,000, 3.875 percent of the difference between—

''(I) the total deferred participation share of the loan; and

''(II) $500,000.

''(B) EXCEPTION FOR CERTAIN LOANS.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to $80,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.''.

(b) REPEAL OF PROVISIONS ALLOWING RETENTION OF FEES BY LENDERS.—Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended—

(1) in subparagraph (B)—

(A) by striking ''shall (i) develop'' and inserting ''shall develop''; and

(B) by striking '', and (ii)'' and all that follows through the end of the subparagraph and inserting a period; and

(2) by striking subparagraph (C).

SEC. 4. ESTABLISHMENT OF ANNUAL FEE.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

''(23) ANNUAL FEE.—

''(A) IN GENERAL.—With respect to each loan guaranteed under this subsection, the Administration shall, in accordance with such terms and procedures as the Administration shall establish by regulation, assess and collect an annual fee in an amount equal to 0.5 percent of the outstanding balance of the deferred participation share of the loan.

''(B) PAYER.—The annual fee assessed under subparagraph (A) shall be payable by the participating lender and shall not be charged to the borrower.''.

(b) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 634(g)(4)(A)) is amended—

(1) by striking the first sentence and inserting the following: ''The Administration may collect a fee for any loan guarantee sold into the secondary market under subsection (f) in an amount equal to not more than 50 percent of the portion of the sale price that exceeds 110 percent of the outstanding principal amount of the portion of the loan guaranteed by the Administration.''; and

(2) by striking ''fees'' each place such term appears and inserting ''fee''.

SEC. 5. NOTIFICATION REQUIREMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

''(24) NOTIFICATION REQUIREMENT.—The Administration shall notify the Committees on Small Business of the Senate and the House of Representatives not later than 15 days before making any significant policy or administrative change affecting the operation of the loan program under this subsection.''.

SEC. 6. DEVELOPMENT COMPANY DEBENTURES.

Section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) with respect to each loan made from the proceeds of such debenture, the Administration—

''(A) assesses and collects a fee, which shall be payable by the borrower, in an amount equal to 0.125 percent per year of the outstanding balance of the loan; and

''(B) uses the proceeds of such fee to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).''.

SEC. 7. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''September 30, 1995'' and inserting ''September 30, 1997''.

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act do not apply with respect to any loan made or guaranteed under the Small Business Act or the Small Business Investment Act of 1958 before the date of enactment of this Act.

(b) EXCEPTIONS.—The amendments made by this Act apply to a loan made or guaranteed under the Small Business Act or the Small Business Investment Act of 1958 before the date of enactment of this Act, if the loan is refinanced, extended, restructured, or renewed on or after the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

JAN MEYERS,
PETER G. TORKILDSEN,
JIM LONGLEY,
JOHN J. LAFALCE,
GLENN POSHARD,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
PAUL COVERDELL,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The conference agreement establishes new guarantee levels, program fees, and administrative provisions governing the Small Business Administration's 7(a) Guaranteed Business Loan Program and the 504 Certified Development Company Program.

The conference agreement lowers the guarantee rate for all 7(a) loans to 75%, except for loans of $100,000 or less, which will have a guarantee rate of 80%. As part of this overall change, the guarantee rate for Export Working Capital Program loans will be decreased to be consistent with other 7(a) loans. The conferees are aware of efforts by the Small Business Administration to coordinate the features and operations of the Export Working Capital Program with a similar export loan program operated by the Export-Import Bank. The conferees are supportive of the continuing joint efforts of the SBA and Export-Import Bank to encourage and facilitate small business participation in the export marketplace. In establishing the new guarantee rate under the Export Working Capital Program, this legislation should not be interpreted as expressing any intention or expectation that the guarantee rate for the Eximbank program be reduced to the same level. The conferees direct the SBA, in consultation with the Export-Import Bank, to issue a report no later than 120 days after the enactment of this act assessing the impact, if any, of the reduced guarantee rate on the Export Working Capital Program. The report should include a comparison of the SBA program with the working capital guarantee program operated by the Export-Import Bank, and shall include an analysis of the number and size of transactions concluded under the program, both prior to and after enactment of the new guarantee provisions.

Under the conference agreement, guarantee fees under the 7(a) program increase as the size of the loan increases. The conferees are aware of the concern expressed by the Small Business Administration that lenders and borrowers may seek to arrange a number of smaller, related loans in order to avoid the higher guarantee fee applicable to a single, larger loan. The conferees direct the Small Business Administration to implement the guarantee fee structure set forth in the conference agreement with any instructions, definitions rules regulations or guidelines as the SBA may deem necessary in order to prevent avoidance or evasion of these fees, including establishing a reasonable period of time during which related loans will be treated as constituting a single loan for purposes of calculating the guarantee fee.

The effect of the provisions included in the conference agreement will be to reduce the subsidy rate for the 7(a) loan program and increase the availability of guarantee authority under the program. The conferees direct the SBA, promptly upon enactment of the legislation included in the conference report, to remove the temporary administrative limitations previously implemented by the SBA to limit demand for 7(a) loan guarantees. Any such administrative program changes in the future will be subject to the provisions of Section 5 of the new legislation.

JAN MEYERS,
PETER G. TORKILDSEN,
JIM LONGLEY,
JOHN J. LAFALCE,
GLENN POSHARD,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
CONRAD BURNS,
PAUL COVERDELL,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced, ''that the Senate disagrees to the amendments of the House to the bill (S. 895) 'An Act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes', agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. COVERDELL, Mr. BUMPERS, and Mr. NUNN, to be the conferees on the part of the Senate''.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 231

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. HEFLEY). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 231 is an uncomplicated, but very important rule which provides for the timely consideration of the conference report to accompany H.R. 1977, making appropriations for the Department of the Interior and related agencies in fiscal year 1996.

Specifically, the resolution waives all points of order against the conference report and against its consideration on the floor today. As a precautionary step, the blanket waiver includes a waiver of clause 2 of rule 20, regarding legislative or unauthorized items, and clause 3 of rule 28, regarding items which go beyond the scope of the conference.

The resolution was reported unanimously by the Rules Committee yesterday by voice vote, and I would urge my colleagues to give it their full support.

Mr. Speaker, the Interior appropriations bill is certainly no stranger to controversy. When such divergent issues as land use and mining claims are combined with Federal funding for the arts and humanities into a single spending bill, difficulties are bound to arise.

Yet, where there are difficulties, there is also potential for bipartisan compromise. I believe the Interior Subcommittee, under the strong leadership of my good friend from Ohio, Chairman REGULA, and the members of the conference committee—on both sides of

the aisle—have worked very hard to finalize a balanced, responsible product in the face of competing interests, and limited Federal resources.

The American people have charged us with cutting Government spending, and this conference report responds to their calls for a smaller, more efficient Government. The bill is $1.7 billion below the President's budget request and $1.4 billion below the fiscal year 1995 level—a 12-percent savings from the 1995 funding level.

The conference report also meets our fundamental goal of reducing the size and scope of the Federal Government. In addition to eliminating certain agencies and programs, and consolidating others within existing Federal departments, almost all agencies covered by the bill are funded below the 1995 level.

Mr. Speaker, in recent days we have heard that this conference report has attracted a potential veto threat from the White House. In light of our efforts to resolve funding differences in a bipartisan manner, I believe such a step would be very unfortunate, and even counterproductive as we work to finalize this year's appropriations process.

The Senate will soon consider the continuing resolution which the House passed earlier today to ensure that the Federal Government remains open for business as the new fiscal year begins on Sunday.

A Presidential veto at this time would just add to the challenges we face in providing the Federal work force with fiscal stability.

In closing, Mr. Speaker, we have the responsibility to move this critical process forward and to complete work on each of the 13 regular appropriations bills. House Resolution 231 is a simple and straightforward rule providing for the timely consideration of the fourth conference report to come to the floor of the House. I urge my colleagues to support this reasonable rule and to pass this balanced conference report.

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

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

Mr. Speaker, we oppose this rule, and we oppose the measure that it makes in order, the conference report on Interior appropriations for fiscal year 1996.

The rule waives all points of order against the conference report and against its consideration. One major reason why the conference report needs such a rule is that it contains numerous violations of clause 2 of rule XXI, the rule that prohibits legislation, that is policy matters, in an appropriations bill. Admittedly, it is nearly impossible to avoid violating rule XXI entirely in an appropriations bill, but the Committee on Rules usually tries, or at least we did try, Mr. Speaker, in previous congresses, to prevent flagrant intrusions on the jurisdiction of authorizing committees in these appropriations bills.

That is not the case here. The conference report contains far-reaching changes in policies governing the use of our Nation's natural resources, or, as the Los Angeles Times recently put it, it is, and I quote, Mr. Speaker, ''swollen with hidden attacks on the public lands, national parks, and the environment.''

□ 1615

This rule is what makes it possible for the House to move forward and to consummate those attacks.

To give some examples: This conference report includes a major change in the law governing mining patents. Nearly everyone agrees that this law, dating back to 1872, is in desperate need of reform. But rather than continuing the existing moratorium on issuing mining patents to give the policy committees time to draft a reform bill, as the House by a margin of 271 to 153 voted to do, the conferees approved a change in the price mining companies are required to pay for a mining patent from no more than $5 an acre to fair market value of the surface of the land. That so-called reform would enrich mining companies at a cost to taxpayers of tens of millions of dollars in lost royalties.

The legislation also includes a backdoor attempt to remove the Mojave National Preserve from the protection of the National Park Service by prohibiting the Park Service from spending more than $1 next year on the Preserve and shifting authority for it back to the Bureau of Land Management, whose rules are much more lenient than are the Park Service's rules on mining, grazing, dirt biking, and other potentially detrimental activities.

The conference report directs the Forest Service to change policy with regard to the Tongass National Forest in Alaska, our Nation's premier temperate rain forest, in order to dramatically increase logging in environmentally sensitive areas of the forest.

The conference report prohibits adding new species of plants and animals to the endangered species list, despite clear scientific evidence that hundreds of species awaiting listing are headed toward extinction.

The legislation cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin in the Northwest, a project intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species and guarantees continued court battles over logging in that region.

In addition, Mr. Speaker, to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts spending in the Interior Department and related agencies as a whole by 10 percent over this year's level. But within that reduction are much deeper cuts in many extremely valuable programs, including wildlife protection, energy conservation, land acquisition, support for the arts and humanities, and support for Native Americans.

Proponents of this legislation say that these cuts are needed to balance the budget. But in fact they are being used to help reorder spending priorities in ways favored by the Republican majority. After the House considers the Interior conference report cutting $1.4 billion from resource protection and from cultural programs, we will be considering a conference report on Defense Department appropriations that increases spending for the military by $7 billion over the President's request, and that includes funds for weaponry the military officials themselves say the Nation does not need.

In other words, if both conference reports are enacted, we will be spending five times the savings gained from this bill on additional unnecessary spending for the Pentagon.

Thus, the significance of this conference report is not its contribution to reducing the Federal budget deficit as its proponents claim. Rather, its significance lies in its contribution to the multi-pronged assault on environmental protection that has been launched by the Republican leadership in the House.

When this legislation is viewed in the context of other anti-environmental measures this House has considered or will be considering, its negative impacts are even more apparent. This bill follows House passage of several so-called regulatory reform bills, the Contract With America bills, that would cripple Federal regulatory agencies' ability to implement and enforce environmental protection laws. It follows House passage of the amendments to the Clean Water Act that would permit more water pollution and allow the destruction of more than half the Nation's remaining wetlands. It follows enactment of a provision included in the fiscal 1995 rescission bill which will dramatically increase logging in National Forests. It follows House passage of an appropriations bill which cuts funding for the Environmental Protection Agency by one-third and includes numerous provisions preventing the agency from enforcing antipollution laws. And it follows the Committee on Resources' adoption of measures to be included in the budget reconciliation bill that would open Arctic National Wildlife Refuge to oil and gas drilling, that would provide sweeping exemptions of environmental laws in the disposition of Federal power assets, that would change concessions policy for our National Parks in a way that would discourage competition, that would allow the sale of National Forest lands in ski areas for development, and that would protect the interests of those who currently benefit from the use of Federal range lands for grazing.

Mr. Speaker, as Vice President GORE said recently, ''This bill takes dead aim

at this Nation's most cherished resources and will benefit special interests at the expense of the taxpayers.''

For those reasons, the President has announced his intentions to veto this bill. We have to put a stop to the wholesale destruction of our Nation's resources that has been taking place this year. This is the place to do it.

Rather than sending this bill on to the President at this time, I would urge the House to shorten the process by defeating the rule and sending the bill back to conference for the numerous major revisions it needs.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this bill deserves to be stopped dead in its tracks. It is an absolutely lousy bill. The best way to stop it is to defeat the rule that will allow its consideration.

There are a lot of things wrong with it, but the worst thing in the conference report is the provision which relates to the moratorium on mining patent claims which is an abomination under the guise of reform.

The conference agreement lifts the existing moratorium and allows mining companies, many of which are foreign owned, to gain title to Federal lands containing valuable hard rock minerals for a pittance. It will result in billions of dollars being pocketed by mining companies without payment of any royalties to the owner of the land, the U.S. taxpayer.

This, in my view, is a travesty left over from the political stone age. The original law that permits this outrage, this outrageous raid on the Treasury, was enacted in 1872. If my old colleague Bill Proxmire were still representing Wisconsin in the other body, you can be sure that this provision would be the recipient of one of his Golden Fleece awards. The magnitude of this giveaway is incredibly hard to grasp.

Let me give you one example. Just last year the Interior Department signed away land containing an estimated $10 billion in gold for less than $10,000. The so-called reform in this bill would mean that it will only cost $100,000. The land is now owned by a U.S. subsidiary of a foreign-owned corporation. Not only are we giving away the mining rights for a tiny fraction of their value, we are also giving away title to the land.

Now, that is not the only problem with this bill. If you take a look at other sections of the bill, you will see, for instance, that it allows increased logging in some of the most sensitive areas of the Tongass National Forest in Alaska. It reverses key parts of the California Desert Act passed last year.

The conference also contains draconian reductions in funding for the Bureau of Indian Affairs. It cuts funding for Indian education almost in half. It reduces the Department of Energy's weatherization programs by one-half, while at the same time it provides these gigantic ripoffs, this huge glom of corporate welfare, to some of the largest corporations in this country, and in fact some of the largest corporations who originate outside the boundaries of our own country.

So for these and a variety of other reasons, some of which were cited by the gentleman from California, I would strongly urge a vote against the rule and a vote against the bill tomorrow if this House is ill-advised enough to pass this rule this afternoon.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. MILLER], the ranking member of the committee on resources.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the rule and in opposition to the legislation. As both my colleague from California and my colleague from Wisconsin have pointed out, there is just so much wrong with this bill that it is unbelievable that we are considering it in this form, both in the harm it does to the environment and the harm that it does to the American taxpayers. The deficiencies are complete, they are throughout, and this bill should not become law.

One of the most egregious provisions of this bill is that instead of maintaining the patent moratorium on giving away lands, western lands, to mining companies as this House has strongly advocated year after year, the conference committee chose to ignore the clearly stated House intent. Earlier this year the House voted 271 to 153 to support extension of the 1995 patent moratorium. We took this action in response to widespread concern that taxpayers were being cheated out of hundreds of millions of dollars because of an archaic law enacted in the days of Jesse James, the robber barons, and mineral kings. Rather than honor or solidify the established bipartisan position, the conference adopted language that replaces the patent moratorium with even more deplorable language that currently exists under the 1872 law. The conference report not only renews the processing of patent applications which were substantively frozen by the 1995 appropriations bill, but it also directs the Secretary to take such action as may be necessary to take final action on all pending applications within 2 years.

This is no small matter. Since 1872, the United States has let over 3.2 million acres of lands and 231 billion dollars' worth of mineral assets slip through our fingers in this way, charging minimal costs for land transfers and no royalties at all for the people of the United States who were the owners of this land when the land was transferred.

If this conference report is approved, the mining industry will receive title to an additional 607 patents covering 230,000 acres of the public's lands for the measly price of the surface rights.

Corporations clamoring to loot the public domain include ASARCO, U.S. Gypsum, United States Steel, Exxon, Union Oil, American Barrick, Manville Corp., Georgia Pacific, Santa Fe Pacific, Pfizer, Newmont, and Noranda Mining Cos.

Just this year, because Congress failed to reform the 1872 mining law, Interior Secretary Bruce Babbitt was forced to sign away three patents worth as much as $1 billion in public mineral resources for a pittance of their true value, and no royalty will be paid on those minerals that were owned by the taxpayers.

Lifting the moratorium will not only promote a giveaway of public land, but it will put approximately 15.5 billion dollars' worth of Federal minerals beyond the reach of any royalty payment for the American taxpayer that this Congress may subsequently come up with.

So the taxpayer will sort of get screwed twice here, first by being forced to give away the land, and then by collecting zero economic rent or royalty for the extracted minerals. Nobody on the adjoining private land conducts their business with the mining companies in that fashion. We are constantly asked why do we not run the company like a business? That is one of the reasons we do not, because the mining companies are so powerful that we cannot get around to taking care of the public interest.

The conference report should be rejected because it would also allow applicants to use private contractors to gather and analyze critical data to determine whether an applicant legally qualifies for the patent or for free land. But this obviously creates a tremendous potential conflict of interest.

There is no need for such haste as is envisioned in this conference report. This conference report is clearly contrary to the best interests of the environment of the West, and it is clearly contrary to the best interests of the taxpayers of this Nation. We have endured this giveaway of public resources for over 100 years now. We have tried time and again to amend this law, to reform this law, and we have been beaten back by the lawyers and the lobbyists of the mining companies, and it is time to call a halt to it. If we cannot change the law, we certainly should not ask the American public to endure the continued whittling away of their wealth and their assets at the expense of the mining companies' special interests.

Mr. Speaker, I would hope that we would reject this legislation. If a motion to recommit the conference report to exclude this provision is offered, I would hope Members of the Congress would support that, as they did earlier this year in their motions to maintain the patent provisions of the bill.

Mr. Speaker, the flaws in this conference report are not limited to the failure to extend the

moratorium on issuing mining patents. An egregious example of abuse of the taxpayers and an unprecedented attack on our natural resources is contained in the Senate rider dictating that timber interests dominate management of the Tongass National Forest in Alaska.

Without any public hearings, the Senate has insisted on sweeping language which will greatly increase taxpayer subsidized logging of the magnificent old-growth forest in Alaska. Over the past several years, the Tongass has earned the dubious distinction of losing more money—$64 million annually according to one economist's study—than any other national forest. The Senate language makes things worse.

The Senate rider would abort the Forest Service planning process and congressionally dictate that the Tongass be managed according to a discredited, draft 1991 plan. That plan—which has been rejected by the administration for relying on outdated science—would provide for at least 418 million board feet of timber annually, one-third more than the average annual harvest on the Tongass over the past decade. Fully implementing this provision could cost an additional $18 million annually in Federal subsidies to support the increased logging.

Language added by the conference committee would permanently constrain the Forest Service from amending the forest plan in any manner which would limit lands allocated to timbering. Moreover, the provision attempts to overturn a ninth circuit decision in a case brought by tourism, Native, and conservation interests and would insulate timber sales from environmental and subsistence use laws.

Mr. Speaker, the Tongass language has been highlighted as objectionable to the administration by Vice-President GORE in conveying the President's veto threat. It is opposed by Agriculture Secretary Dan Glickman. It is opposed by the Governor of Alaska, Tony Knowles. It is opposed by the Alaska Outdoor Council, a coalition of conservative hunting and fishing groups. It is opposed by every Alaska and national environmental group.

As an architect of the 1990 Tongass Timber Reform Act, I take special offense at this assault on our largest national forest. These permanent changes in law are not within the proper jurisdiction of the appropriations committees. Moreover, there is simply no justification for this outrageous abuse of public process and legal rights. Southeast Alaska's jobless rate is lower than the national average. The economy is more diversified than ever before and is growing. The Senate language is an ill-advised attempt to turn back the clock and to manage these public lands to favor a heavily taxpayer subsidized special interest over all other competing users of the forest.

While the Tongass language alone provides sufficient reason for the conference report to be rejected by the House, there are many other fundamentally flawed provisions which undermine the 1994 California Desert Protection Act by giving the National Park Service only $1 to manage the Mojave National Preserve; unfairly target Indian tribes and people by cutting the Bureau of Indian Affairs budget $351 million, 19 percent below the President's request, and $184 million or 11 percent below the fiscal year 1995 funding level; derail the Columbia River Basin ecosystem management project; fund Department of the Interior scientific research at $35.7 million below the President's request; prohibit wildlife species from being added to the endangered species list and the designation of critical habitat; fund the Land and Water Conservation Fund land acquisition programs at $71 million notwithstanding a $11.2 billion surplus in the fund.

Mr. Speaker, the list of objectionable provisions goes on and on. This conference report should be rejected by the House. If not, the President should veto it and insist that the Congress come up with a new bill which is not an insult to the American people and our natural heritage.

Mr. GEJDENSON. Mr. Speaker, I rise to object to certain provisions in the conference report on H.R. 1976. While I am deeply concerned about the effect of cutting $1.4 billion from our natural resource management agencies, several individual items are especially egregious.

First and foremost, the conference report contains language which will dramatically increase logging in the Tongass National Forest. This provision may be unfamiliar to Members because it was not in the House bill. It is a backdoor attempt to open the Tongass when scientific evidence and sound forestry management dictate limiting harvests overall and protecting important fish and wildlife habitat.

Under this provision, logging would be governed by a 1992 EIS provision, alternative P, which is deemed sufficient to satisfy all requirements of applicable law. By including sufficiency language, this section precludes legal challenges and shuts off public comment. The harvest levels set forth in the EIS are one-third greater than the average over the past decade. Moreover, the Forest Service is directed to develop a management plan for the Tongass which mandates harvest levels at least as high as provided in alternative P. As a result, this measure locks-in unprecedented harvests well beyond fiscal 1996.

This measure also makes permanent a provision of H.R. 1944, the fiscal year 1995 rescission package, which prohibits the Forest Service from setting aside any additional wildlife habitat in the Tongass. With one simple reference, this measure precludes the Forest Service from protecting important habitat for grizzly bears, bald eagles, and many fish species. By extending this restriction in perpetuity, proponents of this approach are throwing sound science and wildlife management out the window. Moreover, this provision could push some species toward extinction thereby triggering restrictions under the Endangered Species Act [ESA]. As members know, ESA restrictions could limit harvest much more than allowing the Forest Service to take proactive steps to safeguard essential habitat.

Mr. Speaker, this measure does not belong in an appropriations bill. It is a major policy change which has not been the subject of a hearing or any debate in the House. Furthermore, it reaches well beyond fiscal 1996 to fundamentally alter timber management in the Tongass for years to come. Finally, it throws sound science and timber management out the window.

The conference report also strips House language extending the moratorium on the issuance of patents under the anachronistic 1872 mining law. It replaces it with sham reform which requires miners to pay fair market value for the surface estate exclusive of, and without regard to, the mineral deposits in the land. This language is little better than existing law which allows mining companies to buy public lands for $2.50 or $5 an acre. Even in today's real estate market, desert land 200 miles from the nearest town is worth very little when one ignores billions worth of gold, silver, or platinum below the surface.

Rather than working to address fiscal as well as environmental issues associated with mining, some Members of the Congress are seeking to scuttle comprehensive reform by passing measures piecemeal in appropriations bills and through the budget reconciliation process. While I firmly believe that comprehensive reform is the way to go, I also believe that a patent moratorium is an appropriate stop-gap measure because it protects the interests of every American taxpayer. Without the moratorium, the Secretary of Interior will be forced to immediately begin processing applications seeking to transfer 15 billion dollars' worth of public minerals into private hands. Members of this body who are concerned about balancing the Federal budget should take a hard look at the implications of lifting the moratorium. Under the Senate language, the American people continue to get the shaft under the 1872 mining law.

In another end run around the authorization process, the conference report contains House language effectively transferring management of the Mojave National Preserve from the Park Service to the Bureau of Land Management. As many Members know, debate on the California Desert Protection Act consumed several weeks during the 103d Congress. The gentleman from California [Mr. MILLER] must be commended for bringing this important measure to the House floor under a completely open rule. Every Member of this body had the opportunity to offer amendments. The gentleman from Idaho [Mr. LAROCCO] proposed an amendment changing the status of the Mojave from a National Park to a National Preserve. While this Member opposed that amendment, a majority supported it and the law reflects this change. At the same time, the Congress supported transferring management to the Park Service.

The financial arrangement in this measure is in direct contravention to the will of the Congress. Once again, this appropriation bill is being used to effect policy changes which should move through the authorization process. This is an issue of national importance which should be the subject of hearings and debate in the Resources Committee.

Mr. Speaker, the other body has added certain provisions making fundamental policy changes which could adversely affect resources belonging to every American regardless of where they live. The appropriations process should be reserved for annual revenue measures. We have an authorization process through which Members can effect major policy changes. Various provisions of this bill make a mockery of that process.

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

□ 1630

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

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

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

The SPEAKER pro tempore. Pursuant to clause 5 of the rule I, the Chair postpones further proceedings on this resolution until after the vote on House Resolution 232.

The point of no quorum is considered as having been withdrawn.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2126, DEPARMENT, OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 232 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yield is for the purpose of debate only.

(Mr. GOSS asked and was given permission to include extraneous material in the RECORD.)

Mr. GOSS. Mr. Speaker, this is a very simple, very fair rule for the consideration of the conference report for H.R. 2126, the Department of Defense appropriation bill. We provide for an hour of debate, and all points of order against the report are waived. It is that simple. As we rapidly approach the end of the 1995 fiscal year, and it becomes clear that we will not be able to have all 13 appropriations bills signed into law by October 1, I am pleased that we are making defense a priority. The Constitution explicitly requires Congress to provide for the national defense, and it is entirely appropriate that we are moving this bill today. Many people, myself included, feel that this administration has allowed our military readiness to decline at an alarming rate. I am concerned that scaling our Armed Forces back too far in the name of peace may actually invite new aggression. Certainly the Soviet threat is gone, but in the wake of its passing, we are left with multiple problems. Mr. Speaker, the lessons of history serve us well here—allowing our defensive capabilities to be reduced too much could easily be an invitation to aggression against American interests abroad, or even here at home. Since the collapse of the Soviet Union and Warsaw Pact, United States troops have been far from idle—they have been actively involved in a major shooting war in the Gulf, and many hotspots such as Haiti, Somalia, and Bosnia. New threats have emerged, too. Many relatively small countries are gaining access to advanced equipment such as submarines and nuclear weapons. And international terrorism has reared its ugly head here at home. Mr. Speaker, being prepared means meeting our defense needs—from top to bottom. And the little things are important—it does an army no good to have thousands of soldiers, equipped with the latest weapons, if those soldiers do not have boots for their feet. My friend and colleague, BILL YOUNG, chairman of the Defense Appropriations Subcommittee, vividly demonstrated for the Rules Committee all the small needs like boots, laces, and so forth, that were not currently being met by stretching a list of these items from one end of the Rules Committee hearing room to the other. I am pleased that we have made some real headway in correcting these problems in this bill, and I urge adoption of the rule and the conference report.

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

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

Mr. Speaker, I rise in support of this rule which provides for the consideration of the conference report to accompany the fiscal year 1996 Department of Defense appropriation. The subcommittee chairman, Mr. YOUNG, and his able ranking member, Mr. MURTHA, are to be congratulated for negotiating an agreement which should receive strong support both in the House and the Senate.

Mr. Speaker, I am personally pleased that the conference agreement contains $493 million for the continued production of the B–2 stealth bomber. I am a firm believer that in a troubled and dangerous world, a significant bomber capability is required to ensure our military preparedness and to protect our national interest. The B–2 stealth bomber is an important component in our overall national defense capability and the construction of additional aircraft in addition to the 20 already authorized will ensure the continued capability of our armed services to protect and defend our national interests.

I am also gratified that the conference report provides $159 million for the procurement of six F–16's as well $2.2 billion for research and development funds for the F–22, the next-generation fighter intended to replace the F–16. The conferees are to be congratulated for providing for both the near-term and long-term tactical needs of the Air Force. And, while the conferees reduced the funds for research and development for the V–22 Osprey, I am pleased that the conference report does contain $758 million for this important addition to the Marine Corps arsenal.

Mr. Speaker, this conference report represents a great deal of hard work and hard bargaining and I believe the rule merits the support of the House. I recognize that a number of my colleagues have reservations about the total amount of defense spending contained in the conference report. They will have an opportunity to express that concern by voting against the conference report itself and I urge that they support the rule. I urge my colleagues to support the conference agreement and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I have no speaker scheduled at this time and I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would again urge defeat of this rule so that this bill could be sent back to conference and we can get serious about deficit reduction. As every Member of this House knows, we are being asked in virtually every domestic arena to make incredibly tough cuts that will squeeze people out of opportunity for a decent education; we are being asked to squeeze people who are on family farms; we are being asked to make savage reductions in environmental protection laws of the country; we are being asked to make huge reductions in Medicare; we are being asked to eliminate the protections that seniors now have so that when one partner goes in a nursing home the other does not have to go bankrupt before they can qualify for Medicaid.

Mr. Speaker, we are being asked to swallow all of that, and yet we are being asked to swallow a defense appropriations bill which does the following: We have a half billion dollars in here as a downpayment for more B–2 bombers than the Pentagon wants to buy. Just the cost of one of those B–2 bombers would pay the tuition for every single undergraduate at the University of Wisconsin for the next 12 years.

We are having a big controversy in our State about whether or not the State should buy a new stadium for the Milwaukee Brewers. Just the cost of one B–2 bomber would pay for four of those stadiums with a dome, and yet we will go ahead and build and buy those new B–2 bombers.

We have a half billion dollars extra in here for star wars that the Secretary of Defense says is unneeded. We have another $350 million for C–130 aircraft built in Georgia for which the military cannot even identify a military requirement. We have a number of other

items. We have $2.4 billion for a new fighter to be built in Georgia, the F–22, which the GAO has repeatedly recommended should be put on hold for at least 7 years because we already have hundreds and hundreds of F–15's, the best fighter plane in the world.

And speaking of F–15's, Mr. Speaker, this bill also buys six new ones that the Pentagon did not ask for at a cost of $300 million. And yet the supporters of this bill pretend that they are going to abide by the budget limits in the Kasich budget resolution.

There is a very well kept secret in the defense portion of this budget. The secret is that the Kasich budget resolution in the 7th year winds up taking the military budget below that of President Clinton. The problem is, if we buy every new weapon system in this bill, we will never be able to live within that budget ceiling imposed by the Kasich budget resolution. And so what this bill represents is the first shot fired in the effort to blow the lid off the budget ceilings in the Kasich budget resolution with respect to military spending in this country over the next 7 years.

Mr. Speaker, I would suggest there are an awful lot of reasons to vote against this bill. The best reason is simply that we cannot seriously uphold the budget limitations in the Kasich budget resolution for the defense portion of the budget if we vote to pass this bill and turn it into law. The White House is absolutely correct to say that this bill is going to be vetoed in its present form. I think the President has no choice if he wants to impose fiscal prudence on all parts of the Federal budget.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to my colleague, the distinguished gentleman from Florida [Mr. YOUNG], the chairman of the appropriations subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time, and I take this time just to maybe clear up a misperception that the gentleman from Wisconsin [Mr. OBEY] might have created in his statement.

We are within the budget limits. As a matter of fact, if the gentleman will recall when the bill was on the floor, we were $2.2 billion below the armed services authorized level. When we went to conference, actually during the conference, we were presented with an additional cut in our 602(b) allocation, so we have been coming down, since the first of the year, from the numbers that we thought we should have. We have been coming down in a very dramatic way.

The gentleman talked about several areas where we could do this or that if we did not build a particular airplane or ship or whatever. Let me make this case. If we were to freeze the level, as he suggested, what that would do is keep us basically at last year's level and provide for the pay raise that we have promised our men and women who serve in the military. If he wants further cuts, the Defense Department would like to cut the program for breast cancer. They do not want to spend the breast cancer money for the purpose we appropriated. We are going to insist that they spend it.

Mr. Speaker, just in the interest of time, and the Members have other things to do today, I would like to say this. We can stand here with a long list of things that we could do if we did not have a Defense Department or if we did not built a ship or if we did not buy an airplane or if we did not pay the troops an increase in their salaries. But most of those things can actually be done by the State governments through block grant programs with their own funds or by the local governments. But, Mr. Speaker, if there is one thing that State governments cannot do, or one thing that local governments cannot do, that is to provide for the national defense, the national security and the intelligence requirements of the United States of America. The Congress and the President, as Commander in Chief, that is our obligation. And the bill that this rule provides for meets that obligation in a very straightforward way.

Mr. Speaker, this is not a political bill. There are no big pork projects in here. There was a rule that I applied at the subcommittee level that any item in this bill had to have military application, number one, or there had to be a requirement for it. Military application by itself would not do it, there also had to be a requirement.

Mr. Speaker, this is actually a good bill. This is a good defense bill, and there is no reason why it cannot pass the House and the Senate and be signed by the President, who, incidentally, his press aide today, in a press conference, indicated they had not decided to veto this bill. We have reason to believe that we can persuade the President, who claims to be a strong national defense President, to sign this bill because that is what this bill is.

Mr. FROST. Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] has requested 1 additional minute in response to some remarks that the previous gentleman just made, and I yield 1 minute to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the gentleman from Florida [Mr. YOUNG], compulsively mentions the question of military pay every time someone dares to question the total dollar amount in any of these appropriation bills. Let me stipulate I know of not a single person in this House who does not want to see the full military pay increase go through. It will. We have $243 billion in this bill.

□ 1645

We are suggesting this bill is $7 billion over where it ought to be. That still leaves $236 billion in this bill. The first dollars that will go out under that bill, whenever it is signed, will go for pay. There is no action that any Member is going to be taking to eliminate in any way any of the contemplated pay increase for our military personnel, and the gentleman ought to know better than to suggest otherwise.

Mr. GOSS. Mr. Speaker, I do not have any further speakers at this time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time and I urge a vote for the rule.

Mr. GOSS. Mr. Speaker, I will only say that this vote is about the rule. It is a good rule. It is a fair rule. They do not get any simpler or better, when we come to rules.

Mr. Speaker, I urge support for the rule.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 139, not voting 11, as follows:

[Roll No. 694]

YEAS—284

Abercrombie	Clayton	Fox
Ackerman	Clement	Franks (CT)
Allard	Clinger	Franks (NJ)
Andrews	Clyburn	Frelinghuysen
Archer	Coble	Frisa
Armey	Coleman	Frost
Bachus	Collins (GA)	Gallegly
Baesler	Combest	Ganske
Baker (LA)	Condit	Gejdenson
Ballenger	Cooley	Gekas
Barr	Costello	Geren
Barrett (NE)	Cox	Gibbons
Bartlett	Cramer	Gilchrest
Barton	Crane	Gillmor
Bass	Cremeans	Gilman
Bateman	Cunningham	Gonzalez
Bentsen	Davis	Goodlatte
Bevill	de la Garza	Goodling
Bilbray	Deal	Gordon
Bilirakis	DeLauro	Goss
Bishop	DeLay	Gunderson
Bliley	Diaz-Balart	Gutknecht
Blute	Dickey	Hall (OH)
Boehlert	Dicks	Hall (TX)
Boehner	Dixon	Hamilton
Bonilla	Dooley	Hancock
Bono	Doolittle	Hansen
Borski	Dornan	Harman
Boucher	Doyle	Hastert
Brewster	Dreier	Hastings (FL)
Browder	Duncan	Hastings (WA)
Brown (CA)	Dunn	Hayes
Brown (FL)	Durbin	Hefley
Bunn	Edwards	Hefner
Bunning	Ehlers	Heineman
Burr	Ehrlich	Herger
Burton	English	Hobson
Buyer	Ensign	Hoekstra
Callahan	Eshoo	Hoke
Calvert	Everett	Holden
Camp	Farr	Horn
Canady	Fawell	Hostettler
Cardin	Fields (TX)	Houghton
Castle	Flanagan	Hunter
Chambliss	Foley	Hyde
Christensen	Ford	Johnson (CT)
Chrysler	Fowler	Johnson (SD)

Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lightfoot
Lipinski
Livingston
LoBiondo
Longley
Lucas
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—139

Baker (CA)
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bonior
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Chabot
Chenoweth
Clay
Coburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Crapo
Cubin
Danner
DeFazio
Dellums
Deutsch
Dingell
Doggett
Emerson
Engel
Evans
Ewing
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Funderburk
Furse
Gephardt
Graham
Green
Gutierrez
Hayworth
Hilleary
Hilliard
Hinchey
Hoyer
Hutchinson
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnston
Jones
Kanjorski
Kennedy (MA)
Kildee
Kleczka
LaFalce
LaHood
Levin
Lewis (GA)
Lewis (KY)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
McCarthy
McDermott
McKinney
Meehan
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Myrick
Nadler
Norwood
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Schroeder
Schumer
Serrano
Shadegg
Smith (NJ)
Smith (WA)
Souder
Stark
Stokes
Studds
Stupak
Tate
Thompson
Tiahrt
Torres
Torricelli
Towns
Velazquez
Vento
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
White
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Chapman
Greenwood
Linder
Reynolds
Rivers
Sisisky
Tejeda
Torkildsen
Tucker
Volkmer
Wise

□ 1708

Mr. LEWIS of Kentucky, Mrs. SMITH of Washington, and Messrs. BRYANT of Tennessee, HILLEARY, LUTHER, OWENS, EWING, ISTOOK, FAZIO of California, and ORTON, Ms. PELOSI, Mr. SALMON, Ms. JACKSON-LEE, Mr. BARCIA, and Mr. EMERSON changed their vote from ''yea'' to ''nay.''

Mr. ABERCROMBIE, Mrs. CLAYTON, and Messrs. WAMP, ENSIGN, and CHRISTENSEN changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question de novo on agreeing to House Resolution 231.

The Clerk read the title of the resolution.

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

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

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were ayes 251, noes 171, not voting 12, as follows:

[Roll No. 695]

AYES—251

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—171

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel

Reed	Skelton	Towns
Richardson	Spratt	Velazquez
Roemer	Stark	Vento
Rose	Stokes	Visclosky
Roybal-Allard	Studds	Ward
Rush	Stupak	Waters
Sabo	Tanner	Watt (NC)
Sanders	Taylor (MS)	Waxman
Sawyer	Thompson	Williams
Schroeder	Thornton	Woolsey
Schumer	Thurman	Wyden
Scott	Tiahrt	Wynn
Serrano	Torres	Yates
Skaggs	Torricelli	Zimmer

NOT VOTING—12

Chapman	Reynolds	Torkildsen
Houghton	Rivers	Tucker
Linder	Sisisky	Volkmer
Mfume	Tejeda	Wise

□ 1716

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2275

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 2275.

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

There was no objection.

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. BUNN of Oregon). Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair announces the Speaker's appointment of the following member to the British-American interparliamentary group on the part of the House: The gentleman from Nebraska [Mr. BEREUTER].

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H.R. 2350, THE PATIENT CHOICE AND ACCESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. COBURN] is recognize for 5 minutes.

Mr. COBURN. Mr. Speaker, as Congress begins its consideration of reforming Medicare, I want to bring to the attention of my colleagues, perhaps the most important component of the Medicare reform debate. What must we do to ensure the quality of care that Medicare patients will receive after changes are made to the program?

While all of us in Congress are deeply concerned about the solvency of the Medicare trust fund, we must be equally concerned that the changes made to this program do not adversely affect the availability of health care to the elderly. As a practicing physician, I have spoken with my patients; and as a Member of Congress, I also have heard from thousands of my constituents. Their message is a clear one. Any Medicare reform proposal must guarantee patient choice and access quality. It must not result in a decline in the quality of care Medicare patients now receive.

For the last several months, I have been working closely with the patient access to Specialty Care Coalition, a group of 115 patient, senior citizen, physician, and nonphysician organizations, dedicated to the principle that patients must be able to access the providers of their own choice. This week, I introduced H.R. 2350, the Patient Choice and Access Act, a bill to provide protection to beneficiaries enrolled in the Medicare Program. Throughout the process of crafting a Medicare reform bill, I have been urging the House leadership to include my patient protection provisions.

The cornerstone of the current Medicare law is choice of health care provider. Presently, there is a belief that the Federal Government can save money by enrolling seniors into managed care deliver systems. And I agree how such changes can produce dramatic Federal savings, I am not opposed to the concept of managed care or a gatekeeper model. Instead, I want to make sure that quality of care for seniors is preserved, should most of the elderly population be moved into managed care. In addition, I have deep concerns about how these proposed changes in Medicare may affect my rural constituents.

Today, many major changes are taking place in the way people purchase health insurance and receive medical care. The pressures to reduce health spending continues to be intense, and health plans and providers have become more aggressive in their cost containment activities. While many health plans have developed a number of effective techniques to achieve economy and maintain quality of care, others have not always achieved that balance. Since Medicare is a federally funded program, we should make sure that these tax dollars are returned to Medicare enrollees in the form of appropriate patient care.

After changes are made to Medicare, many existing and new products will be offered to the Medicare population. Our most vulnerable population will be flung into a fiercely competitive marketplace, where access to appropriated medical services may take a back seat. I believe that in this rapidly changing environment, Medicare patients must be given basic rights and effective protection against the potential that these new markets may inappropriately restrict access to medically necessary health care services.

My legislative proposal addresses these concerns, and it puts the patient first, not the doctor, not the insurance company, but the patient. My bill is designed to improve and enhance health care to our country's senior citizens. It will not add to the cost of the Medicare Program. Under my legislation, all patients will have the option to seek the out-of-network treatment they desire no matter what health care plan they select.

True freedom of choice for patients can only be achieved by making out-of-network medically necessary treatment and services available for all health care plans. Real health care security is the freedom for patients to choose their own primary and specialty care provider, and then to continue to access these same caregivers. All patients should have the option, at an additional copayment known in advance, to seek the out-of-network treatment they desire. This point-of-service feature should be built into every health care plan, and not just offered as an option at the time of enrollment.

Patinets, especially seniors, are acting with less than perfect information about their health status at the time of enrollment. In reality, patients are unable to assess their health care needs, until they actually get sick or need specialty care. Consequently, the broadest possible patient protection is to build choice of health care provider into every health care plan.

The most effective check against abuses in this changing marketplace is the patient's power to go outside the network established by the health plan and obtain medical services. Health plans that provide good service to their enrollees will not be troubled by this requirement. Only health plans that fail to meet the needs of their subscribers will be affected.

Making out-of-network treatment and services available for enrollees in all health care plans provides a very good quality assurance check. It ensures that all health care plans provide seniors with the health care they need and deserve. If a Medicare enrollee is not satisfied with care, he or she could pursue other treatment for a reasonable, but not cost-prohibitive price.

Today, the fastest growing health insurance product is a managed care plan with the availability of out-of-network coverage. Patients have been demanding this freedom to choose, and the marketplace has responded. Requiring this type of plan for any senior is not intrusive, but rather advances a developing trend.

Building a point-of-service feature into all health plans under Medicare will not affect any health plan's ability to be aggressive in their cost-containment activities, nor will it limit their efforts to encourage providers and patients to use health care resources wisely. It will simply put pressure on health plans to keep the patient's welfare uppermost on their agenda, ahead of dividends and the bottom line.

The managed care industry has consistently claimed that a point-of-service feature in all health plans would greatly increase the cost of doing business. This assertion is simply not true. The point-of-service feature is not costly. According to a cost-impact study released this year by the actuarial firm of Milliman and Robertson, Inc., at the request of the Patient Access to Specialty Care Coalition, a point-of-service feature built into all managed care plans would place no financial burden on these plans.

Moreover, in testimony before the Congress this year, the Congressional Budget Office stated that requiring a point-of-service feature would not add to the Federal Government's cost of the Medicare Program. Instead, the cost is covered by patients, who expect to bear some additional expense for this point-of-service feature. This cost, however, is not great, and it is a simple actuarial calculation to determine a reasonable copayment. My legislation calls for the managed care plan to share with its potential enrollees the cost schedule for going out of network.

My legislation contains additional provisions to ensure that patients receive the full range of health care services to which they are entitled. It assures access to specialty care, and provides Medicare patients with an enrollee information checklist so they can have adequate and important information to compare the quality of all health care plans offered to seniors. Also, it includes several Medicare patient rights provisions, and a streamlined rapid appeals process within a health care plan, when there has been a denial of care. Finally, my bill places a ban on provider financial incentive schemes which result in the withholding of care or a denial of a referral.

My legislation does not include any provider protection and is not an any-willing-provider bill. Any-willing-provider provisions deal with the contractual relationships between health plans and providers of medical services. The focus of my bill is on patient choice and the health care rights of Medicare enrollees.

Mr. Speaker, H.R. 2350, the Patient Choice and Access Act of 1995, offers Medicare enrollees real choice and real patient protection. It will give the Medicare patient effective protection against the potential for restricting access to medically necessary health care services. Finally, it will provide a quality assurance check on all health care plans to make sure that they are providing the full range of health care services to their enrollees.

I urge my colleagues in the Congress to cosponsor this bill, and to join with me in my efforts to include these provisions in a Medicare reform proposal. Only if this patient component is included in Medicare reform legislation can we be able to say that we have worked to achieve quality health care and Medicare enrollees protection, and preserved patient freedom of choice in selecting health care providers.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

[Mr. HOEKSTRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

[Mr. GIBBONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SUPPORT REPEAL OF THE DAVIS-BACON ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BALLENGER] is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, Congress is under increasing pressure to balance the budget. The taxpayers are demanding that Government be more efficient and held accountable for the expenditure of their hard-earned tax dollars. The Davis-Bacon Act is the perfect example of a law that is expensive, unnecessary, and difficult to administer. The act must be considered in light of its economic effects as well as its objectives.

The Davis-Bacon Act has long since outlived any usefulness it may have had. The rationale for special wage protection was never very persuasive but the act remains law, adding millions and millions of dollars to Federal construction costs.

Davis-Bacon was enacted to discourage non-local contractors from securing Federal construction jobs by hiring cheap labor from outside of the project area. Proponents of the legislation complained that this practice was disruptive to the local wage structure. When the act was passed 64 years ago, there was no Federal minimum wage or other labor laws with protections for workers. Since that time, Congress has enacted numerous laws to protect the wages and working conditions of all workers, including construction workers.

The taxpayers are the real losers under the Davis-Bacon Act. Some $48 billion of construction spending annually falls under the Act's coverage. In effect, Davis-Bacon is a tax on construction. For example in Baltimore, the Davis-Bacon requirements add between 5 and 10 percent to the costs of inner city housing. Davis-Bacon effectively wipes out much of the good that banks do when they provide lower interest rate loans to such projects.

Clearly, Davis-Bacon drives up construction costs. Electricians in Philadelphia who are working on a Davis-Bacon project are paid about $37 an hour compared with electricians on a private contract who are paid an average of $15.76 an hour. Companies can not stay in business paying $15 to an employee who is worth $6. If companies have to pay $15 per hour, they are going to hire skilled workers, thus effectively shutting out those who need the opportunity to acquire job skills and work experience.

The total cost of Davis-Bacon extends to State and local government construction programs, this having the same practical implications as an unfunded mandate. Davis-Bacon is particularly burdensome in the area of school construction, by restricting the ability of school districts to reduce construction costs. For example, the cost to build two schools and an academic center in Preston County, WV, could have been reduced by one-third or $1.9 million dollars, had the projects been exempt from Davis-Bacon. The savings could have been realized for the taxpayers or used in other ways through the educational system.

There are additional costs to Federal agencies, which must collect, process, and disseminate thousands of wage rates. Likewise, there are direct costs to contractors who must comply with the recordkeeping and paperwork requirements under the Copeland Act. Compliance costs to the industry total nearly $100 million per year, money which could be better spent creating additional jobs.

Recently, an investigative report was released which detailed fraud in the survey process used by the Department of Labor to determine prevailing wages in certain areas in Oklahoma. The report uncovered numerous instances of interested parties claiming phantom projects and ghost employees, all with the intent of inflating the official wage rates issued by the Department of Labor. In some cases, employees were allegedly paid $5 to $10 an hour more than actual market wages in the area. After repeated demands by local authorities and the involvement of members of the Economic and Educational Opportunities Committee, the Department of Labor revoked the wage determinations in Oklahoma City and Tulsa because of the allegations of fraudulent data. Scandals of this nature erode public confidence in the Government procurement process.

Repeal of the Davis-Bacon Act would have the taxpayers $2.7 billion over 5 years. It would allow the Federal Government to get more construction for the money, or to get the planned construction done for less money. Over 4,000 petitions were sent to Congress from taxpayers across the country supporting repeal of the Davis-Bacon Act. Last November, the voters sent a message to Washington. They want to end Government that is too big, costly, and intrusive. I urge my colleagues to support repeal of the Davis-Bacon Act.

□ 1730

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF H.R. 2072

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 2072.

The SPEAKER pro tempore (Mr. BUNN of Oregon). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CERTAIN POLITICAL METHODS DESTRUCTIVE TO CONGRESS

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

Mr. JOHNSON of South Dakota. Mr. Speaker, recently it became publicly known about an e-mail directive from the leadership of the Republican Party that sheds light on the political methods being used as we work on our agricultural portion of reconciliation. It lays bare political methods which, frankly, are destructive to this institution, destructive far beyond simply the agricultural issues which it directly addresses. It is the leadership saying, ''You've got to pass our version of agricultural reconciliation, one that involves three times the cuts that are needed to reach a zero deficit, and if you don't, individual Members will lose committee memberships. The committee chairmanships will be lost. In fact, the entire House Committee on Agriculture could be abolished.''

This is the sort of heavy-handed leadership that does not serve this institution well. We have difficult decisions to be made, but if we pull together in a bipartisan fashion, using the strengths of House Committee on Agriculture, I am confident that through the course of the debate this year we can in fact arrive at a point where we are helpful to family farms, helpful to the budget deficit, and it is done in a fair and open manner.

THE GINGRICH MEDICAID PLAN WILL PAY FOR TAX CUTS FOR THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, late last week the Committee on Commerce passed the Gingrich Medicaid plan. There were no hearings on this bill similar to the restricted small number of hearings, one hearing in fact, on Medicare. There were no hearings on the Gingrich Medicaid plan. The plan was given to us, the actual legislative language, was given to us less than 24 hours before the hearing. There was no public input, because no one anywhere from the country really knew much about the plan, and members of the committee on both sides, Republicans and Democrats, had little opportunity to read the bill and to become familiar with the details of the Gingrich Medicaid plan.

Unfortunatelyd, though, Mr. Speaker, that Gingrich Medicaid plan cuts Medicaid money that goes for nursing homes for the middle class and all of our parents, many of our parents and grandparents. It is money for children in Health Hill Hospital in Cleveland, many poor kids, many middle-class kids, upper-class kids that have been injured in tragic accidents, with serious brain damage, whose families are saddled with $20,000 a month hospital bills. That is paid for with Medicaid. It is funding for poor children for prenatal care, for well baby care, for all the kinds of things that are important in our society.

Nonetheless, that $180 billion cut in the Gingrich Medicaid plan is going to be used to pay for tax cuts for the rich. Equally as unfortunate, this bill and this Gingrich Medicaid plan in the committee on commerce, everything passed by a party line vote. They eliminated quality care standards in nursing homes on a party line vote, coming down from Gingrich's plan that was simply approved on a party line vote. They eliminated breast cancer services, mammograms and other breast cancer services, again on a party line vote. They eliminated prenatal care and well baby care and protection for children, again, those programs on a party line vote, all ratifying what the Gingrich Medicaid plan had written.

There is an old Mark Twain line said many years ago, that when two people think alike all the time, one of them ain't doing much thinking. Unfortunately, that is what this Gingrich Medicaid plan is all about. It was a plan not written by the committee, not written with public input, not having any hearings held for the public to understand it, to learn about it, to talk about it, to persuade Members of Congress that this might be good or that might be bad. It was simply a piece of legisation handed down and voted on quickly.

What is particularly of concern to a lot of us on that committee that oppose this $180 billion in cuts for Medicaid in order to pay for tax breaks for the wealthiest Americans is that these quality care standards for nursing homes were eliminated; where we can remember 10 years ago, 20 years ago, reading in the paper almost every month some scandal in a nursing home, some number of patients were abused and restrained and medicated, and people that were about as defenseless as anybody in society, people that are typically very old in nursing homes and cannot take care of themselves, and the Federal Government enacted standards to make sure that those kinds of abuse do not take place in nursing homes.

Now we are saying it is OK for the States, it is OK for local governments, it is OK for these nursing homes, to not live up any longer to these Federal standards.

The same with breast cancer services. My part of America, northeast Ohio, has one of the highest breast cancer rates in the country. I am concerned when the Federal Government says, ''No longer is Medicaid going to cover breast cancer services, mammograms.'' First, that is inhumane, not to cover mammograms. Second, it is just stupid. The Republicans simply have failed Economics 101. If you do not detect breast cancer early, you are going to pay a lot more for a lumpectomy or a mastectomy, and the Government is going to end up paying for it. It is inhumane, and it is just bad economics not to move forward and continue to cover those breast cancer services.

This money will be turned over to the States in the form of block grants, this money, again this shrinking number of dollars, in order to pay for tax breaks for the wealthy. This shrinking number of dollars will be grabbed up by as many interest groups in the States as possible. Nursing homes will have the first round, the first shot, at so many of these dollars as they shrink. And because nursing homes are better organized and better lobbyists and more effective and a stronger interest group on the State level than are groups that might advocate breast cancer services or groups that might advocate on behalf of nursing home patients, that money will likely go to those interest groups that fight for a wealthy group of people rather than people that really do represent those women that have breast cancer, represent those people that are victims of problems and care in nursing homes.

Mr. Speaker, it simply does not make sense to make these cuts all to pay for tax cuts for the wealthy.

WITHDRAWAL OF NAME OF MEMBER AS C

ps that fight for a wealthy group of people rather than people

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 497.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HONORING DR. DON JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I come to the well today for a very pleasant task, to honor a friend of mine, but I cannot even come and do that without correcting the comments of the previous speaker.

I, too, am on the Committee on Commerce. We held so many Medicaid hearings, I am not sure of the number, but I think it was 8 to 10, somewhere in that area. The gentleman talked of cuts in Medicaid. Let me tell the Members something. The State of Georgia is going to get a 7.2-percent increase next year in Medicaid spending, and in 1997 a 9-percent increase in Medicaid spending, so I apologize that I have to bring that up, but I would like for the American people to hear the truth.

Mr. Speaker, I come to the floor today to talk about a great American. Next week, Dr. Don Johnson will end his reign as president of the International College of Dentistry. It is the crowning achievement of one man's tremendous career, a man I am very proud to call my friend.

Don is a Georgian through and through. He was born and raised in Atlanta. He graduated from the Emory University School of Dentistry in 1961 and has been a practicing dentist ever since. He continued to contribute to his alma mater as a member of Emory's Board of Visitors.

There are two things that have always amazed me about Don. He has been a visionary in the dental field, and he has a boundless energy to contribute to his profession.

I recently had the opportunity to go back and read an interview with Don that appeared in the Georgia Dental Association's Newsletter. I was astounded at how insightful his comments were. Don was able to see in 1986 where the dental profession needed to be in 1996. He foresaw the problems in dentistry today that were only smoldering 10 years ago.

Don is a man with tremendous energy. He has run a successful dental practice for many years, yet he has still found the time to volunteer in service to his profession. He is a former president of the Georgia Dental Association, a former president of the Northern District Dental Society, and a former president of the Hinman Dental Society. He is a fellow of the American College of Dentists, the International College of Dentists, and a member of the eminent Pierre Fauchard Academy. In 1988, he was named the ''Man of the Year in Dentistry'' by the Northern District Dental Society. He has published numerous scholarly articles and presented many technical papers at dental conferences. He has done all this while running his practice and raising two daughters, serving in his church, and on top of all that he is an accomplished airplane pilot.

Mr. Speaker, It is my pleasure today to bring before you the accomplishments of Dr. Don Johnson of Atlanta, GA, president of the International College of Dentists, and a great American.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

[Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TOO MUCH GOVERNMENT DOESN'T WORK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a few days ago Ann McFedders, of the Scripps-Howard newspaper chain, wrote this: ''Americans are right to be disgusted with government right now. Events of recent days are alarming. They should be a warning to all politicians, police officials, and anyone hired by government.'' That woman has walked the straight and narrow, do not take short cuts, do not rationalize. She said, ''It is time to rethink the role of government.'' She was writing primarily about the horrible events at Waco and Ruby Ridge, But let me read her words again. ''Americans are right to be disgusted with government right now. Events of recent days are alarming.'' She said, ''It is time to rethink the role of government.''

William Raspberry, the very fine syndicated columnist for the Washington Post, wrote several months ago about some travels he had made around the country. He said, what were the people saying to him as he went around the Nation. He said this:

> It sounds very much like it doesn't work. Government doesn't work. It costs more and becomes more intrusive with each passing year, but hardly anywhere can it be said that it is performing better. The trash cans get bigger, the refuse separation rules more onerous, but the streets and alleys aren't any cleaner. Criminal justice costs keep going up, but the neighborhoods aren't safer. Schools become increasingly expensive, and increasingly ineffective. Government doesn't work.

□ 1745

Those are the words of William Raspberry. These are not the words of any conservative Republicans.

I grew up in a political family, and I have been following governing and politics closely since my early teenage years. I do not believe; in fact, I am certain that I have never seen a time where there has been so much dissatisfaction, disgust, disappointment, disenchantment, frustration, resentment, even anger, toward government, in general, and toward the Federal Government, in particular, as there is today.

As a conservative Republican, I have two reactions to this. First, I am sorry that things have gotten to the point that they have that so many people feel this way. But secondly, I also must tell you that in a way, I believe this is a good sign for our future. If government can solve all of our problems, the Soviet Union would have been heaven on Earth. Instead, every place where the people have allowed the government or their governments to get too big, they have ended up suffering and living under horrible conditions.

So perhaps it is a good sign that so many people in such a clear, strong majority no longer believe in big government or no longer believe that government can solve all of our problems.

Why are people so angry toward government today? Well, I believe it is because the Federal Government has become one that is of, by and for the bureaucrats instead of one that is of, by and for the people. Too often today our public service has become public high living, high salaries, high pensions, plush offices, short hours. Most importantly, and perhaps worst of all, unaccountability for huge and very costly mistakes. Our servants have become our rulers. The people are really fed up today. They are disgusted with the waste, the lavish spending, the arrogance.

Paul Greg Roberts, another nationally syndicated columnist, wrote this recently. He said:

> Six months after the inauguration of the new Republican Congress, it has become apparent that the most important issues facing the country are not economic. Without a doubt, high taxes, profligate government spending and welfare dependency are problems sorely in need of the attention focused on them. But the real question is whether Congress can reclaim the law from unelected bureaucrats and judges.

He also said this:

> In the 20th century, there has been a coup against self-rule by bureaucrats and judges. Federal bureaucrats have usurped statutory law with regulations that lack legislative basis.

I think these words of Paul Greg Roberts are right. He went on in this column to say:

> In the coming months we will discover whether the Republican Congress can do something that the Democratic Congress failed to do for 40 years: Hold government accountable to the people. This, not the size of the Federal budget, is the ultimate test of whether it matters which party controls Congress.

He said:

> The problem in America is not that the budget is out of control, but that the government is.

There are so many examples that I could give of the fact that the government has come under the control of bureaucrats. One of the best came up recently in regard to the National Reconnaissance Office. It came out last year that they had spent $310 million building a new building that nobody knew about, a 1 million square foot building, $310 a square foot.

I would simply say this. It is time that we give the government of this country back to the people of this country and remind the Federal bureaucracy that they are working for us, and not us for them.

IT IS TIME TO REPEAL THE DAVIS-BACON ACT

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I appreciate the opportunity to address the House this evening.

Earlier today the Education and Economic Opportunity Committee did something that the General Accounting Office suggested we do in 1979: We began the process for eliminating the Davis-Bacon Act. Davis-Bacon is not right for America in the 1990's. It might have served a role in 1931 when it was originally formatted, but today, it is an outdated law. It has to be changed.

What Davis-Bacon requires is that workers on Federal construction projects be paid a wage at or above the level determined by the Department of Labor to be the prevailing wage in the area. Since 1937, the prevailing wage provision has been extended by many statutes to involve construction, financed in whole or in part by the Federal Government.

In 1979, the General Accounting Office recommended the repeal of the Davis-Bacon Act. They stated that it appeared to be impractical to administer. Davis-Bacon is impractical to administer due to the magnitude of the task of producing an estimated 12,400 accurately and timely generated prevailing wage determinations.

Mr. Speaker, what we have here is the Department of Labor trying to determine prevailing wages in specific job categories around the county for every country. It does not make any sense in 1995. Prevailing wages can be determined very effectively through the competitive bidding process.

I would like to yield to my colleague from Michigan [Mr. SMITH] to just give us an example of what happens when the Department of Labor tries to determine prevailing wages throughout the country.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to give a quote from George Will. He says:

> Although there is stiff competition for the title, 'Dumbest Thing the Government is Doing,' a leading candidate is the government's refusal to repeal the Davis-Bacon Act.

Mr. Speaker, guess who said this? Milton Friedman:

> Davis-Bacon is not outdated; it never made sense. From the outset, it was special interest legislation designed to have the taxpayers provide a subsidy in concealed form to members of the construction unions and to the union leaders. It never should have been enacted, and it should be repealed.

Mr. HOEKSTRA. Mr. Speaker, let me also just inform some of my colleagues of what is happening. In the State of Oklahoma, two wage analysts have been responsible for handling the data submitted to and generated by the Department of Labor for the 11-state region that includes Oklahoma. What has happened in Oklahoma?

In mid August the U.S. Department of Labor faxed copies of 49 WD10s. This is the form that various people voluntarily submit to the Federal government. It was indicated that several of the projects were entirely bogus and virtually all of the submitted forms contained grossly inflated or otherwise inaccurate information. The end result: Taxpayers end up paying more for construction than they otherwise would have to.

Among the bogus WD10 forms is a form indicating the use of seven asphalt lay-down machines and seven roller finishers for an Internal Revenue Service building in downtown Oklahoma City. In reality, the parking lot is very small, fewer than 30 total spaces, and is made of concrete, not asphalt. A bogus form intended solely to drive up the rates on the prevailing wage scale.

Specifically in the case of the asphalt lay-down machine operators, the bogus wage and fringe benefits were 44 percent higher than the union collective bargaining agreement and 30 percent higher than the prevailing wage rate in existence at that time. A clearly fraudulent attempt to take money from the American taxpayers.

At best, in 1995, the Davis-Bacon wage rates reflect a 7-year-old reality. The average prevailing wage study is 7 years old. At worst, they reflect a fraudulently manipulated wage well above market rates.

We do not need to reform Davis-Bacon. It cannot be reformed. It cannot be fixed. It does not make sense in 1995. It did not make sense in 1931. Mr. Speaker, I yield to my colleague from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, for example, electricians in Philadelphia average $15.76 per hour on private contracts, but the prevailing wage for them is $37.97. There are many similar examples, as you point out.

Mr. HOEKSTRA. Mr. Speaker, we need only use the same wage determiner as used in the Private sector, which is supply and demand. Only the market can accurately set wages that reflect reality.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

[Mr. POMEROY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

[Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONGRESS NEEDS MORE HEARINGS ON MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BARCIA] is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, the debate on Medicare has spiraled out of control. To cut $270 billion from this senior program, without proper debate and substantial information, will only hurt the future of the program.

Medicare is one of most critical issues that Congress will consider this year. It only makes sense to hold hearings, and discuss changes with not only Members but also with seniors who will be greatly impacted by these changes. It is unthinkable that senior's access to health care will be reduced or eliminated without allowing them a chance to voice their opinions.

I continue to hear from hundreds of seniors in my district, urging me to protect their benefits. They are worried their small monthly incomes will not allow them to pay higher fees for Medicare. I have even heard from older Americans who are not yet eligible for Medicare. They are telling me that health care must be changed in this country but that the budget must not be balanced on the backs of the elderly. If we increase the monthly premiums of Medicare, then we must also be prepared to address the issue of seniors who cannot pay these premiums and how elderly Americans will have access to health care. I am afraid too many will have to go without.

I have also heard from hospitals in my district, many of them in rural areas. Most of the revenue for these hospitals comes from Medicare patients. These hospitals are already struggling with soaring costs and to lose them would be devastating to the rural communities in my State. If Medicare reimbursements are cut even further they will have no other choice but to simply go out of business.

I feel Congress must make efforts to save Medicare by strengthening and improving the system, not destroying it. For many seniors, Medicare has not only improved the quality of their lives, but for many it has extended their life. With 99 percent of Americans over 65 currently having access to health care, Congress must not forget

the extraordinary success and impact this program has had on our country.

Any changes that are made hastily will be devastating to the program and to the seniors that depend on Medicare. Although this program is in need of reform, it must not be done without debate and discussion and it must not be done by taking away health care from seniors who depend on it for their survival.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

[Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

[Mr. GENE GREEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMITTEE ON AGRICULTURE MUST BE ALLOWED TO PERFORM ITS WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, yesterday a very alarming happening occurred in the House Agriculture Committee. For the first time in recollection, the leadership of this House took away the prerogative of the Agriculture Committee for doing its work, in this case on a reconciliation bill. It was not that the Agriculture Committee was not trying to do its work, and I take great exception to a statement that was made by the chairman that says, ''This situation, which has caused the differences of opinion, has been made more difficult because our Democratic colleagues have opted for a destructive role in the process.'' I do not see how anyone could make that statement with a clear conscience.

Mr. Speaker, we had a Democratic alternative, we have a Democratic alternative, and we will fight for that alternative, and that alternative for the budget reconciliation process says that basically we think $400 billion in cuts from Medicare and Medicaid are excessive, that the additional cuts in education being proposed are excessive, and that the $13.4 billion in cuts from agricultural programs are excessive when they are used for purposes of granting a tax cut. We will show on this floor that there is an alternative and we hope that there will be 21 votes for that alternative.

However, yesterday the leadership of this body decided that unless the Agriculture Committee reports a politically correct solution, we do not want to see it. That is disturbing.

□ 1800

No witnesses have ever been called on the Freedom to Farm Act. I am the ranking member of the Subcommittee on General Farm Commodities. I was never informed that there were ever considered to be hearings on the Freedom to Farm Act. The only time we heard about it is when it came from the leadership of this body in suggesting that that is the way we ought to go to the reconciliation committee.

We have a Democratic alternative. It was voted on in the Ag Committee and it was voted down predictably because we do not have the votes and I understand that. But I think it stretches the point when we say when there were 2 Republicans who offered an alternative and some of us who even disagreed with the 13.4, the majority of Democrats voted for a bipartisan substitute, but we were unable to get votes from the Republicans for that. It stretches the imagination and it stretches the truth when we read and we hear what is going on.

It bothers me greatly when the leadership of this House suggests to the Committee on Agriculture that unless you do our will, our bidding, we may even consider eliminating the Committee on Agriculture, and put it in writing.

Now, I do not know what is going on, but as a Member of this body who has traditionally participated in bipartisan action, who shares the frustration of the American people that we are constantly fighting Democrats and Republicans, I do not know what is happening in this body now when the hand of bipartisanship is not being offered, in fact it is being cut off regularly.

When we look at what happened yesterday in the Committee on Agriculture, it is a very disturbing trend. I hope that as we proceed now to the budget reconciliation that the general public will begin to understand there are alternatives out there, there are ways to balance the budget by the year 2002, and it does not require gutting rural America, health care, it does not require an absolute total change in philosophy of farm programs.

Let us never forget for a moment, are we not all blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply at the lowest cost of any other country in the world, warts and all? All of the criticism we are hearing from the editorial boards that agree with the Freedom to Farm Act because they want to eliminate farm policy, should we the American people not stop for just a moment and say, maybe just maybe American agriculture is doing a few things right? And not have to follow blindly a philosophical leadership of this House that does not have a clue about farm policy and agriculture but has a great philosophical belief that somehow, someway by eliminating farm programs we are going to do better?

It is not a budget question, it is a philosophical question. The sooner we start debating these things on this floor and in the Committee on Agriculture and not getting mad and taking our bat and going home, the sooner we will get on with the kind of policies required for this country to see that we continue to have this abundant food supply.

REPUBLICANS PROPOSE CUT IN MEDICARE PLAN

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, the general public is outraged at the Republicans' scheme to destroy Medicare, especially since it is common knowledge that the Republican proposal is cutting $270 billion from Medicare just to give wealthy persons a tax cut.

The new and fresh Republicans are supposed to represent the people, not the Republican Party. Several recent polls indicate that the American public is highly skeptical of Republican efforts to cut Medicare.

Let us listen to what the American people are saying as set out by a series of independent polls that have recently been taken. Seventy-one percent of Americans have very little or no trust at all in House Republicans to handle the Medicare financing problems. This was a poll taken by the Associated Press.

Sixty-eight percent of Americans place no trust in the Republicans on the issue of Medicare. This is by a Time/CNN poll.

Fifty-three percent of Americans oppose the Republican plan to offer vouchers to seniors as a way of reducing costs. This is an NBC/Wall Street Journal poll.

Only 19 percent of Americans offered support for a Republican plan to make large cuts in Medicare. Yes, this is by Time/CNN. CNN, right in the heart of the South.

Seventy-five percent of Americans oppose cutting Medicare to pay for tax breaks. Once again, NBC/Wall Street Journal.

Finally, Mr. Speaker, 76 percent of Americans believe it is more important to maintain Medicare as it is than reducing the budget deficit. That needs to be repeated; 76 percent. That is from CBS.

All of these polls are independent in nature. None of them have anything to do with the Republican or with the Democratic Party.

Mr. Speaker, the message is clear. The message from our fellow Americans is also clear. Americans throughout this country insist that the current Medicare plan that is in place be preserved as is. This is a message to each one of us as a Member of this body, disregarding party.

MEDICARE ALTERNATIVE HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, all Americans should be concerned about the proposed massive cuts in the Medicare Program—not simply because they may affect current and future benefits under the program, but they will affect health care cost for all of us.

A large percentage of the $270 billion reduction comes from cuts in payments to health care providers. All employers should be especially concerned about such massive reductions, because ultimately they will have to pay for them.

The problem is that the same number of people will get sick and require the same amount of care, regardless of how their care is paid for. Paying providers less for that care under the Medicare Program does nothing about costs other than to pass them on to Medicare beneficiaries and other paying patients. There is a big difference between controlling costs and simply not paying the bills.

Last year, we learned from our efforts to reform the health care delivery system in this country that it is like a balloon—if you squeeze it in one place, it pops out in another. Likewise when health care providers give care to patients who cannot or do not pay the full cost, those providers shift the cost of that care to patients who pay the going rate by charging them more to make up for the uncompensated care. We will see those higher costs in our insurance premiums and in higher copays, deductibles, and prices for medical procedures.

Higher health care costs will also mean more costly care as people avoid addressing minor problems to save money and those problems become emergencies or require acute care. Thus, we will all pay more and get less if the proposed Republican plan goes into effect.

Of course, there is one group who is not worried about the cost-shifting and the higher medical costs. That group is the upper 20 percent of high income taxpayers who will receive 80 percent of the $250 billion dollar tax cut funded by the Republican plan to reduce Medicare.

While we all agree that we need a long-term fix of the Medicare financing plan, we do not have to put those dependent upon Medicare in jeopardy to do so, especially if the reason is to pay for a tax cut to benefit mostly wealthy individuals. We have made adjustments in the program before to keep it viable; we can do that now for a lot less than $270 billion if we do not have to make room in the budget for a $250 billion tax cut.

The real solution to the Medicare financing issue is to fix it in the context of universal health care. Neither Medicare nor any other part of the health delivery system can be permanently fixed on a stand-alone basis. That is why hearings are needed to hear from experts, not just politicians, on what is needed and how long it will take to fix the program in a fiscally sound manner that does not impose unnecessary hardships on beneficiaries.

The current approach to fixing Medicare is a cure worse than the disease. Taking $270 billion from beneficiaries to justify a $250 billion tax cut to mostly benefit wealthy individuals is certainly not the way to do it.

WHY CUT $270 BILLION FROM MEDICARE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, we have heard quite a bit of debate in recent weeks over Medicare and then $270 billion cut that we are proposing to make in Medicare.

Of course every time I begin discussion of this with various people, I am asked time and time again to give the difference in what we are talking about as we talk about part A and part B.

I want to take just a moment, Mr. Speaker, to talk about those two separate parts, to explain the difference so that people out there listening will get an idea of what we are talking about, because it is very important for them to understand that all of this debate that we are undertaking here sometimes has very little to do with what really ails them.

Medicare has two separate parts, Medicare part A and Medicare part B. Medicare part A is the Medicare hospital insurance program which mostly covers inpatient hospital stays. Medicare part A is financed through the Medicare trust fund. Like Social Security, employers and workers pay into the Medicare trust fund while an individual is working through a dedicated payroll tax, a 1.45-percent tax paid by employers and a 1.45-percent tax paid by workers.

Medicare part B is the Medicare medical insurance program which covers such other medical services as doctor services, hospital outpatient services, clinical, laboratories, and durable medical equipment. Medicare part B is financed in a completely different way than Medicare part A. Medicare part B is financed through a combination of premiums paid by Medicare beneficiaries and general revenue.

As we listen to all this debate about insolvency, the American public must understand that it is only the Medicare part A trust fund that faces an insolvency problem in the year 2002. However, we recently heard from the administrator of this program that the insolvency problem could be solved with a modification or a correction or a reform, if you would like to call it that, of $89 billion. That would keep this program solvent through the year 2002.

We must then ask the question, if the administrator says that that is all that is required, why then are we pushing $270 billion in modifications to this program?

I say, Mr. Speaker, that we are doing that simply to cover the cost of this $240 billion tax cut that we are proposing to give to those who do not need it. In fact, the bulk of that tax cut will go to people who make over $100,000 a year, most of whom that I talk to as I visit my district tell me they are not asking for a tax cut, they do not need a tax cut, and they do not want a tax cut.

So, then, why are we doing it?

There are two things being lost in all of this. One, of course, is Medicaid, a $182 billion cut in Medicaid, programs for the poor.

□ 1815

What is going to happen when we undertake that cut? Well, it means that a lot of people who today find themselves using services like stays-in-homes are going to find themselves without the ability to do that, and that means that many young couples, young families, are going to find themselves hard-pressed to take care of the elderly when the Government gets out of that business.

Mr. Speaker, I appreciate this time offered me, and I want to say that I hope, as we go forward with this debate, that we will continue to educate the American people as to the difference between part A and part B.

THE FIGHT FOR A FAIR DEAL FOR FARM PRODUCERS

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from Georgia [Mr. BISHOP] is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, when jurisdiction over farm commodity programs is transferred from the Agriculture Committee to the Budget and Rules Committees, it is an unprecedented attempt by the Republican leadership in this body to stifle the influence of Members who represent the interests of our farmers.

It is an abuse of power.

It is a slap in the face of America's farmers.

It should outrage everyone who is concerned about the future of rural communities.

There is one thing you can say about this development: It may be an abuse of power, and it is bipartisan abuse. It not only seeks to shut out the voice of

Democrats on the Agriculture Committee, like myself, it shuts out the voices of Republican Members who also oppose radical changes that would effectively destroy critically needed commodity programs.

Reforms are needed. We need to cut the costs of these programs. We need to make them more market oriented. Farmers understand this.

The area of Georgia I represent grows more peanuts than any place in the world. My colleague from the neighboring Eighth District and I have introduced a new peanut program that eliminates Government costs. It represents dramatic change. But, evidently, this is not enough. The majority leadership will evidently not be satisfied until commodity programs that give our farmers a more level playing field in the world marketplace are destroyed.

Members of the Agriculture committee represent agricultural areas. They have special expertise in the needs of farmers and agribusiness. Just like other committees dealing with other areas of the economy, they have always had a key role to play in shaping farm policy.

That role is now under attack.

Mr. Speaker, we will not be silenced.

Members who represent farm-belt areas will continue the fight for a fair deal for the country's farm producers.

THE FREEDOM TO FARM ACT

The SPEAKER pro tempo. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, several issues have come up, but I would like to start out with agriculture, what the Federal farm policy should be in this country and the advantages and disadvantages to the farmer and the consumer.

Since the early 1930's, we decided that by controlling production we could guarantee a stable supply of food in this country. However, what has happened in the last 30 years is the consumer interests, the White House, the consumer interests in Congress have started dictating farm program policy, and what has happened is we have driven more and more of the small family farmers out of agriculture. Here is how farm programs have worked: We tell the farmers if they will grow a certain amount of crop and slightly have a policy that encourages overproduction, we will give those farmers subsidy payments. So what we have done, in effect, is encourage slight overproduction, keeping the prices down, which has been good for agriculture in this country because it has become lean and mean.

But in the process, we have disadvantaged the small family farmer in the United States. That is why, and I as a farmer from Michigan, I am now suggesting that we move to the market economy to give the rewards to the producers of this Nation so that the farmers and ranchers can make their own farm management decisions based on their best interpretation and understanding of what the market is demanding for those special crops.

By doing these, many of the economists that have been advising us on freedom to farm have said that farmers will end up better off as we make this transition to the marketplace.

Make sure, it is a difficult transition, that we have enticed farmers to become more and more dependent on farm subsidies during the last 40 years. So their cash flow, in many cases, depends on it.

What we have got to do as we make this transition to a market economy, and that is what the Freedom to Market Act does, is make the kind of transition that is going to keep American agriculture the strongest in the world.

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

Mr. SMITH of Michigan. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, now let me ask the gentleman about this freedom to farm bill because as I understand from a previous speaker tonight, that did not pass committee. Is it dead? Are you going to try to move it out of the Committee on Agriculture a second time? What is the status of that?

Mr. SMITH of Michigan. That now becomes, because of the failure for that committee to enact legislation consistent with the budget resolution, a new proposal will be offered by the chairman of the Committee on the Budget that achieves the same kind of budget reductions.

Let me tell you what has happened in the U.S. Congress, as I observe it, and that is Members traditionally members of the Committee on Economic and Educational Opportunities that wanted to spend more money on education, say, ''I want to be on the Education Committee.'' Members that want more roads in their districts want to be on the Committee on Transportation and Infrastructure. We have got Members on the Committee on Agriculture that would like more money for their farmers.

If we are going to phase out agriculture in a smart way and not make that farmer continuously dependent on the Federal Government and, hopefully, end up with a larger income for that farmer, then we have got to move to a market economy.

Mr. KINGSTON. Well, I think that the gentleman is walking on the very delicate balance, as you said, between farm programs that work and moving toward an economy that is more free-market oriented, and I know that is a tough road for you.

I have some provincial concerns; cotton, peanut, and so forth, but I do think what is important is that our farmers are involved in this process and stay involved in this process as things start changing, because I know the peanut farmers have come a long way in their work and the cotton folks are trying to work for something that is a suitable solution.

There are some concerns I have on the sugar program. As you know, America is a net importer of sugar, and even though the taxpayers are not paying the difference, the world cost of sugar is about 11 cents a ton, but the domestic price is 24 cents a ton. We have an 18-cent-per-ton price support.

Mr. SMITH of Michigan. Reclaiming my time, I think we are on the same track. The question is how do we achieve the same result in making the transition for farm programs. We have got to do it smartly, simply, because other countries are subsidizing so heavily.

ISSUES CONCERNING A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 50 minutes as designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, tonight we wanted to talk about a number of issues that stand between this Congress, the American taxpayers, and a balanced budget. There is a smorgasbord of issues, of course, that fall in that category. We are going to be touching base on the Davis-Bacon Act and some of the student loan programs, this so-called Istook amendment, and Medicare reform.

I have with me, of course, the gentleman from Pennsylvania [Mr. FOX]. and always on special orders sharing his wisdom with us, the gentleman from Michigan [Mr. SMITH], who has just given us a description of where we are in the ag program.

Let me ask you gentlemen, and I say to the gentleman from Pennsylvania [Mr. FOX] I am going to start with the gentleman from Michigan [Mr. SMITH] because he and I were freshmen together. We came here in 1992, along with a new President of the United States, trying to balance the budget and do everything we can. We did not, in the 103d Congress, get very far in that effort.

How do you think we have done so far? Do not pat yourself on the back. People are tired of that.

Mr. SMITH of Michigan. The House has done very well. Now we need to finalize our ambitions, get these bills enacted into law. You know, it should be frightening to everybody in this country, how big this Government has gown to be.

After World War II, in 1947, we were spending 12 percent of our gross domestic product to run the budget of the United States. That is what we spent as a percentage of gross domestic product, 12 percent. Today we are almost twice that.

Every day the United States writes out over 3,200,000 checks. Can you

imagine a government, in talking to Secretary Rubin, Treasury is not even sure of all of the points that they make these electronic transfers, these payments, these checks? But the estimate is someplace around 12,000 different locations.

Mr. KINGSTON. Let me give you a statistic. The reason why I wanted to mention this is because I want to contrast the 103d Congress to the 104th Congress that the gentleman from Pennsylvania [Mr. FOX] is a Member of.

In the 103d Congress, before the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Texas [Mr. ARMEY] started running this House, 95.7 percent of all witnesses at the congressional hearings advocated more spending. Only 0.7 percent were for less spending, and that is a statistic from the National Center for Public Policy Research.

So now, I say to the gentleman from Pennsylvania [Mr. FOX], you were not in that environment 2 years ago. Do you think we are moving toward balancing the budget?

Mr. FOX of Pennsylvania. I think we absolutely are, thanks to your efforts and that of the gentleman from Michigan [Mr. SMITH]. I think the fact is the 104th Congress, fired up by 86 new freshmen, 73 Republican, 13 Democrat, I think it is pretty evident that we have an accountability issue out here where the people are saying, OK, you say you are going to make Congress more accountable, you say you are going to hold the line on taxes and spending, let us see if you can do it, and if you can, you may come back, if you do not, then maybe you are just like past Congresses that said one thing and did another.

If I could just add to that point, I think we have certainly set the tone by passing the balanced budget amendment, line item veto, unfounded mandates, regulatory reform, deficit lockbox reduction where we are going to have the savings go into taxpayers having to pay less interest on the national debt, those kinds of programs which the people of the United States want, Mr. Speaker, which are, in fact, what they have gotten. So I think that we are on our road to putting our fiscal house in order just like State governments do, just like county governments and school boards, but the Federal Government when we have had a tax increase in the past and spend more and more, just put it in the deficit.

Mr. KINGSTON. Let me ask, the folks in Michigan and Pennsylvania, are they saying we are going too far too fast, or all we are doing is passing bills out of the House, they are not doing it in the Senate, we are dead in the water, it is just rhetoric, there is no difference between Republicans and Democrats?

Mr. SMITH of Michigan. At least in Michigan, they are saying you are not going far enough, you are not going fast enough. You know, we are not doing the traditional tax-and-spend anymore. I mean, the voters of this country have said, ''Look, we are paying over 42 percent of what we earn in taxes. Now, that is enough.'' So what Government has done is they have decided that they can go out and borrow the money and expand social programs and expand the size of this bureaucracy by borrowing more and more money. The interest just of servicing the Federal debt, the interest on the debt subject to limit this year was over $330 billion, almost 22 percent of our budget just for servicing the debt, and so the borrowing has got to be stopped. We have got to bring down the size of this Government if we want individuals to to have the freedom and independence that the founders of our Constitution designed.

Mr. KINGSTON. So what the people in Michigan are saying is keep going and do not chicken out. What are they saying in Pennsylvania?

Mr. FOX of Pennsylvania. In Pennsylvania, they are very happy about the fact we are holding the line on wasteful spending. They want to make sure, however, the direct services that can be handled by the Federal Government should be handled by the Federal Government, are done so in a meaningful manner. By this I mean we are looking at the whole budget this year in the right way. If it should be the private sector that should be doing what the Federal Government is not doing, give it to the private sector. If it should be done by the Federal Government, what is the government closest to the people doing the best job? It may be local government, it may be county government. The government of last resort that should be working on a program is probably the Federal Government. You have already seen we have recommended in the House the WIC program, the food nutrition programs, while we made sure there is a 4.5 percent increase in those important programs for our children, we have also said we are going to block grant that back to the Governors. We used to spend 15 percent to administer the programs. We told the Governors you can only spend 5 percent. With the extra 10 percent, you have to feed more kids, more meals. That is meaningful reform. We are getting more direct services to the people, but less waste.

□ 1830

And that brings up one more point, if I can, Congressman KINGSTON and Congressman SMITH.

Mr. KINGSTON. You bet it gets the point, and now the gentleman from Arizona [Mr. HAYWORTH]——

Mr. FOX of Pennsylvania. OK.

Mr. KINGSTON. Will not get a chance.

Mr. FOX of Pennsylvania. OK, the other point is this:

On Medicare reform and things like that the people want to be involved in the dialog, and I think that is what is important, what I did this summer and what I think plenty of other Congressmen have done, and that is to talk about the problem.

You know Medicare has run out of money. Seven years, there is no Medicare, so we have got to do something about it whether it is taking out the fraud, abuse, and waste, which I think is a large part of it, $30 billion a year is wasted just in fraud and abuse in our Medicare Program.

So what we have done is, I think, responsible Republican Congressmen, working with our allies and friends on the other side of the aisle, is we now have legislation which is going to hasten the prosecution, investigation, and the eventual sentencing of people who are involved in this kind of fraud. People want the services. They do not want the fraud; they do not want the waste. They want to make sure the Government is efficient and doing its job.

Mr. SMITH of Michigan. Mr. KINGSTON, are they saying more or less spending in your area?

Mr. KINGSTON. Well, in Georgia it appears the people are saying we need to be convinced here that you are serious. We want programs that eliminate, and consolidate, and end the duplication and inefficiency. We do want things back at local and State levels as much as possible.

We have with us the gentleman from Arizona [Mr. HAYWORTH], who played college football for the Wolfpack in North Carolina, then tried to go on to the pros, and those coaches recognized what the college level should have recognized, is that he could not play football after all, and so now he——

Mr. HAYWORTH. Will the gentleman yield?

Mr. KINGSTON. To being a sportcaster, to being a politician, and I hesitate to yield the floor to him. I am going to put on a stopwatch on him, whatever you guys say; so tell us what are the people saying in Arizona. Do they want a budget cut or not?

Mr. HAYWORTH. Well, first, for purposes of rhetorical self-defense, and also to make sure the pages of the CONGRESSIONAL RECORD have some ring of truth, I am compelled to note for the RECORD that though I was recruited as right tackle at North Carolina State, I soon discovered myself left out. So, that is the first tale about football.

But it is interesting to hear what you folks have seen in Georgia, and Michigan, and in Pennsylvania, and indeed I beg your indulgence for arriving a bit late, but we had the inaugural meeting of the——

Mr. KINGSTON. Are you through with the introduction, or are you going to tell us——

Mr. HAYWORTH. Well, this is something very important because you asked me what on the minds of the people of the State of Arizona, and I can tell you that although Arizona is the youngest of the 48 contiguous States, Arizonans are very concerned about what transpires here in Washington, indeed what is the proper role of the

Federal Government, and, when you get right down to it, this date in history, September 28, 1787, the Congress of the Confederation resolved to submit the Constitution to the respective States for the ratification which gives us this system of government which we use now, and there is a legitimate public debate as to what is the proper role of the Federal Government, and so what we are doing now in this new Congress, what some would call a revolution, is we are sitting down and examining what is transpiring, not as detractors would say, to turn the clock back, but to say what is the reasonable role of the Federal Government.

So what I am hearing from seniors, from young married folks, from those who are new to the process, is this notion: Let us rethink the proper role of the Federal Government, and, as my friend from Pennsylvania spoke a moment ago, let us look for the practical role of the Federal Government as we approach the next century.

With reference to Medicare, one of the basic notions in this Nation is one of choice, economically, to have a variety of different options, and, as the gentleman from Georgia [Mr. KINGSTON] knows because another Congressman who ofttimes sits in the Speaker's chair here, this Medicare task force I think summed it up quite well. What we have with Medicare in its current state is basically 1964 Blue Cross codified into law. The question becomes, Do we maintain that? Or we should maintain that for those folks satisfied with the 1964 health insurance policy, but should we also offer the seniors innovative plans that maximize choice and give them the chance to have a greater role in health care?

Mr. KINGSTON. Well, now let me ask you this because I hear so much on Medicare: Is it not true that seniors will still be able to keep traditional Medicare if they want to, and I know the gentleman from Michigan has done some work on this?

Mr. SMITH of Michigan. Well, there is no question that the design of the program is to preserve Medicare for not only the estimated 36 million people that now use Medicare, but also for future generations, and so the No. 1 decision of the Republican conference is anybody that wants to stay in this current program as it is designed has the option to do that, and from there we expand to what is called Medicare Plus, giving seniors greater options. We have got to end up with seniors being better health care shoppers, and to do that we are suggesting that seniors should be allowed to keep some of the savings that they can derive for not only the Federal Government, but for themselves as they do a good job shopping for health care——

Mr. KINGSTON. Well, let me now ask Mr. FOX.

I used to sell commercial insurance, not health insurance, but commercial insurance, not health insurance, but commercial insurance; very confusing, intangible product. Will my parents, and will I when I turn 65, be confused by all of this?

Mr. FOX of Pennsylvania. I do not think so. If we have done our job correctly——

Mr. KINGSTON. Is it going to be simplified?

Mr. FOX of Pennsylvania. I think it is our job to make sure it is simplified along with the Federal agencies involved, would be Health and Human Services. The fact is that the gentleman from Arizona [Mr. HAYWORTH] was talking about, and the gentleman from Michigan [Mr. SMITH], is at least three options. If you want to still continue to getting the fee for services, that will be there. If you want to get managed care, which might include other options, might include other items such as getting pharmaceuticals, dentures, or hearing aids, or any other items that might be included in a managed-care proposal, that would work. And also the medical savings account, and there you would get $4,800 a year, but you could use it for whatever purposes you want. The money you would not spend you could keep or roll it over until your next year's medical savings account. Then that next year will be more money because under the proposal we have before the Congress every subscriber now will get $4,800. By the year 2002 it will be $6,700. So it is going to go up 47 percent, and I do not think that much has gotten out well.

Mr. KINGSTON. Well, let me ask the gentleman from Arizona. This medisave account, I am going to get to keep the leftover money in the account. Is that what I am hearing?

Mr. HAYWORTH. That money is yours if you choose a medical savings account, and the notion is this. And I think we have to be very particular to restate, and restate and amplify, what is going on here. The gentleman from Pennsylvania [Mr. FOX] touched on something that cannot be repeated enough.

For those in this policy debate who talk about a cut for seniors, the most charitable thing I can say to those who speak of a cut is that they are not very good students of mathematics because the average spending per beneficiary will increase from $4,800 this year to $6,700 in the year 2002. I defy anyone to show me how that is a cut. It is an increase, but yet we have seen very interesting formulations and numbers that have emanated from here in Washington, DC.

Mr. KINGSTON. Well, now I have heard this. Are we going to decrease deductibles, increasing copay? We are not; is that correct?

Mr. HAYWORTH. That is very true. We are going to keep the program intact, but the idea is we are going to move toward a better Medicare that offers policy choices like the medical savings account, like managed care through HMO's, and again, as the gentleman from Michigan mentioned so eloquently, if a senior has this program, Medicare as it exists today, and wants to keep that program, that that senior need do nothing. It will remain the same for that senior.

Mr. KINGSTON. Well, now the gentleman from Michigan [Mr. SMITH] is on the Committee on the Budget. Why are we doing this at all? I hear some folks in the Congress and Government in Washington saying this is unnecessary to even do anything.

Mr. SMITH of Michigan. Well, you know, it is only partisan for those individuals that think they have a target to shoot down something, to criticize rather than being constructive to help develop the best solutions to save, preserve, and keep Medicare available to the current recipients and the future recipients, so, as far as a budget consideration, the trustees of Medicare came to the Committee on the Budget, and they said Medicare is going to be going broke. We are going to take in less money than is needed for payout starting next year. Something has to be done.

Mr. KINGSTON. One second. Were those Republican trustees?

Mr. SMITH of Michigan. No. Thank you, Mr. KINGSTON, no. These were the trustees actually, were three of the Cabinet Members that the President appointed.

You know, the President has even said as we look at the Medicare B provisions, he—this is—what he expects recipients to pay for their share of the premium ends up to be $7 less than what the Republican proposal is, so we have $7-a-month difference in the President's proposal and the Republican proposal. Everybody that is honest about this knows that we have got to do a better job, and I do not want to talk too long here with these good ideas, but look what the private sector has done, look what the private sector has done in terms of lowering their medical health care costs. We have actually had negative cost increases in the private sector while we have had 11 percent in the public sector.

Mr. KINGSTON. Mr. FOX, I could tell what is your interest on——

Mr. FOX of Pennsylvania. Well, Congressman KINGSTON and Congressman SMITH, also Congressman HAYWORTH, I think it is very important to understand. You pointed out the President had a proposal, and you have heard a Republican proposal, but there has been nothing from the Democratic House in the way of a proposal, and it is not responsible, I would submit, for us to debate the issue of how we are going to save Medicare unless we have a proposal from more than one side of the aisle, and frankly American people expect that, if we are going to come to a resolution, every good idea from Congressman HAYWORTH's district, Congressman SMITH's district, Congressman KINGSTON's district; we want to

hear those ideas. That is how this Congress can do a better job, and I have invited my senior citizens and others interested in health care to come forward with those good ideas, and——

Mr. KINGSTON. Well, I do think it is also important to point out that there are—there is bipartisan support on it. Now there is some partisan criticism, but we do have a lot of bipartisan support saying, Don't let this thing go broke in 6 years. Let's roll up our sleeves and work together for what is fair, and what is simple, and what is best to protect and preserve the system.

Mr. SMITH of Michigan. Can I just say that I understand from the Committee on Rules that, if the Democrats do propose a plan that meets the budget guidelines, that will be made in order for debate.

Mr. HAYWORTH. And if the gentleman would yield, I think it is important to note again for purposes of full disclosure, and again to bring some element of bipartisanship to this debate. Now I understand that Members of the new minority are taking their own fledgling steps toward coming up with a plan, and I welcome what in essence, according to one newspaper account, amounts to a, quote unquote, deathbed conversion after months of railing and ranting when we were willing to abandon politics as usual and say no. It is always better for a professional politician to try and explain away problems. No, we rather not confront this, the fact that we have come from different walks of life to serve here as citizen legislators and say to the American public this is an issue too important to play politics as usual, and so I think even though we had months and months of reticence, to put it diplomatically, from our friends from the new minority, now even they are understanding that the American people are not going to be satisfied with people sitting on the sidelines moaning, complaining, about very serious policy questions.

So to their credit in fairness I am glad to see that many Members of the minority now say that they want to come up with a plan. However, it is important to remember this. Is it a fledgling step for political appearances that amounts to putting a Band-Aid across a very serious wound?

The fact is we have to take on this problem and solve it, and it is not time for a Band-Aid solution to get us through 2 years to an election. No, when we take the oath of office here, we are here to act first as legislators, not ignoring the political dimension, but to act.

Mr. KINGSTON. Mr. Speaker, if we had ideas coming from 435 different Members of Congress from States all over the country, the best product would evolve, and that is what we want to happen because what we want the end product to be is not a Republican plan, not a Democrat plan, but an American senior citizens plan so that your mom, and dad, and grandparents, and you, and I, and our children one day can enjoy a system that is safe and secure.

□ 1845

That is what our goal is. One of the big tragedies, when we talk about cuts, is that what we are trying to do is slow down the inflation rate. Medicare inflation last year was 11 percent. Regular health care inflation, as the gentleman from Michigan [Mr. SMITH], pointed out, was actually about 1 percent. What we are trying to do is get Medicare down in the 4 to 6 percent range, and if we can just slow down the growth to that degree, we will be increasing the benefits of the people $4,800 to $6,700, as the gentleman pointed out, and we will have more options for our seniors.

Mr. FOX of Pennsylvania. If the gentleman will continue to yield, the point is that we have been leading. I am glad that the gentleman pointed out that it is now bipartisan, but it was also a bipartisan Republican leadership that led the fight to make sure the 1993 unfair Social Security tax was repealed by the House, and it also was a Republican-led House this year that made sure we allowed seniors who made up to $11,280, without having a bite out of their Social Security, can now, if this law gets approved by the Senate, make up to $30,000 without having a bite come out of Social Security.

So we are the same Republican-led House that is going to make sure that Medicare is strengthened, preserved, and protected, so not only will senior citizens who are living today, but those generations that will follow will also have a quality health care program as seniors that will be second to none in this country.

Mr. HAYWORTH. If the gentleman will continue to yield, I believe there is one other important distinction we need to bring up that has been bandied about in the realm of political theater. Perhaps the gentleman touched on this previously, before my arrival, but again I do not believe we can repeat this too often.

Mr. KINGSTON. J.D., even if you were sitting here when we said it, you would repeat it if you wanted to.

We will not try to stop you.

Mr. HAYWORTH. In the interest of full disclosure, I certainly will allow my friend the gentleman from Georgia's evaluation to remain a part of the RECORD.

Let me make this point. You have heard a lot of talk about these plans paying for some tax cut. It is important to note this, Mr. Speaker, and I am sure my friend, the gentleman from Michigan, who worked long and hard as part of the Committee on the Budget, will attest to this fact: The historic tax cuts that benefit every American, not just a select few, were paid for, if you will, through the hard work of the Committee on the Budget long before this Medicare debate was enjoined. We did this long before, so there is no ''if'' then to this procedure. There is not a situation where the new majority is trying to fish out of thin air, or certainly not off the backs of America's seniors, to pay for a tax cut. That is just blatant fiction.

Mr. KINGSTON. When the April 3, 1995, trustees' report came out saying that Medicare was going to go bankrupt, it did not say, ''It is going to go bankrupt in 6 years if you pass a tax cut.'' They just said, ''It is going to go bankrupt.'' They are two independent things.

As the gentleman earlier pointed out, the gentleman from Michigan, the average American right now is paying 40.5 percent in taxes. These are middle-class people. Each family has two incomes, you never get to see your spouse any more, your children are all running around going crazy. It is their dollars. We are not giving them back something, we are just not going to confiscate it in the first place.

Mr. SMITH of Michigan. I would hope we can use part of this hour to talk about some of the other crazy things that are happening in the Federal Government, but it seems to me the fact is that there is no dollar savings as we look at revitalizing Medicare in this country. We are going to spend more and more money, as the gentleman from Arizona pointed out. Individual recipients who are receiving $4,800 now will be getting, by the year 2002, $6,700, so actually, we are continuing to spend more and more money.

I would ask the gentleman from Georgia [Mr. KINGSTON], as we talk about maybe some of the other issues in the minutes that we have left, if he would give us a briefing on the status of the Istook amendment.

Mr. KINGSTON. What the Istook amendment is, there are 40,000 different organizations that receive taxpayer funding in the form of grants or direct loans or straight funding. Many of these organizations, and by the way this is to the tune of $39 billion, many of these organizations, most of them, are not even open to public disclosure of their records, saying where the money is going, who is spending it, what kind of salaries the directors are making, and so forth. What the Istook-McIntosh amendment says is that if you receive Federal money, what you have to have is that kind of disclosure.

Also, you cannot use the money for political lobbying. There was one example of an outfit that got 97 percent of its money from the Federal Government, and spent $405,000 in PAC contributions to congressional candidates; absolutely nothing but funding politics with taxpayer moneys. It is totally wrong.

Mr. Speaker, I believe it is one of the things we are doing that will help move us toward a balanced budget and put some common sense in this crazy government system.

Mr. HAYWORTH. If the gentleman will continue to yield——

Mr. KINGSTON. I have never seen the gentleman speechless.

Mr. HAYWORTH. And you shan't during my time here. Although it is very good to listen to my friend, the gentleman from Georgia, outline the parameters of very important legislation which passed this House overwhelmingly, and we look forward to seeing it enacted into law, and I realize quite often this is the function of State government. But when many highway projects were being completed when I was growing up, you would see that famous slogan, ''Your tax dollars at work.''

Mr. Speaker, I think it is just important for the American public, who has seen so much of its income, the American families have seen so much of their income, taken in taxation by this Government, to the point, as my friend, the gentleman from Georgia, pointed out a few moments ago, in 1948 the average family of four paid roughly 3 percent of its income to the Federal Government. By last year, almost one-quarter of the average family of four's income was surrendered to the Federal Government in terms of taxation. I believe the hardworking people of America need to know that oft times political advocacy here on the bank of the Potomac, rather than any charitable or philanthropic endeavor, is where their tax dollars were at work.

Are we here to suffocate or strangle or silence public debate? Of course not; certainly not here in the well of this Congress, where we preserve everyone's right to have a diversity of opinion and to express that opinion.

However, the point is, pure and simple, it is an inappropriate use of tax money for groups to come to this Congress and ask for the largesse which is the money of the American taxpayer, to take that money and go out and be involved in political campaigns, or to take that money and come back here to lobby in the halls of the Congress for yet more and more money.

Mr. KINGSTON. I served in the State legislature before I was elected to Congress and served here one term, and then got put on the Committee on Appropriations this year. I cannot tell you how many tax-funded lobbyist schemes come across our desks in our office every day. You know doggone good and well people are there at taxpayer expense. They are printing the forms and so forth. Billy Joel wrote a song: ''You Can Speak Your Mind, But Not on My Time.'' This reminds me of what the gentleman from Oklahoma [Mr. ISTOOK] is saying: ''You can speak your mind, but not on my dime.''

We need to move on because I want to talk about this train wreck, but I do want to say one thing. I have offered an amendment to the Istook-McIntosh legislation. What it says is that if your organization spends less than $25,000 on political activity, then you can continue doing that. This way your local art museum, your local history museum, historic society, symphony, and so forth, they will not have any problem still calling you up, asking questions, and giving their valuable inputs and so forth. I think it is important for us to say we do not want to pick on the hometown folks because we need their input. But some of this Washington-based lobbying on taxpayer funds needs to stop.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH] on this continuing resolution and the train wreck. Tell us, in non-Washington terms, what all that means.

Mr. SMITH of Michigan. We have two trains. There is a train on each track. One is the appropriation bills. We have 13 appropriation bills. They must be enacted to allow the Federal Government to continue spending in those areas. Those 13 appropriation bills have not been agreed to. So what we did today, this morning, is we passed what is called a CR, a continuing resolution. That continuing resolution allows the administration to continue to spend money, but at a lesser rate than they were spending money before the 1st day of October. So 3 days from now, when the new fiscal year starts, they will be allowed to continue spending until November 13 the average of what the House passed in the appropriation bills, compared to what the Senate passed in their appropriation bills, minus 5 percent. And so we are saying OK, we will allow continued spending, but at a very modest rate until we come to final agreement on the appropriation bills.

The other potential train wreck is the debt ceiling of this country. There have been a lot of suggestions that withholding our vote on increasing the debt ceiling is going to cause catastrophe.

Mr. KINGSTON. Mr. Speaker, I would ask the gentleman to explain to folks what the debt ceiling is, because I do not think the American households and businesses have debt ceilings. I am not sure they do. Tell us what that means.

Mr. SMITH of Michigan. Mr. Speaker, I think the gentleman from Arizona would agree that this person, probably after Congress, could go right into the radio business as a talk show host.

Mr. KINGSTON. I will not let you guys get away with that.

Mr. SMITH of Michigan. In 1917, Congress was passing on every borrowing, so they would agree who we were going to borrow money from and on the interest rate. In 1917 what they said was, ''OK, from now on we are going to set a debt ceiling. You can continue to borrow as long as you are under that debt ceiling.'' But it has sort of become a way of life. Since 1940, we have increased the debt ceiling 77 times. The last time we did it, at $4.9 trillion, was in 1993. We are going to reach that $4.9 trillion in about 3 weeks from now.

Mr. KINGSTON. As you have explained it to me, it is a line of credit, that is what it is.

Mr. FOX of Pennsylvania. I think the point has been made, there is a lot of talk in the press about how we are going to have a train wreck, and House Republicans are not going to come together with a resolution, and here we have seen a bipartisan effort, the gentleman from Louisiana [Mr. LIVINGSTON] working with the gentleman from Michigan [Mr. SMITH] and others, the gentleman from Georgia [Mr. GINGRICH], the Speaker.

We have a continuing resolution now, and we are going to be able to work out, hopefully, with the Senate and the other side of the aisle the responsible things that the American people want. They want the government services that the Federal Government has to do, but they do not want the waste, the fraud, the abuse, and they do not want the cost overruns that have happened year after year.

So I think there is a cautionary red flag from the public saying, ''We understand you have some important programs. Prioritize them, phase out the ones you do not need, privatize the others, downsize still others, and if you have an agency that can be eliminated because the State government is already handling it, that is OK, too.'' I think we are going to have this resolution because of the work of the gentleman from Michigan [Mr. SMITH] and the gentleman from Georgia [Mr. KINGSTON], who are on the Committee on Appropriations. I think the gentleman from Arizona [Mr. HAYWORTH] is going to speak out about how this is going in the right direction.

Mr. HAYWORTH. If the gentleman will continue to yield, I think it is important, Mr. Speaker, because the vernacular of Washington, and especially the liberal press corps, has really taken over. Two years ago it was the notion of gridlock. Now it is the notion of a train wreck.

It is important to note, just borrowing that phrase right now, that I believe, as our good friend, the gentleman from Illinois, Mr. DANNY HASTERT, has state so well, I believe the American people firmly have their train on the tracks toward lower spending, lower taxes, reshaping this to be a limited and effective government for the next century.

With that train on the tracks, the challenge now exists in the executive branch for the President, who came on television in a brief 5-minute speech a few months ago, who again asserted the importance of a balanced budget, for the President to come along with us in a bipartisan fashion to move to balance this budget in 7 years. And if the President is willing to do that, and if the President is willing to come along with us in a bipartisan fashion, along with members of this minority, then the American people's train will stay on track.

However, if others who cannot seem to part from an almost pathological need to spend more and more money, to make government larger and larger, if they cannot abandon those outmoded notions, then the responsibility for any wreck will be on them.

Mr. SMITH of Michigan. I would like to ask a test question. Mr. Speaker, I would like to ask the question to the American people to give me your best guess, of all of the money lent out in the United States last year, how much of that money do you think was borrowed by the Federal Government? I will give you the answer. Think about it a second.

The answer is 42 percent of all of the money lent out in the United States was borrowed by the Federal Government. That is why Greenspan says if we can just do what we should do and not spend more than we are taking in, interest rates will go down 2 percent. How do we cut down on some of this wasteful spending of the Federal Government? I think that is a question for the gentleman from Georgia [Mr. KINGSTON]. Let us all pitch in some ideas on wasteful spending.

Mr. KINGSTON. I am going to throw some things out at you. I have a constituent who wrote, Kenneth Richardson, actually from Atlanta, and he came up with this figure. He said that every minute in the U.S. Government, under their calculations, we waste $2,152,207, and they show what our interest is and what our fraud and waste is in various government programs year in and year out. That is a scary thought.

He said, ''What are you going to do about it, because every minute you are costing the taxpayers $2.1 million.'' There are so many things that we have done in the appropriations process that, even though the Senate did not pass the balanced budget amendment, it is clear the American people want a balanced budget.

□ 1900

So I think the number one thing that we are doing is every bill that we pass, 13 different appropriations bills, we are moving to a balanced budget.

Mr. Speaker, there are a couple of things that I want to point out. There are 163 different Federal job training programs. Sitting in on the hearings, many of them do the exact same thing. You cannot get the agencies to agree to consolidate, but if you sit there and you are not involved in the program, they sound like they are doing just exactly the same.

I would submit to my colleagues that out of 163 different Federal jobs programs, certainly we can combine many, many of them. I am not going to give a number, but I would say substantially most of them.

Let me yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, talking about what we have tried to do so far, two items come to mind. First, the line-item veto which is the President's way that we have given him, once the House and Senate versions are agreed upon, to line-item out pork barrel legislation, which will take out those programs which have been in prior Congresses to get people reelected. They are not items that are of regional value or permanent value. That line-item veto is one item.

No. two, the Lockbox Act which we passed is going to guarantee that the money that is saved from the elimination of a program through appropriations is actually going to deficit reduction.

We have the problem that the gentleman from Florida [Mr. FOLEY] identified. They took out $25 million for a turbine program which was requested to be pork. He took it out in committee. The next day it was in someone else's district already reassigned as pork somewhere else. It is moving around, and we cannot catch all of this pork.

Well the Lockbox Reduction Act which we passed last week is going to be one more way to make sure that the savings that the American people want of the waste and the inefficiencies and the items that do not belong in the Federal Government will in fact be eliminated permanently.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, I think it is very important, and indeed, Mr. Speaker, as Americans join us via C–SPAN to be part of this process, many folks have spoke about the intent of the new majority to consolidate some roles and to eliminate various cabinet level agencies.

I was involved in an interview with a national magazine yesterday where the question was put to me saying, Well, you have yet to eliminate a cabinet level agency. We realize you are working very hard in the Commerce Department, and certainly there is great merit to the elimination and consolidation of some worthwhile programs, and ultimately the elimination of that cabinet level agency, but the question came from the journalist, why have you not done more?

I think again, this cannot be stated enough, Mr. Speaker, to the American public. It is very difficult in the span of 9 or 10 months to reverse the inexorable trend of the previous 40 years. We are working very hard to reduce the size of government, to rein in waste in spending, to eliminate not only waste, fraud and abuse in a program like Medicare as we move to enact Medicare Plus and enact a better Medicare, and do that across the board in every area of this Federal Government, but it is a challenge that takes more than a few weeks.

Mr. SMITH of Michigan. That is right. Mr. Speaker, we have enticed so many people to come up to the public trough, that they have become accustomed to it. It is difficult to make the transition away from that trough. It has to be done.

Mr. Speaker, politicians are not going to do it unless the American people say, hey, it is time. Cut spending. We are willing to tighten our belts to make some of the sacrifices so that our kids and our grandkids have the same chance of improving their lifestyle as we did.

Davis-Bacon comes to mind. Davis-Bacon is coming up in the next several days. Davis-Bacon was enacted by Republicans in 1931 so that some lower-cost, black labor coming into New York could not get those construction jobs where there was any Federal money. So the law was passed, it kept the beginning wage-earners out of the marketplace for anything that government was contributing money towards constructing or building. The CONGRESSIONAL RECORD of 1931 reveals that one of its primary goals was to block southern minority contractors from obtaining New York construction jobs.

Let me just give an example of the requirement of prevailing wage. The prevailing wage in Philadelphia for electricians averages $37.97 an hour, but the average wage actually paid by private contractors is $15 an hour. That has resulted in an overcost to the American taxpayer, and with the expenditures that we borrow from the United States, of $3.2 billion. That is only the tip of the iceberg, because every place that government has any money in a State contract where the State may be paying the majority share of that contract, the State is now required to pay those prevailing wages instead of the market wages that could tremendously reduce the cost of schools and any other construction.

Mr. KINGSTON. Mr. Speaker, I also wanted to mention another way that we can save money on the budget, which is to crack down on illegal aliens entering this country simply because of the generous and almost irresponsible, I think in fact very irresponsible, public benefit and assistance program.

I am going to read something that maybe the gentleman from Arizona is very familiar with from a group called FAIR, the Federation for American Immigration Reform. I am not familiar with this group, but I have heard this story many times and I know the gentleman from Arizona has heard it also. That in the town of San Luis, Arizona, there are 8,100 postal boxes, but there are only 4,000 people who live there.

Every month the post mistress of the town, Ms. Rodriquez, has to sift through thousands of letters containing welfare checks, unemployment checks, and food stamps, and in the last month there were 13,500 income tax refunds that were all fraudulent.

What is happening is that 10 to 15 people are using a mailbox and they are getting Federal Government, American support and they are not American citizens, but they are defrauding the American Government.

This problem for the Western States and all the border States is tremendous, and it is costing Americans billions of dollars each year. I think the cost to the California school system alone is $2 billion to $3 billion. Twenty-two percent of the prisoners in our Federal penal system are illegal aliens, and my colleagues and me and our constituents are picking up the costs.

Mr. HAYWORTH. Mr. Speaker, if the gentleman from Georgia would yield, yes, I am very familiar with the story of what transpired in San Luis and indeed would like to thank the Arizona Republic newspaper for bringing that story to such prominence to citizens of Arizona, and indeed, to the Nation.

The gentleman from Georgia [Mr. KINGSTON] points up something that is very, very important here. Again, it is time to pause for a distinction, because implicit in what the gentleman says is the notion that a lot of people, whether they are citizens or not, would move to take advantage of what I believe to be misguided largesse of this Federal Government, and we need to make this distinction.

Mr. Speaker, when we are here tonight speaking, we are not here to demonize those who come to these shores looking for a better life who follow the path of legal immigration, but it is summed up in the very description that I believe some people have almost become immune to hearing. It has become a catch phrase. Why do you think we call it illegal immigration? It is against the law.

Therefore, it is incumbent upon this Congress to carry out the wishes of the American people, especially the people of the border States, and indeed nationwide, who see the fruits of their labor, their hard-earned money taken through what many would call confiscatory taxation policies and bestowed on folks who are not even citizens of the United States.

Now, there can be a legitimate debate, and indeed, there is great diversity in this House, and there are many different philosophies, and there are those in this body who genuinely believe that it is the role of this government to be the charity of first resort. I think that is blatantly wrong. Some people have that idea. But even if we accept that idea, should not charity begin at home?

Mr. SMITH of Michigan. Mr. Speaker, one of the things that bothers my constituents as much as anything maybe is their experience standing in food lines and the individuals ahead of them at one time or the other have food stamps, and the food that they are buying with those food stamps is more than the individuals that are working very hard for a living, that go to work every day even when they do not feel like it, can afford. So they are bothered by what turns out to be a $25 billion a year food stamp program and welfare, AFDC.

Can my colleagues imagine going to our own daughters and saying, I want to talk about your allowance. If you get pregnant, we are going to increase your allowance by $500 a month, provide you housing, and a food allowance on top of that. We never say hat to our own daughters, but as a society we are doing that. In some cases, it is a deciding factor in what has happened in this country with these young women, where now 30 percent of the births in the United States are out of wedlock.

Mr. HAYWORTH. Mr. Speaker, I believe it is a point made quite well by Marvin Olasky in his book, ''The Tragedy of American Compassion.'' Somewhere along the line in this country we decided that caretaking should be substituted for caring, and so engrained has it become in the subconscious of the body politic that it is pervasive almost to the point that we gauge caring by examples of caretaking through Federal largesse.

Now, are we saying that people should just be cut off, tough luck? No, not at all. What we are saying is this: as we transform this welfare State into an opportunity society, we should take care to make sure that what we truly have is a safety net instead of a hammock. That is the challenge we face as we move to confront a new century, and as we engage in open and honest debate with those who may have a different point of view.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I think what we want with welfare reform is a program that has a work requirement, if you are able to work, a program that lets States have flexibility, because in Georgia we are going to do it differently than you do in Arizona, different than in New York City and San Francisco, and that is the way it should be.

Let us decide how we are going to deal with our poverty. Give us some guidelines, but give us the flexibility that we need, and then there is that illegal immigration component. We do not want money being used to attract people to come to America just so that they can enjoy the public benefit.

Then finally, as the gentleman from Michigan [Mr. SMITH] said, you want to have a component in there that does not reward irresponsibility, particularly when it is not age appropriate for 16 and 15-year olds to be parents.

Mr. Speaker, we are coming to a close. I do want to say on the subject of welfare reform and all of the things that are going on in my hometown, Savannah, GA, where there is a group called the Chatham Citizen Advocacy led by a good friend of mine, Tom Kohler. I believe Tom Kohler leans Democrat, but I was kidding him because he works for an agency who I think the philosophy is Republican, because No. 1, it does not take any Federal dollars or local dollars.

What Tom does is he matches up somebody who is established, prominent, better off, upper middle class with somebody who is unfortunate, who has had some hard knocks, who is down on the ground. He matches the two together. Not so that the wealthy one can write a check and feel good about himself; he turns them into friends. The wealthy person says to the poor person, let me help you. What are your problems? How can I help you get a job? How can I get you to the hospital today? How can I help you kick the habit, or whatever it is.

Tom says that the benefit to society of course is economic. The benefit to the two individuals when they come together with human compassion is immeasurable.

□ 1915

I am not saying that is going to solve our problems, but, doggone it, the thing about it is it is a local problem and it is not taxpayer-funded money but it complements what we are trying to do. We all have to have a role in it, the Federal Government, the State government, the local government. But certainly the volunteer sector can come in, also. If we get out of the way, there will be a lot more room for them.

Mr. HAYWORTH. The gentleman brings to mind a program in Arizona, known by its acronym, WOW, Women Off Welfare, which employs many of the same notions that you describe in the program in your home district in Georgia.

Let us hope for our society that we never go down the road where Government has grown so large, where it has taken over acts of kindness and charity to such a great degree that we denigrate those who would step forward through traditional notions or innovative notions of charity that offer perhaps the most elemental and the most significant contribution that can take place, one-on-one caring, not care-taking.

For indeed as we see, who cares more about children? Their parents. Not someone employed by the Federal Government in Washington.

I do not call into question a government employee's dedication. But it will never take the place of a parent's love, it will never take the place of mentoring that most parents can provide, and indeed as we confront a new century, it is important to note that Uncle Sam is our uncle, he is not to be big brother, nor is he to be Mother and Dad and surrogate family to the American people.

Mr. KINGSTON. I think you have wrapped it up real well. I am going to add one last line. A lady named Charlie from Denton, TX wrote me and said on the subject of the public debt, which is of course what has been our central theme today, saving money, cutting back on the size of Government and so forth, she says:

> I'm very upset that some people think it's okay to tax my grandchildren, 17 years to 3 months old, for things other people have already used up.

We have got to balance that budget, we have got to give a promise so that Charlie's grandchildren and your grandchildren and my grandchildren will have a bright, great America as we know it can and should be.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4) ''An Act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence'' and requests a conference with the House on the disagreeing votes of the two Houses thereon.

RADICAL LEGISLATIVE CHANGES ON HORIZON

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to associate myself with the remarks of some colleagues of mine who were here earlier speaking about the Medicare cuts and the Medicaid cuts. Nothing is more important now on the legislative agenda than the rape of Medicare and Medicaid.

Many people have focused on Medicare and do not even know that Medicaid is being cut even more drastically than Medicare. Medicaid is being cut by $180 billion over a 7-year period. But it is a smaller program and the percentage of the cut is much greater.

Of even greater significance than that is the fact that there are proposals on the table to eliminate the entitlement for Medicaid. Medicaid at present offers a means-tested entitlement. That is, if you can prove that you are poor and needy, then you qualify for Medicaid if you are in the category which on the basis of this means-testing process makes you eligible.

This means-tested entitlement, as we call it, is now on the chopping block. It is being proposed that it be eliminated.

We have a precedent that has been set in the last few days. We have witnessed the Senate follow the pattern of the House and eliminate the entitlement for AFDC, Aid to Families with Dependent Children. That is welfare mothers in popular terms.

Welfare mothers, welfare families, welfare children, under the law that has existed since the Social Security laws were enacted, under the New Deal, under Franklin Roosevelt, have had an entitlement. That is, if you can prove that you are really in need and you are poor and you qualify under the means-testing, then you are eligible for the benefits of the Aid to Families with Dependent Children.

That is gone now. It is only a matter of the President signing it into law. The Senate has passed a bill which removes the entitlement. The House had already removed it before. It is a barbaric act.

I have used the word ''barbaric'' before. I have defined barbarians as those who have no compassion. Many barbarians have a great deal of education but they have no compassion.

When I use the word ''barbarian,'' I do not refer to religion. I do not care which religion or which denomination they belong to. If they have no compassion for anyone except their own kind and kin, then they are barbarians. They are incapable of having compassion.

Barbarians are a threat to society, especially when barbarians have power. When barbarians are able to make decisions and they do not have any compassion, they are a threat to any society. They are a threat to America, because they are making these horrendous cuts and taking away entitlements like the entitlement of a needy child to help from their Government.

They are threatening to take away the entitlement from Medicaid, the entitlement of a person who is sick or families who are in need of medical attention and are unable to pay for that medical attention themselves. They are going to take it away.

They are going to leave the elderly out on the hillside to die, in symbolic terms, because when you cut Medicaid and you take away the Medicaid entitlement, what you are doing is cutting nursing home care, because two-thirds of Medicaid goes to nursing home care and care for people with disabilities. Two-thirds. One-third is for families who are poor, but two-thirds goes for nursing home care for the elderly and for people with disabilities. So you are going to take away the nursing home care from the elderly people when you remove that entitlement.

The Federal Government is going to get out of the responsibility of promoting the general welfare in that respect and leave it all up to the States who would not do it before. Before we had Medicaid, they would not do it. Before we had Medicare, the States would not do it. So there is no reason to believe the States are going to take up that burden once the Federal Government gives them that responsibility and slowly the amount of money made available by the Federal Government is decreased.

I want to loan any support and certainly associate myself with the remarks of my colleagues who spoke earlier about this problem of Medicare and Medicaid being number one on our agenda. Everybody has to be concerned about it. It is a snapshot of our civilization.

Where are we in America right now? If the American people sit still and allow this to happen, where are we? If we allow coverage for health care to instead of going forward to become universal coverage as we were discussing just a year ago, just a year ago we had plans on the table to move forward universal health care coverage, where eventually 95 percent, at least, of all the people in America would be covered with some kind of health care plan. Now instead of moving forward, we are going to take away the coverage which is already guaranteed to people who are eligible for Medicaid and move backwards.

There will be many fewer Americans who are covered with any kind of health care plan after this Medicaid entitlement is removed. That is a great step backwards, and the American people must focus in and take a close look at who are we, what are we, where are we?

Are we so desperate that we have to act as barbarians? Are we so desperate that we have to sit by as the voters and the citizens and approve of such barbaric acts? Are we going to swallow the arguments that we are on the verge of bankruptcy and there is no other way to get out of this threat of bankruptcy except to do mean and extreme things to each other, to the least among us, those who are unable to help themselves?

Please try to stay with it, because the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace goes forward even though the Congress will not be in session, because the negotiations now on the appropriations bills, the negotiations and the details of the health care plans and Medicaid, the welfare reform, a number of things are happening, and they will go forward even while Congress is not in session next week.

But once we return, then all other things will have to be wrapped up in a matter of a few weeks and the pace will be mind-boggling. There will be radical legislation changes. We are not just finishing up the first half of the 104th Congress.

The agenda for the 104th Congress requires, because of the way the leaders have structured it, that we pass radical legislative changes before this half of the session ends. That means that in the next 3 or 4 weeks, you are going to have to follow very closely while some very mean and extreme changes are made rapidly. Under the cover of the rapidity, the swiftness with which things are done, much will be lost unless we follow very closely.

We did pass a continuing resolution today. A continuing resolution, I have explained before, is a resolution necessary to keep the Government going when the appropriations bills have not been passed to cover programs and activities of the Government. Most of the appropriations bills have not been passed by both the House and the Senate.

I would like to applaud our leaders in the House, our leaders in the Senate and our leaders at the White House for not indulging in melodrama. We did not have any melodramatic showdown

at this point. Because to have any attempt to stop the Government or even pretend to stop the Government at this point would be ridiculous.

There is so much to be done, there are so many appropriations bills that have not been passed by the Senate. There is so much, it would be ridiculous to pretend that we could stay here over the weekend or work out some kind of solution in such a short period of time. There will be still a problem later on. We have expanded it until November 13, I think, and the continuing resolution ends on November 13.

The train wreck that has been talked about, the train wreck that is coming will definitely occur at that time, I assure you. There will be a clash between the President and the Republican-controlled Congress, because the President says he will not accept certain bills. He has made it quite clear. On some he says he may not accept them, but on one or two he has said he will not accept certain appropriations bills.

One of them is the human services, education and job training appropriation bill. If it comes out of the Senate and comes out of the conference process and looks the way the bill looks in the House, with $4 billion in education cuts and $5 billion in job training and human services cuts, then the President has made it quite clear he will not sign the bill, he will veto it.

Probably he will veto a Medicare bill which is as outrageous as those that are being proposed. I hope the President will shortly, in the next few days, make a clear statement that he will veto any bill which ends the entitlement for Medicaid.

We have lost the entitlement for Aid to Families with Dependent Children. We have lost the entitlement for people who are poor and are in need of assistance. It is lost. Overwhelmingly the Democrats joined the Republicans to vote for it in the Senate. They can never override in Presidential veto. The power of the actions of the Senate has come back to influence the people in the House. It is a lost cause.

The House stood up firmly, Democrats in the House stood firmly on the principle of entitlement. I congratulate my Democratic colleagues, the conservatives, the liberals. Everybody got together on the bill that we offered as a substitute.

We offered a substitute bill which would have provided job training, would have provided a longer time for people to be educated and get job training. It would have provided some kind of program to help create jobs. In addition to that, most important, the bill that was offered by the Democrats on the floor of the House at the time of the welfare reform bill consideration kept the Federal entitlement. The Federal Government stands behind individuals who are in need. The Federal Government stands behind individuals who are in need when a hurricane happens. We take it for granted. It is not written in the legislation that automatically you will get Federal aid; it is going to be there no matter how rich you are. If your house is blown down by the winds, no matter how many times you build your house in a place where the winds are likely to blow it down, when they come again, you will get Federal help. When floods occur, no matter how close you build your home to the river, no matter how many times you keep building your home close to the river, no matter how well-off you are, when floods occur, you are going to continue to get help from the Federal Government. Earthquakes, $7 billion, $8 billion for the California earthquake. You can expect, regardless of the state of a person's income, everybody who is affected by the earthquake will get some help from the Government.

That is a civilized government. That is a government designed to promote the general welfare. That is the way it should be. But it should also be that way for people who have economic difficulties and need help.

Oh, yes, there are abuses in the welfare program. There are abuses in the earthquake relief program. Have you heard? There are abuses in the flood relief program. There are abuses in programs that relieve hurricanes and tornados. Wherever human beings exist, they promulgate abuses of programs. Some people take advantage of the situation. There are going to be abuses.

I am going to talk in a few minutes about two sets of abuses, abuses that are in the welfare reform program that enrage so many citizens and abuses that took place in the savings-and-loans program, which seem to be forgotten already although they cost more than $250 billion. That is a most conservative estimate. I will make a comparison in a few minutes.

Before I do that, I just want to end my alert on Medicare and Medicaid. American people, please, keep your eyes on Medicaid and the Medicaid entitlement. Do not let the Medicaid entitlement be wiped away. We can only mourn now for the entitlement for poor people, public assistance, and only mourn now for the entitlement for children, dependent children. We can only mourn because it is almost all over. The agreement has been reached. There is very little we can do politically to roll back the clock and to gather the forces necessary to maintain an entitlement that was instituted by the Social Security Act under Franklin Roosevelt. We cannot bring it back.

But we can stop the escalation of the barbarity. We can stop the barbarians from taking away the Medicaid entitlement. We can act. Let your Congressman know. Let your Senators know. Let everybody know you do not want to move further away from universal health care. The thing that brings us closest to health care for poor people is the Medicaid Program. You do not want to take health care away from seniors who, after they exhaust their income, they exhaust whatever assets they have, go from Medicare to Medicaid. You do not want to do that. Too many of our senior citizens would be left on the hillside to die, in symbolic terms.

Let us move for a minute to take a look at the fact that Americans are outraged by abuses in welfare and the welfare reform has certainly been in response to some ridiculous kinds of things that have occurred. I would criticize the social work profession. I would criticize the public policy planners for allowing a lot of little things that could have been corrected to mushroom. But I assure you that welfare, as a system, is far more honest, the system for providing public subsidy to children who are dependent is far better run and far more honest than most Federal programs that exist today. Let me repeat that: There are abuses in any program that has ever been conceived by the Federal Government, State government, or local Government, and any government, any programs that have been conceived of by any government anywhere in the world. The human mind is such that there are people who can move in and begin to find places to take advantage of the system. The abuses are inevitable because of the fact that human beings are so intelligent and some of them who are very intelligent are not at all honest. There is always the guy who is looking, the hustler who is looking for a way to take advantage of the system.

So welfare has had its abuses. The abuses, again, are minuscule compared to the abuses that we have seen in some other programs.

Let me just stop for a moment and read a couple of clippings to you. Let me just stop for a moment and take advantage of some recent developments which you might have missed. You might have missed the fact that in the New York Times, on September 25, and many other papers in the last few days, there has been a big discussion of the fact that the CIA had more than $1.5 billion. I know these numbers lose you. You know, you think in millions, and hundreds of millions, but when you get to billions, people just cannot understand a billion dollars and what you can do with that. You know, a billion dollars, I assure you, would pay for a lot of nursing home time for hundreds of thousands of people. A billion dollars would cover a lot of food for a lot of school lunch programs. A billion dollars is a lot of money.

The school program, lunch program, was cut by about $2 billion over a period of 7 years. We could give back that $2 billion and say:

> School lunch program, you don't have to worry about searching out the immigrant children. You don't have to worry about driving out the immigrants, legal immigrant children, by the way. You do not have to worry about looking for the illegal ones. You do now have to deal with these draconian cuts that are going to be squeezed as you move the program down to the State level

and cut back on the amount of funds, because you have a $1.5 billion windfall here in the CIA.

The CIA has secreted. They have so much money and there are so many abuses, and the administration is so loose and so lax until $1.5 billion was secreted away in a slush fund without the Members of Congress being informed. The heads of the agency, the agency heads, the people in charge said that they did not know about it. The President, the White House, they did not know about it; $1.5 billion. Put that down. You know, that is an estimate of the New York Times. It is secret, of course. It probably was more, but it is a secret figure. The conservative estimate is $1.5 billion.

Mr. Speaker, what I am trying to do is demonstrate that there are widespread and very costly abuses throughout the Government. There are many at the city level and State level which never get the visibility that Federal programs get. But occasionally there are some secret programs in the Federal Government, like the CIA slush fund that I am talking about.

They discovered $1.5 billion in a slush fund that nobody knew about except, I guess, the people who keep the money. I mean, how can they not know? How did it not show up on the books? What welfare recipient could ever get away with a few hundred dollars not showing up in the system? Here we have $1.5 billion.

What is going to be done as a result of finding that there were people who were keeping $1.5 billion or more out of the reach of their supervisors and out of the reach of Congress and the President? What is being done? Excuses are being made. All kinds of excuses are being made.

Now, this is in an agency which has been guilty before, ladies and gentlemen. This is the spy satellite agency. You know, in popular terms, this is the Nation's spy satellite agency. It is the National Reconnaissance Office. The National Reconnaissance Office was cited, you know, not too many months ago for having a building under construction which cost $317 million, more than $3 million. This was a building under construction for more than, and I have it here, $347 million last year. Last year, Senators said they were surprised to find the agency had built a new headquarters in northern Virginia near Dulles International Airport. The Senators of the United States were surprised that a whole building had been built, a new headquarters in northern Virginia near Dulles International Airport. You cannot hide a building, and you certainly cannot hide a building next to the airport, I guess, unless you are the CIA. But the Senators were surprised to find that $347 million had been used to build a building.

But $347 million had been concealed in accounts that did not appear to be for construction. The agency said it has been negligent. ''Oh, we are sorry, Mr. Senator, we are sorry, Mr. Representative, but we have been a little negligent. We had this $347 million, and we built a building, and you did not see it.''

Now the same agency is discovered to have an additional hidden amount of $1.5 billion or more, and they are saying the same thing. ''We are sorry, you, we are a little loose.'' Excuses are being made because these are white middle-class males. Excuses are being made. They can be sloppy. They can waste your money. They are not welfare children. They are not welfare mothers, who most people think are black or Latino, although the statistics will show that there are more whites on welfare.

The racism that creeps into the outrage about welfare will not here, because, after all, these are educated people, very well educated. If you can hide the building of a building next to an airport, you are a genius. It takes a whole set of geniuses to build a building next to an airport and, you know, Dulles is here in the Capital. It is in the Washington area, and the Senators not see it, not know about it, the Representatives not know about it, the White House not know about it. These are geniuses who have misspent $1.5 billion or more. They are geniuses, but barbarians in the sense that they have no qualms, no conscience, to say, ''Look, we did not use this money, you can have it back, and you can use it to cover some Medicaid costs in the nursing homes or you can use it to cover some food stamp costs, you can use it to cover some earthquake victims' costs, some flood victim costs.''

No. They have kept the money and, fortunately, something happened that it was discovered. This is the same agency that so mismanaged and blundered so much that they had a man named Aldrich Ames in there for years in charge of the spy operation in Eastern Europe and Russia, and he was a spy for Russia, for the Soviet Union. Aldrich Ames is his name.

Aldrich Ames grew up in the CIA culture. His father was in the CIA before him. Aldrich Ames was an alcoholic. Aldrich Ames was a guy who took his girlfriend to the safe houses of the CIA against regulations. Regulations, you know, we have got family values in the regulations, but he violated that. He violated all of the operating principles of the agency, and yet he was promoted again and again, and he caused the death of at least 10 people working for the CIA, according to official count, caused their deaths.

My point is, I do not want to dwell too much on this, my point is here is a blundering, deadly agency of the Federal Government, and all they get are raps on the knuckles. This a very poisonous agency that causes life and death in large numbers. This is the agency which labeled Jean-Bertrand Aristide as a psychopath. This is the agency which gave money to the group in Haiti that was fighting against the United States Government's effort to reach a peaceful solution in Haiti. This is the CIA.

The CIA budget, we do not even know what it is, but we can go on the floor and propose to cut it, whatever it is, We wanted to cut it by 10 percent. The estimates by the New York Times and those media groups that are able to get good information, the estimate was that it was a $28 billion operation, and we looked forward to a 10-percent cut, which would have produced $2.8 billion that could have been put into education, college Pell grants. You know, we are cutting all over the place.

□ 1945

You know we are cutting all over the place. You have heard my colleagues before on the other side of the aisle talk about Government waste must go. Well, let us not continue to cover up where the real waste is. Let us not join the barbarians. Let us cut, I say cut.

Ten percent of the CIA would have produced at least $2.8 billion per year. We want to cut it 10 percent for 5 years so that you would cut the agency down to about half the size, and this made sense. But on the floor of the House we have produced this bill three times, and each time we get fewer votes from the Members of the House of Representatives.

Do they want to streamline Government? Do they want to cut waste? Do we want to balance the budget by the year 2002?

No. We want to terrorize the poor. We want to go after the blacks. We want to go after the Latinos. We want to demonstrate that this Government does not exist for certain people. We want to throw certain groups overboard and produce a situation where only the elite can survive. Otherwise why do we not go after an obviously blundering dangerous agency and do to it what we have done to the welfare program? Radical reform; they need radical reform.

The radical and extreme reform that took place with respect to welfare was not necessary. Reform was necessary. In fact, Government should be in the business of reform. We should always be reforming. That is what Government should do, trying to streamline itself, trying to make better use of the taxpayers' money, trying to get greater value. That is what we should be all about. But we are blind when it comes to certain favored groups, certain favored operations.

You think that is an extreme situation? Let us take a look at the article that appeared in the New York Times on September 7 of this year, not too long ago. It is about the old mining law where the Secretary of the Interior, Mr. Babbitt, is complaining about the fact that he is powerless to stop some other white males who are educated and rich from taking advantage of the system. Mr. Babbitt is upset. He says his hands are tied by a century-old law which forced him to approve reluctantly the sale of 110 acres of Federal

land in Idaho for $275. I did not make a mistake, my colleagues, $275 for 110 acres of land.

Now I would say that $275 for 110 acres of land is a bargain almost anywhere, you know, even in a swamp. Well, you might hope that 1 day you are going to find something in the swamp that is going to be useful. You got nothing to lose if it only cost you $275. But this land is estimated to contain a billion, a billion dollars worth, of minerals.

Let me repeat, $275 for 110 acres of Federal land in Idaho. The land may contain a billion dollars worth of minerals. I am quoting from the New York Times, September 7, 1995. You can go check it out with Mr. Babbitt, the Department of the Interior.

The next paragraph goes on to explain the land was conveyed to Faxcult, a Danish company, under an 1872 law that requires the Government to sell Federal mining rights for as little as $2.50 an acre. It is an 1872 law that requires the Government to sell Federal mining rights for as little as $2.50 an acre. Do you hear? It was sold to a Danish company, a foreign company.

Mr. Speaker, they are on the floor bashing immigrants and talking about how terrible it is that immigrants come in and they take jobs and do horrible things. Here we have given away to a foreign country 110 acres of land for $275, and the estimated mineral yield of that land is a billion dollars.

Now you might say, ''Well, it's very generous of us. There's nothing barbaric about that.'' You know, it is Americans who are compassionate enough to give to foreigners a great gift. Foreigners are not their kind and kin, so, if they are going to give to foreigners, the Danish owners, this kind of bargain, this kind of gift, then that shows that they are not barbaric. These are very generous people. They may be naive, but they are very generous, because, after all, they are giving it away, and they will not gain anything.

Well, life is a bit more complicated than that. Economics is a bit more complicated than that. Business is more complicated than that. Probably no American company thought they could stand up and take the heat from the American people of having gotten away with that kind of deal. So they have gotten a foreign company, but I assure you the people that owned this company are not all Danish. I assure you that the conditions which led to keeping this law would not be there just to benefit a foreign company.

Congress has sought for years to change the law according to the New York Times again. Congress has sought for years to change the law, but under the strong pressure from the mining industry western lawmakers have repeatedly blocked the legislation. Supporters of the law maintain that it helps to promote mining in the United States and preserve jobs. To promote mining in the United States and preserve jobs you have to give away 110 acres at $2.75 an acre. Congress has sought for years to change the law under strong pressure, but under strong pressure from the mining industry.

Who is the mining industry? You know, I assure you it is not just this little Danish company, not foreigners. The mining industry has stockholders. The mining industry has very powerful people in very powerful places.

Western lawmakers have repeatedly blocked the legislation.

Western lawmakers? Who are the western lawmakers? They are not foreigners. We do not elect foreigners to office, so western lawmakers, whoever they may be, have blocked legislation which is sought to correct this 1872 law. Probably made sense in 1872 that everybody—you would have to be a fool to believe it made any sense now. Any child can tell you this does not make any sense except if you want to rip off the American people.

Land is owned by the American people until it is conveyed to the mining company, and they say it helps the United States to promote mining in the United States and preserve jobs. If you charged more, you charged a thousand dollars an acre, you cannot promote mining and preserve mining jobs? You know, if it is a billion dollars that is expected, a billion dollars worth of minerals, you certainly could get a higher price.

We are back to that old issue of taxation and revenue. I proposed before that we have a revenue commission, you might recall, a revenue commission to look at ways to get revenue more creatively instead of continuing to tax families and individuals so heavily. You know families and individuals are heavily taxed; 44 percent of our tax burden is borne by families and individuals, and only 11 percent is borne by corporations.

Now these are not the only sources of revenue. There are other kinds of revenue that help make up the total package. When you take a look at some of those other kinds of revenue, we can get revenue from mining lands that are sold, as the President proposes, but here we are up against lawmakers, western lawmakers, who are not insistent, enraged by the fact that somebody is ripping off the Government. No, those are not poor welfare people, one out of every hundred who might be a hustler, who might be taking advantage of the Government programs. These are not people using food stamps who might buy cigarettes for food stamps instead of buying food. These are not those kind of people. These are people who are taking millions of dollars away from the American people that could go into our revenue coffers.

Let me just read on a minute because it is a bit sickening, the whole story, and you can get the flavor of how sick it is by just reading.

The wimpish way we react, the wimpish way our policymakers deal with these outrageous abuses, is enough to give you a heart attack. It is outrageous.

Quote from the New York Times article:

> But Mr. Babbitt, in conveying the Federal tract in Idaho, said he found making such deals, quote, ''increasingly distasteful'', increasingly distasteful, and he called the law, the law that does this, whose intent originally was to promote development of the West, outdated and exploitative, exploitative, exploitative of taxpayers. Mr. Babbitt found it increasingly distasteful, and he found the law outdated and exploitative of taxpayers.

Now I am not criticizing Mr. Babbitt except I think his language is much too wimpish.

You know, I am reminded of the quote from King Lear. King Lear, after his daughters have betrayed him, said, ''Fool me not to bear it tamely. Touch me with noble anger.''

Somebody ought to have some noble anger when the CIA secretly has $1.5 billion stashed away and nobody knows about it. Somebody ought to have noble anger when the CIA can build a building near the airport and the Senators and the Members of Congress do not know about it, and the building costs $347 million. Somebody ought to be outraged.

They tremble and they shake when they talk about welfare people. You heard them before saying they stand in line, and they get with their food stamps better food than the guy behind them who is working all day. That is outrageous, and they tremble and they shake when they say that, but they can let the white males, educated in many cases, rich, promulgate a system. Any lawmaker who is part of promulgating this system is not dumb. Somewhere there are benefits that his constituents are getting in larger amounts if you want to keep selling the land of the people of the United States for $2.50 an acre, and you know billions of dollars are going to be made.

The 110 acres in Clark County, ID, are believed to contained an estimated 14 million tons of high-quality travertine, a mineral used to whiten paper. I am quoting from the New York Times article again. Last year, quote, ''when American Barrick Resources, a Canadian mining company, used the law to buy a mine with $10 billion in gold deposits for about $10,000, Mr. Babbitt called it the biggest gold heist since the days of Butch Cassidy.''

Let me read that again. Last year, when American Barrick Resources, a Canadian mining company, used the same law to buy a mine with $10 billion in gold deposits for about $10,000, Mr. Babbitt called it the biggest gold heist since the days of Butch Cassidy.

Mr. Babbitt, I am glad you have such strong language for it, you know. If you get $10 billion from the people of the United States for $10,000, you think somebody would be on television screaming about it. They could do nothing else except tell the American people about it.

The President and his campaign said we want to end welfare as we know it. Why does somebody not say we want to end the giveaway of billions of dollars mostly to foreign companies, but they have American backers? We want to stop American lawmakers from perpetuating this thievery. Why does somebody not have the guts to stand up and be outraged about stealing money which could provide coverage for thousands of people on Medicaid? For hundreds of nursing home people?

I continue to quote from Babbitt. I find this process where my hands are tied by a law signed by Ulysses S. Grant increasingly distasteful. Mr. Babbitt likes the word ''distasteful.'' Again I am not criticizing Mr. Babbitt. At least he is talking about it. Where have the other Secretaries of Interior been? Where have the lawmakers in this House been? Why does not anybody talk about this? Why does anybody not expose it? Why is it the American people do not know that they are walking away with billions of dollars in minerals that belong to you?

□ 2000

He said that, ''While Congress is cutting programs across his department,'' Mr. Babbitt is upset about his department being cut, as he should be, the Interior Department, he said, ''While Congress is cutting programs across my department, the government is losing $100 million a year from royalties from hardrock mining.'' One hundred million a year in royalties for hardrock mining. How many school lunches could you buy with $100 million a year? How many prescriptions for Medicaid recipients can you fill for $100 million a year?

I quote again from the article: ''The bill to overhaul mining laws would require a 2 percent royalty on net profits on minerals taken under the 1872 law. Other proposals before the Congress would require companies to pay fair market value for the surface land, but nothing for the minerals.'' In other words, as we sit here today, as we talk today, there are Members of Congress in the Senate and in the House of Representatives who are protecting the thievery that is going on right before our very eyes. This is a Federal program that should have radical reform, radical change, but nobody is moving because white, rich, well-educated males benefit from it. They protect themselves.

I talked before about the end of entitlement for Medicaid. I said, ''The end of entitlement for Medicaid is on the table.'' It is not here yet. Medicaid is a patient in the emergency room, on the operating table. Medicaid is about to be butchered. Aid to Families With Dependent Children is on its way to the morgue. They have cut the entitlements already. What would Franklin Roosevelt say? I am sure that the spirit of Franklin Roosevelt is quite angry and quite agitated tonight. Over the last few months, I am sure that spirit has been quite angry and agitated at the wholesale destruction of the programs which he began to put in place.

Franklin Roosevelt was the architect of the Social Security Act, which created Social Security, and later Lyndon Johnson used Social Security to go on to create Medicare and Medicaid. They are all related. I am sure Franklin Roosevelt, having created entitlements for the poor, he also created farm subsidies for poor farmers. Farm subsidies for poor farmers now have become farm subsidies for rich farming businesses, agricultural businesses, so I am sure the spirit of Franklin Roosevelt is a little upset about that.

As he looks at the end of entitlements for people who are poor and need public assistance, for children, mostly, Aid to Families With Dependent Children is just that. If you do not have poor children, you do not qualify. We are ending Aid to Families With Dependent Children, the entitlement.

On the other hand, Franklin Roosevelt and the New Deal, the Congresses that surrounded him, were also the architects of the savings and loans program. They were the architects of the Federal Deposit Insurance Corporation for banks and for savings and loan agencies. I wonder what the spirit of Franklin Roosevelt is doing as it beholds the kind of abuse that took place in the savings and loan program, the kinds of abuses that have taken place in big banks of the program that he started; because when Franklin Roosevelt stabilized the economy and the banking industry by creating the Federal Deposit Insurance Corporation, he brought into the equation every American taxpayer. The taxpayers stand behind the banks. Every American can put their money in the bank, knowing that up to a certain amount of money, it is insured, backed up by our great Federal Government.

Franklin Roosevelt started out with I think it was $10,000, which was a lot of money at that time, and he probably never dreamed that the abuse, both official abuse and unofficial abuse, would lead to a situation where we would raise the amount from $10,000 per person per bank to $100,000 per person per bank. So you can abuse it by going to a lot of different banks and getting insurance.

It was not ordinary Americans who abused it. People who put their deposits into savings and loan associations did not abuse the loan. People who put their deposits in the banks which later on failed, they failed and we covered up the failure. Several big banks have failed in this country and we have covered it up and bailed them out with the Federal Deposit Insurance Corporation funds. The savings and loan debacle, which is the greatest swindle in the history of mankind, there are no other swindles as great as the savings and loan swindle, that could not be covered up. It was a federally assisted program.

Did we get rid of savings and loan associations? Have we put them out of business? Have we been as radical in dealing with the savings and loan situation as we were with the reform of welfare? No, we have not. How many people were put in jail for their abuse, often outright stealing of large sums of money that then had to be replaced by the Federal Deposit Insurance Corporation? How many people have been put in jail? Relatively few, because most of them are white, middle-class, well-educated, and sometimes very wealthy males. they are not treated the same way as poor people, many of whom are Latinos and blacks, and most of all, poor. They are not treated the same way. If they were, then the savings and loans, the whole program would have had radical changes. Large numbers of people would have been put in jail. Large numbers of people would have been taken out of the banking industry.

There was collusion all over the place among well-educated, wealthy people in high places, in many cases: accounting firms who turned their heads away while all kinds of tricks were played with the books; lawyers who found a way to make everything that was done, no matter how terrible it was, legal.

In the State of Texas they had a situation where it was not the Federal Government regulating the savings and loan association, but the State of Texas. The State of Texas has the power to regulate the savings and loan associations in Texas, but the Federal Government, all of the taxpayers of America, stood behind their savings and loan associations, just as they stood behind those in New York or any other part of the country. Why do I say that? Because in Texas you had the largest number of savings and loan associations failing, the largest amount of money was lost in Texas, where the State had the power to oversee the banks. But the Federal Government, the taxpayers, stood behind the banks with the Federal Deposit Insurance Corporation dollars, so they made a killing in Texas. Not only did they oversee the situation and let it get out of hand any way they wanted to, they made millionaires, they made billionaires, most of whom have never gone to jail.

Then when it all collapsed, we set up the Resolution Trust Corporation. That was the device we set up. We did not take away the entitlement, we did not wipe out the Federal Deposit Insurance Corporation. We did not do anything as radical as what we are doing to poor people on welfare. No, we set up a Resolution Trust Corporation, a very complicated animal, and most of the offices of the Resolution Trust Corporation, the greatest percentage of the offices of the Resolution Trust Corporation, had to be based in Texas. That is where the greatest problem was.

California was next, and they spread it around. Denver had its Silverado Bank, the famous bank. The son of the President of the United States sat on

the board of the Denver Silverado Bank. It was spread around, but Texas had the greatest concentration. After they had regulated their own banks to make rich those they wanted to make rich, they they got the benefit of having a large Government agency locate there and spend money there and hire people there. Many people who were hired in the Resolution Trust Corporation had formerly worked in some of the banks that had gone, that failed, some of the savings and loan associations that had failed, so they got a jobs program as a result of swindling the American people out of a large part of that $250 billion to $300 billion.

This is happening in America. This happened recently in America, the largest swindle probably in the history of mankind, right before our eyes, and we reacted by coddling and taking care of those who were guilty.

Let me be more specific about guilt. You be the judge. The Silverado Bank in Colorado, in Denver, CO, the Silverado Bank made a deal with a person who came for a loan. One of the people who came for a loan wanted to buy a building. The building was assessed to be worth $13 million, $13 million. The bank said, ''Look, we will accept an assessment of twice that much for the building, $26 million, if you will deposit in our bank the extra $13 million, so we will give you a loan of $26 million for a building worth $13 million on the condition you will deposit that $13 million back in the bank, because we know the auditors are coming and we have problems.''

If that is not a criminal action, I do not know what is a criminal action, but that was done by the Silverado Bank. That is just one of the things they did. They lost almost $2 billion. They are not the largest offender. We all know Mr. Keating in California was the largest offender, but Silverado lost more than $1 billion, and on the board of Silverado was the son of George Bush, Neal Bush. This kind of transaction took place, and later on as they sorted it out a recommendation was made that Neal Bush should be barred from sitting on any boards of any other banks. He protested vehemently.

Later on, I think secretly, out of the eye of the cameras, he even was made to pay some kind of fine, along with the other board members who had been a part of that situation. But nobody has said he should be put in jail or any other board members of Silverado should be put in jail. Two hundred fifty billion dollars, at least, and there are some estimates that it is twice that amount. You cannot get decent figures because the white males, the educated white males, the wealthy, educated white males who run the banking system and the accounting system and the lawyer system related to it, they make it so complicated you cannot get clear figures as of right now as to what the savings and loan swindle has cost the American people.

This is a Government program: wasteful, blundering, billions of dollars down the drain. Nobody has ever said, ''Let us get rid of all savings and loans, let us get rid of the Federal Deposit Insurance Corporation.'' No, we have found a way to take care of the needs of the white middle-class wealthy who are involved in the abuse that have wrecked the savings and loan associations.

This is strong language, I know, but the barbarians do not hesitate to drive their spears through the bellies of babies. The barbarians have no shame. The barbarians come to the floor of the House and they talk about the need to streamline Government and the need to have a balanced budget by the year 2002. But the barbarians come to the floor of the House and they will not cut the B–2 bomber, which might cost us $33 billion over the lifetime of the program. The barbarians with a straight face said, ''We must continue the B–2 bomber.'' They fight hard on the floor and they win the votes to keep the B–2 bombers. The barbarians want to increase the funding for star wars, a system that has always been questioned by scientists.

The barbarians come to us and say that they want to give a tax cut, and I am all in favor of a tax cut, but if the tax cut is close to the same amount as the Medicare cut, the tax cut is, I think, $240 billion over a 7-year period, and the Medicare cut is $270 billion over a 7-year period; $240 billion for the tax cut, $270 billion for the Medicare cut. The barbarians look at us with straight faces and say, ''We must have a tax cut. If that means that the elderly cannot have nursing homes, then so be it. If that means that prescriptions are going to be limited because people cannot afford to pay for their prescriptions, and of course when they cannot get their medication many will die, so be it.''

The barbarians are not afraid to make their case forcefully. The barbarians want to end Davis-Bacon, which was created to stop bringing in slave labor. It was created by two Republicans to stop people from bringing in slave labor and undercutting the wages of working people. We are going to have to have some other kind of Davis-Bacon to stop the nations like India from bringing in computer programmers who work for one-twelfth the amount of money computer programmers who are Americans work for. We are going to have to have some kind of Davis-Bacon to stop the Russian physicians and technicians who are working here for the minimum wage. They can come here and undercut American physicists.

We are in a situation where the civilization, the society, must take some steps to do what is rational to make for an orderly transition, where people are able to earn a living and not disrupt things by allowing hustlers to take advantage of the situation by bringing in outsiders who can undercut the labor market. The labor market that we may be protecting tomorrow may be our physicists and our chemists and our college professors. We had better take a look at the logic of Davis-Bacon, the invention of two Republican Members of Congress.

The barbarians refuse to look at this chart, which I will have in the future when I speak, I will have a larger version of it. This is the chart I have been talking about on several occasions.

□ 2015

This shows corporate versus family and individual share of Federal revenues. The share of the revenue burden that is born by corporations went down from 39.8 percent in 1943 to 11.2 percent today, while the share of the individual and family tax burden went up from 27.1 percent to 48.1 percent, and now it is at 42.7 percent.

This chart is one I bring to every session to let my colleagues see the remedy. If my colleagues want to balance the budget, here is the remedy. Balance the tax burden, raise the tax burden, the percentage of the tax burden borne by corporations. We can lower the percentage of the tax burden borne by individuals at the same time. We can do justice to the American people and American families who have paid enough high taxes. At the same time, we can balance the budget by having the corporations, which are making profits now at a higher level than ever before, having them pay a greater share of the burden.

It is a simple solution. We do not have to cut Medicare, we do not have to cut Medicaid, we do not have to act barbaric, in a barbaric way toward children and the elderly. We should on a rational basis sit down and take a look at the next 7 years, or as the President has projected, the next 10 years; whatever my colleagues want to do to balance the budget, it is possible to do it in a rational way.

On the one hand we have to save money by dealing with all of these abuses that we allow to go on if white, rich, educated males are involved, get rid of those abuses and at the same time look at the revenue question, the revenue side and produce the revenue in a rational way and a less painful way.

This is income taxes. We can take a look at the mining, how much more we may realize by taking a hard look at the mining situation or other resources that are presently owned by the American people that are being squandered. I have talked about the frequencies, the fact that we have auctioned off certain frequencies and earned $9 billion already. We can take a hard look at that. There may be more.

There are solutions that are not barbaric solutions, and I ask the American people to keep their eyes on activities in the Congress for the next few weeks. It is your money, it is your civilization. We do not want to be accomplices to barbaric acts. We want to promote

the general welfare. We want to take America forward, out of the spirit of Franklin Roosevelt and the spirit of Lyndon Johnson. We want to continue to have a great society. We want to take care of the majority of the people that need to be taken care of. We are Americans, we are not barbarians.

FRENCH NUCLEAR TESTING

The SPEAKER pro tempore. (Mr. BONN of Oregon). Under the Speaker's announced policy of May 12, 1995, the gentleman from American Somoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, earlier last week I shared with my colleagues and the American people some observations on the crisis that has occurred on the island of Tahiti in French Polynesia, as a consequence of French President Jacques Chirac's recent decision for the Government of France to resume testing of nuclear bomb explosions on the Pacific island atolls of Moruroa and Faugataufa.

Mr. Speaker, despite thousands of petitions and the pleadings from leaders of countries from Europe, from South America, from Asia, and especially from the Pacific island nations, asking France to refrain from conducting nuclear bomb explosions under these Pacific atolls, President Chirac went ahead and pressed the nuclear button 3 weeks ago, exploding a nuclear bomb under Moruroa Atoll with a nuclear punch of 20 kilotons. The nuclear bomb detonated, Mr. Speaker, was more powerful than the atomic bomb dropped on the city of Hiroshima, Japan—which, incidentally, Mr. Speaker, killed some 200,000 men, women and children, from the direct explosion as well as the subsequent radioactive contamination of the residents of Hiroshima.

Mr. Speaker, I realize that whenever a person calls out the word or name, ''Tahiti,'' immediately many of us think of paradise—the swaying palm trees, the lovely Polynesian maidens—a place where there is much dancing and singing in the air, amongst the festive Polynesian Tahitians.

Perhaps, even more vividly, when the American people think of Tahiti, they recall visions from the silver screen classic, ''Mutiny on the Bounty,'' first with Clarke Gable and later starring Marlon Brando.

The fact of the matter, Mr. Speaker, is that the Pacific islands of Tahiti, Moorea, Huahine, Raiatea, and Bora Bora, truly are among the most beautiful volcanic islands in the world. The world famous writer and author, James Michener, has described the island of Bora Bora as the most beautiful in the world, and I agree with Mr. Michener.

Well, Mr. Speaker, as I stand here in the well describing the magnificent beauty of these islands, something very serious has happened since these islands became a colony of France some 150 years ago. The islands of French Polynesia were what westerners would call colonized by France, after some 500 French soldiers with guns and cannons subdued the Tahitian chiefs and their warriors in the 1840's.

Mr. Speaker, after the French were kicked out of their former colony, Algeria, in the early 1960's the late Charles de Gaulle immediately ordered his subordinates to find a new place where the French Government could continue its nuclear testing program. The French Government decided that the two Pacific atolls of Moruroa and Faugataufa in French Polynesia would be the sites for the French nuclear testing program. The Government of France has now exploded well over 180 nuclear bombs on the under these two atolls in the Pacific. The French have been exploding their nuclear bombs in the Pacific for the past 30 years.

Mr. Speaker, with the cold war at an end and the Berlin Wall down, there has been a tremendous sense of relief among the leading countries of the world. As a result, a moratorium was called by the leading nuclear powers, including France, 3 years ago to suspend nuclear testing altogether.

Mr. Speaker, in June of this year, the newly elected President of France Jacques Chirac, announced that France would explode eight more nuclear bombs—one a month, beginning this month of September until May of next year. And each nuclear bomb explosion, Mr. Speaker, shall be up to 10 times more powerful that the atomic bomb dropped on Hiroshima, Japan.

Mr. Speaker, despite extensive efforts made by citizens's organizations and government leaders, involving petitions and pleadings from all over the world to persuade President Chirac not to push that nuclear buttom—the Chirac government still went ahead and detonated their nuclear bomb.

Mr. Speaker, President Chirac said recently through international wire services that the eight nuclear bomb explosions were absolutely necessary to improve France's nuclear weapons capabilities and that the matter was in the order of the highest national interest of the French Government. However, nuclear physicists contend that the safety and reliability of nuclear weapons could be ensured by non-nuclear tests and have suggested that what France is really pursuing with resumed testing is completion of a new warhead design. This new warhead is supposedly an advanced generation of neutron bombs designed to destroy life, while leaving property intact. Dr. Hutton, a Monash University physicist told the Weekend Australian that what France is not telling the public ''is the kinds of new weapons they are planning to use those simulation techniques to build.'' Why do they want simulation programs? ''So they can go beyond the thresholds which will be defined in the Comprehensive Text Ban Treaty,'' he states.

Mr. Speaker, there are some very serious and troubling issues that now need our national attention, and the international attention of other countries, as well. In my opinion, Mr. Speaker, France has now initiated the nuclear arms race again, and I would nominate Mr. Chirac as the world's leading nuclear arms proliferator. Additionally, Mr. Chirac's actions raise another serious probem—if I were Chancellor Kohl or any citizen of German, I would feel very uneasy and uncomfortable about the idea that President Chirac has his finger on a nuclear trigger that he is trying to make more lethal. I would also wonder as a German citizen or as citizens of other European countries what assurances there are that French nuclear-armed missiles shall never be pointed at Bonn, Munich or Berlin, or other cities in Europe?

If I were Chancellor Kohl or a German citizen, I would further wonder what absolutely ensures that Mr. Chirac's nuclear forces would be used to defend Germany against in enemy country that might be an ally or a friend of Chirac's government. I believe, Mr. Speaker, we find ourselves in an interesting dilemma, and I am reminded of a Middle Eastern proverb that states that sometimes the friend of my friend is also my enemy.

Mr. Speaker, every country in Europe should feel somewhat uneasy about the possibility that France is the only country among the continental European nations with a nuclear trigger that may be pointed against any one of them.

Mr. Speaker, this is the kind of tension and uncertainty that Mr. Chirac has raised since the re-opening of its nuclear testing program last week. The implications are obvious, Mr. Speaker, and if Mr. Chirac's motive is to raise fear and apprehension about France's nuclear capabilities among its European allies, I must say, President Chirac has succeeded in this endeavor.

Mr. Speaker, the irony of this is that while 62 percent of the people of France do not approve of nuclear testing in the Pacific, the same majority of the people of France also want France to be recognized as a world leader and as a member of the nuclear club like Great Britain, the United States, Russia, and the People's Republic of China.

The problem, Mr. Speaker, is that absent among the permanent members of the United Nations Security Council and the world's nuclear club are two nations that are considered as having the second and third most powerful economies in the world. Mr. Speaker, I am making reference to Japan and Germany, respectively.

Mr. Speaker, if there is ever a time to examine regional and international conflicts as we confront them today, there is no way that we can deny the presence and considerable influence of Japan in the Asia-Pacific region and Germany throughout Europe, and certainly both nations to be directly involved with the affairs of the entire world.

Mr. Speaker, about 3 weeks ago I was in Tahiti in French Polynesia. I was joined with some 40 other parliamentarians from the Pacific, from Japan, from Asia, from South America, and from Europe. Led by the mayor of the town of Fa'áa and the leading Polynesian leader, Mr. Oscar Temaru, we joined together for a demonstration in the streets of Papeete, Tahiti to oppose the resumption of French nuclear testing on Moruroa and Faugataufa atolls. We were also joined by the Minister of Finance Mr. Takemura of Japan, and he also voiced his strong opposition to French nuclear testing.

Mr. Speaker, earlier on August 30, 1995, Mr. Temaru and his associates, Mr. Vito Haamatua, and myself traveled to the island of Tureia which is located about 60 miles away from Moruroa where the nuclear bomb had already been placed in a shaft about 3,000 feet under the atoll. We were joined later with the arrival of the Rainbow Warrior II and together we headed for the Moruroa atoll.

Mr. Speaker, in anticipation of the French Government's announcement that the first nuclear explosion would take place on September 1, 1995 at about 6 in the morning, the Rainbow Warrior launched about six inflatable zodiacs at about 3 in the morning—in the dark, right under the nose of the French naval warships.

What is remarkable about these zodiacs, Mr. Speaker, is that they were manned by young men and women who were from New Zealand, from Italy, from Australia, from the United States, from France, from Portugal—kind of a mini United Nations representation. Mr. Speaker, I commend these young people. They were not commandos or soldiers. They were just ordinary citizens, committed to a nuclear free world. It is no secret that the world is suffering tremendously as a result of man's own carelessness and sheer callousness in destroying the ecological balance between nature and all forms of plant and animal life.

Mr. Speaker, I want to share this basic item of fact again with my colleagues and with the American people. The fact is, Mr. Speaker, that the French Government has now exploded 176 nuclear bombs on Moruroa island. One hundred and seventy-six nuclear bombs exploded on one tiny island atoll. And President Chirac has the gall to say that this atoll is ecologically safe? Mr. Speaker, there are reports of hundreds of Tahitians who were subjected to nuclear contamination but were never properly tested after exposure.

As a consequence of these explosions, British scientists have confirmed that the atoll underneath Moruroa Atoll is ''becoming a web of vitrified cavities, from which an unknown number of cracks are spreading like spiders' webs.'' Areas of Moruroa atoll have already sunk by one meter or more. In fact, Dr. Roger Clark, a seismologist at England's Leeds University, has said that one more test could trigger the atoll's collapse, leading to huge cracks opening to the sea, threatening the fish and other marine life, and ultimately threatening our marine environment throughout the Pacific.

As early as 1987, the world-famous oceanographer and marine environmentalist, Jacques Cousteau, who I personally commend for his opposition to nuclear testings in the Pacific and for the appeals he made to Chirac, also found spectacular cracks and fissures in the atoll, as well as the presence of radioactive isotopes, in the form of iodine 131, plutonium 239, and cesium 134, more commonly known as nuclear leakage.

Mr. Speaker, there is also a strong link between ciguatera poisoning and military operations involving nuclear testing in French Polynesia. Ciguatera poisoning occurs when coral reefs are destroyed, releasing toxic marine organisms which are absorbed by plankton that are eaten by fish, that are ultimately consumed by humans.

Mr. Speaker, even if France stopped its nuclear testing today, the untold amounts of radioactivity encased in Moruroa Atoll will require scientific monitoring for decades to come. Yet France refuses to allow complete and unhindered scientific studies and health assessments to take place.

Another fact remains, Mr. Speaker. As media coverage gave voice to every French diplomat around the world, as well as to France's position that nuclear testing was necessary to its national interest, the senselessness of the testing went untold. What the media failed to tell the world is that France did not need to update its technology via nuclear explosions. The United States had already offered France the technology it sought. Yet American journalists have not given this fact the same amount of airplay that French diplomats have gotten in asserting their insane claim that exploding eight more nuclear bombs in South Pacific waters is necessary to France's national interest.

The media in foreign countries, including Japan, Australia, New Zealand, Germany, and others have done a far better job of covering the global implications of France's resumed nuclear testing than has the American media. How ironic that this should be the case, for a country that has zealously protected and promoted the right to free speech and press, and the widespread dissemination of information; and yet there was hardly any media discussion and debate in America concerning French nuclear testing. Just a few editorials here and there and that was it.

Mr. Speaker, the irony of it all—while just about every American household has a television tuned in and, following the sequences on the fate of one man—Mr. O.J. Simpson, we have turned a deaf ear to health and welfare and even the lives of some 200,000 men, women, and children who are totally helpless and are not capable of withstanding the military might of the French Navy and the French Foreign Legion—as the French Government has literally forced the Polynesian Tahitians to accept such as awful fate, and a future with no promise to enhance their lives.

And, Mr. Speaker, if and when the French colonial power ever does leave these islands, what a sad commentary for writers to state that France's two gifts to these Polynesian Tahitian's are cognac and islands that are contaminated as a result of French nuclear testings for the past 30 years.

Mr. Speaker, I would have hoped that the French could have learned from America's experience with nuclear testing in the Pacific. In 1954, on Bikini Atoll, the United States exploded the most famous hydrogen bomb of that time—a 15 megaton bomb, 1,000 times more powerful than the atomic bomb dropped on Hiroshima. The sad part of this story is that before the bomb was exploded, the officials who were conducting this experiment—the ''Bravo Shot''—discovered that the winds had shifted and that the 300 men, women, and children living on the nearby island of Rongelap would be put at risk by the explosion. They exploded the bomb anyway, subjecting 300 innocent people to nuclear contamination. The accounts of their suffering are well-documented.

Though our Government is making every effort to resettle this island and offer monetary compensation to these people, the reality is, no amount of money can compensate for one's health. The women of Rongelap gave birth to what many termed ''jelly babies,'' babies that were born dead and did not appear to look human. The people of Rongelap have suffered from cancer, leukemia, and all manners of disease associated with nuclear contamination.

Yes, we conducted these tests, but then realized the horrors associated with these tests. We realized how harmful these nuclear tests are to the atolls and to the Pacific Islanders way of life. So the United States stopped its nuclear testing program in the Pacific and moved its testing sites underground in the desert plains of the State of Nevada.

Mr. Speaker, I would like to commend President Clinton for his policy on nuclear testing. He has committed the United States to negotiate an absolute ban on all nuclear tests, and has rejected the argument that small-scale testing is necessary to ensure weapons reliability. This decision, serving as a model for the world, is a major step toward stopping nuclear proliferation.

On the other hand, Mr. Speaker, I must express my disappointment that our Government did not release a strong statement condemning France after the explosion on Moruroa Atoll on September 1, 1995. While other countries vigorously denounced France's

detonation, the response of the United States was understated and weak.

So I stand here in the well today, Mr. Speaker, to declare what our own State Department would not. Chirac's decision to promote nuclear proliferation, at the expense of a peaceful people, is an atrocity, a crime against humanity, not unlike France's decision in World War II to forcibly deport 75,000 of its own citizens, to Nazi concentration camps, where it is said that only 1,000 of those deported survived.

In addition, Mr. Speaker, France's resumption of nuclear testing, especially on soil other than its own, is nothing less than a classic example of colonialism in its worst form, and as such, an old ideology politicized by dominant Western cultures as a means to marginalize and oppress. Every enlightened French citizen should be ashamed that such atrocity reigns in the hands of its current leader, and that those Polynesian Tahitians are simply being forced against their will by the French colonial government to accept nuclear testing, like it or not.

What President Chirac has done is inexcusable and offends the sensitivities of decent people throughout the world. This madness must stop, Mr. Speaker, and it must stop now, and again I urge any fellow Americans, as a gesture of your support, to oppose this mean-spirited policy by President Chirac—don't purchase French wine and French goods and products—this is the only way President Chirac will get the message.

Mr. Speaker, within the coming weeks and months, if there will be more violence and even loss of lives in Tahiti because of nuclear testing, I cannot see how President Chirac can passively take this issue without any concern to the lives of those people who live on those Pacific Islands.

Again, Mr. Speaker, I make this appeal to my colleagues and on behalf of thousands of people throughout the world—especially to the citizens of Japan, the citizens of Germany—to my fellow Americans, to show our compassion and concerns for the welfare of the 200,000 Polynesian Tahitians who are being forced to accept French colonial policy to conduct nuclear testings in the Pacific—a world citizenry movement not to purchase French wine, foods, and products as a gesture of support of the 200,000 Polynesian Tahitians who are against nuclear testing in the Pacific.

Mr. Speaker, I include newspaper articles on the subject of my special order for the RECORD, as follows:

[From the Associated Press, Sept. 26, 1995]

TAHITIAN GOVERNMENT LEADER ASKS CHIRAC TO END TESTS BEFORE ELECTIONS

PAPEETE, TAHITI.—Tahiti has asked France to speed up its South Pacific nuclear tests, which have prompted huge riots and fueled the independence movement on the largest island in French Polynesia.

Tahitian Government President Gaston Flosse said he has asked French President Jacques Chirac to complete the tests before March so elections scheduled that month can be held ''in a calmer atmosphere.''

France's first nuclear blast at Mururoa Atoll on Sept. 5 set off two days of riots in Papeete, the capital of French Polynesia. The test was the first in three years anywhere except China.

Protesters set fire to buildings, looted shops and torched cars.

Many of the rioters were members of Tahiti's pro-independence movement, called out on the streets by a pro-independence radio station after police confronted peaceful protesters.

Opponents of the testing have threatened to hit the streets again this week when France is expected to set off a larger nuclear warhead at Fangatufa, another atoll in the South Pacific.

Chirac has said he plans to conduct as many as eight tests by the end of May. France says it needs the tests to update its nuclear arsenal and develop computer simulation to replace testing.

However France has said it supports an eventual global ban on nuclear testing.

Also Tuesday, the European Parliament said it plans to investigate possible links between the first blast and a volcanic eruption more than 3,000 miles away in New Zealand.

Some members of the 626-seat legislature suspect that the French underground tests on Mururoa Atoll may have sent shock waves along underwater fault lines and caused the eruption of New Zealand's Mount Ruapehu.

That mountain continued to spew ash and boulders Tuesday in what could become New Zealand's biggest volcanic eruption in 50 years.

[From the Washington Post, Sept. 19, 1995]

FRENCH NUCLEAR PROGRAM CLOSELY TIED TO U.S.

SHARING OF SENSITIVE CODES, ACCESS TO CALIFORNIA LABS TO EXPAND

(By William Drozdiak and Jeffrey Smith)

When President Clinton traveled to Hawaii early this month to celebrate the 50th anniversary of the end of the war in the Pacific, his aides dispatched an urgent message to the French government: Please do not conduct the first in your controversial series of nuclear blasts under a Pacific atoll while Clinton is in the region.

Even though French President Jacques Chirac was eager to proceed with the nuclear tests in the teeth of international protests, he realized he was in no position to turn down such a request from a special friend. Reluctantly, Chirac put off the politically embarrassing blast until Clinton had returned to Washington.

Chirac's gesture was partly a token of respect for the close relationship he has nurtured with Clinton during his first four months in office. But even more, say French and American officials, it was a tip of the hat to the long years of unannounced support and assistance provided by the United States to the French nuclear weapons program.

Despite its claims of developing an independent nuclear deterrent, France has long relied on the United States for some of the most sophisticated technologies needed to upgrade and maintain a modern nuclear arsenal, these officials say.

Although known to specialists, the U.S.-French nuclear links have been little discussed over the years. With the French nuclear tests generating opposition around the Pacific and among environmentalists everywhere, however, the details of the collaboration are getting a new look.

In fact, even though the United States is no longer making its own bombs and has publicly criticized the French tests, U.S. officials say the cooperation is scheduled to expand to an unprecedented degree.

Washington and Paris currently are trying to negotiate an arrangement, for example, under which the two sides will begin to share sensitive computer codes that describe how bombs behave when they are detonated. France needs the data to make full use of access to two sophisticated new U.S. nuclear weapons research facilities that Washington has quietly offered French weapons experts.

In addition, France has begun building a mammoth $4 billion laser facility near Bordeaux for weapons-related research—nine stories high and 900 feet long—with the help of an American scientist from the Lawrence Livermore National Laboratory, which is one of three U.S. weapons design centers.

A senior U.S. defense official said the Defense Department is straining to keep this collaboration within traditional bounds, in which the United States has secretly shared scientific data to help ensure that French weapons cannot be detonated accidentally or without proper authority while steering clear of collaboration in nuclear weapons design.

But the official acknowledged there is ''so much information in codes . . . [that] some of these data can be used to improve their weapons.'' As a result, he said, ''joint use of codes will have to be explored very thoroughly. . . . We are still in the negotiating phase as to how the increase in our collaboration would take place.''

The Clinton administration says maintaining a close U.S.-French relationship is essential to ensuring French support for the comprehensive test ban treaty to be signed next year. Although French aircraft routinely are allowed to ferry military equipment and personnel related to the French nuclear tests in the South Pacific across U.S. territory, according to a senior State Department official, the flights ''are not supposed to carry'' plutonium for nuclear weapons and ''to the best of our knowledge do not.''

The cooperation between the two nations dates from the Cold War, when for more than two decades the United States offered assistance in building up a French nuclear arsenal as an important adjunct to the American strategic umbrella that shielded the European allies from thousands of Soviet warheads aimed at the West. U.S. officials helped France design some missiles that carry its warheads and to develop devices meant to prevent an accidental nuclear detonation.

The new U.S. facilities to be opened to French weapons scientists include the $1 billion National Ignition Facility in Livermore, Calif., which is to simulate the flow of radiation in a nuclear weapons fireball by firing 132 lasers—each more powerful than any laser elsewhere in the world—at a pellet of special nuclear material.

They will also be able to participate in experiments at the new $400 million Dual Axis Radiographic Hydrodynamic test center at Los Alamos, N.M., which is meant to snap two-dimensional or time-sequence photographs of the inner workings of mock weapons as they are detonated.

The experiments at these two facilities will not produce fission, making them nonnuclear to comply with the terms of the test ban treaty. But U.S. scientists acknowledge that the resulting data are applicable not only to studies of aging weapons in U.S. and French stockpiles, but also to the potential design of new weapons.

A delegation of U.S. energy and defense officials was dispatched to offer this access after Chirac was elected in May, provided that the existence of U.S.-French nuclear collaboration be made public—which it was

in August. A similar deal had been proposed earlier to Chirac's predecessor, Francois Mitterrand, but Mitterrand refused to allow Washington to make any statement referring to nuclear cooperation between the two nations.

In some quarters of the French government, the deepening American connection has stirred consternation. Foreign Minister Herve de Charette has warned that once France embraces the American simulation technology, it will jeopardize its own self-sufficiency. ''If we take everything off the American shelf, we will no longer be certain that our nuclear program is fully under our own control,'' de Charette told foreign reporters recently.

But French scientists and Defense Ministry officials believe cooperation between France and the United States is so great that the claim of self-sufficiency is a charade. These officials say even more American help will be needed if France pursues its ambition of developing a more robust nuclear force by fitting its warheads on new air-to-ground rockets—something that only the United States has mastered.

French officials also argue that the cost of thermonuclear research in the post-testing era will become so enormous—at a time when Western countries are striving to slash defense budgets—that sharing state-of-the-art technology will become an absolute necessity.

The United States and France have not always approached the issue so amicably. When Pierre Mendes-France gave the green light in 1954 to develop a French atomic bomb, the United States was troubled by the specter of nuclear proliferation and sought to block French development of the bomb.

French determination to build a nuclear force grew after Germany was allowed to begin rearming itself and the United States expedited the flow of American assistance to France to cope with such complex matters as ballistic missile guidance systems and multiple warhead technology. High-speed computers also were supplied to the French on an exceptional basis.

When France shifted its testing site from the Algerian desert to the Mururoa atoll in the South Pacific, the American connection became even more critical. U.S. weapons scientists were dispatched to the site to help the French learn to diagnose their test results. French scientists, equipment and even nuclear bomb components were flown in DC–8 transport planes from Paris to the Tahitian capital of Papeets across American territory, with a refueling stop in Los Angeles.

Without permission to transit American air space, French officials say their country's nuclear program would have been stopped dead in its tracks. But in 1987, the U.S. Congress became so alarmed about the risks of French nuclear warheads and other dangerous materials flying across U.S. territory that it passed a law barring the flights and Paris was told to find an alternative route for its bomb parts.

After scrutinizing the map, the French realized that Panama was the shortest—and least troublesome—territorial crossing for such sensitive cargoes. The DC–8 planes, it was decided, would make the journey by flying with nuclear materials first to the French territory of Guadeloupe for a refueling stop, then proceeding across the isthmus before heading out over the Pacific to the final destination at Mururoa.

In a show of gratitude for Panama's willingness to provide a Central American air bridge for the French nuclear program, Mitterrand in 1987 bestowed one of France's highest awards—the title of commander in the Legion of Honor—on the notorious Panamanian dictator, Gen. Manuel Antonio Noriega, French officials who confirmed an account of the incident published in the Newspaper Le Monde say it was the first time, and probably the last, that a notorious drug trafficker will be given such a medal.

[From the New York Times, Sept. 12, 1995]

THE ARMS RACE IS ON

(By Spurgeon M. Keeny, Jr.)

In only a few months, the Republican Congress has quietly managed to undermine more than two decades of progress on nuclear arms control. With practically no public debate, the Senate included in its Pentagon authorization bill a land-based missile defense system that would flagrantly violate the 1972 Antiballistic Missile Treaty, the foundation of all nuclear weapons agreements.

Under the bill, the United States would ''develop for deployment'' a ballistic missile defense by 2003. The legislation calls for trying to negotiate amendments to the Antiballistic Missile Treaty to allow for the system; but if such talks fail, we would have to consider withdrawing from the treaty.

The system, which could ultimately cost hundreds of billions of dollars, is designed to intercept only long-range ballistic missiles. The cold-war thinking behind it ignores the reduced threat of Russian nuclear attack. No rogue state will have long-range ballistic capability anytime soon.

The bill tacitly recognizes the limited value of an antiballistic defense system, because it also calls for creating new cruise missile defenses (which could be equally costly) and for spending at least $50 billion more on so-called theater missile defense systems that would protect armed forces and allies overseas.

In addition to its huge expense, this package would all but destroy the possibility of new gains in nuclear arms control, starting with the as yet unratified second Strategic Arms Reduction Treaty. President Boris Yeltsin of Russia has said that Start II ''can be fulfilled only provided the United States preserves and strictly fulfills the bilateral Antiballistic Missile Treaty.''

Besides, if we build the antiballistic missile system, Russia would probably begin building its own. This bilateral buildup would preclude future reductions of strategic weapons below the levels called for in Start II. Faced with expanded Russian defenses, Britain, China and France would not likely consider reductions in their nuclear forces and might even seek increases.

The proposed system is a much less effective defense than the agreements it would wipe out. Start I and II call for eliminating missiles and aircraft that could deliver at least 7,000 nuclear warheads; the proposed antiballistic missiles would be lucky to knock down a hundred such warheads in a full-scale assault.

Finally, a new American buildup would give belligerent countries grounds for withdrawing from the Nuclear Nonproliferation Treaty or demanding changes in it.

The Clinton Administration deserves some blame for this dangerous new turn. Last year it advocated a theater missile defense system that itself undercut the Antiballistic Missile Treaty.

President Clinton can atone for this mistake by vetoing the Pentagon authorization bill unless the commitment to set up the antiballistic defense system is dropped when the House and Senate prepare the final version this fall. If he signs the bill because Congress is certain to override a veto, he must make clear that he will not deploy this system or seek any changes in the ABM Treaty.

Why risk restarting the arms race at a time when America has never been in less danger of a nuclear attack?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.
Mr. SCOTT, for 5 minutes, today.
Mr. POMEROY, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. HILLIARD, for 5 minutes, today.
Mr. BARCIA, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Mr. GENE GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CLYBURN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BISHOP, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. DOYLE.
Mr. BONIOR in two instances.
Mr. STOKES.
Mr. LEVIN.
Mr. STARK.
Mr. BERMAN.
Mr. MEEHAN in two instances.
Mr. STUPAK.
Mr. OWENS.

(The following Members (at the request of Mr. BALLENGER) and to include extraneous matter:)

Mr. BOEHNER.
Mr. OXLEY.
Mrs. MORELLA.

Mr. BILBRAY.
Mr. BOEHLERT.
Mr. HORN in two instances.
Mr. HOUGHTON.
(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)
Mr. SMITH of Michigan.
Mr. FUNDERBURK.
Mr. BOEHLERT.
Ms. VELÁZQUEZ.
Mr. COLEMAN.
Mr. YOUNG of Alaska.
Mr. PORTMAN.
Mr. BERMAN.
Mr. COYNE.
Mr. SPENCE.
Mr. FOLEY.
Mr. BARCIA in two instances.
Mr. TALENT.
Ms. BROWN of Florida.
Mr. FORBES.
Mr. TOWNS.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, September 29, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1469. A letter from the Secretary of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

1470. A letter from the Secretary of Housing and Urban Development, transmitting a report on the progress of the Department in implementing expanded lead-based paint hazard evaluation and reduction activities, pursuant to Public Law 102–550, section 1061(b) (106 Stat. 3927); to the Committee on Banking and Financial Services.

1471. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Compania Samalayuca II, S.A. de C.V., pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1472. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a copy of the Board's report on credit advertising rules under the Truth in Lending Act, pursuant to 15 U.S.C. 1613; to the Committee on Banking and Financial Services.

1473. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 36–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1474. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to France (Transmittal No. 37–95), pursuant to 22 U.S.C. 2796(a); to the Committee on International Relations.

1475. A letter from the Executive Director, Advisory Commission on Intergovernmental Relations, transmitting the annual report on Federal court decisions which have created mandates on State, local, and tribal governments, pursuant to Public Law 104–4, section 304 (109 Stat. 70); to the Committee on Government Reform and Oversight.

1476. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Scofield Dam, Scofield Project, UT, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKEEN: Committee of Conference. Conference report on H.R. 1976. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–268). Ordered to be printed.

Mrs. MEYERS: Committee of Conference. Conference report on S. 895. An act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes (Rept. 104–269). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 2413. A bill to transfer the Tongass National Forest to the State of Alaska; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAESLER:

H.R. 2414. A bill to establish the Federal authority to regulate tobacco and other tobacco products containing nicotine; to the Committee on Commerce.

By Mr. COLEMAN:

H.R. 2415. A bill to designated the U.S. Customs administrative building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, TX, as the ''Timothy C. McCaghren Customs Administrative Building''; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2416. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Economic and Educational Opportunities.

By Mr. HEFLEY:

H.R. 2417. A bill to provide that United States Armed Forces may not participate in a peacekeeping operation in Bosnia and Herzegovnia unless such participation is specifically authorized by law; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 2418. A bill to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself and Mrs. SCHROEDER):

H.R. 2419. A bill to amend part I of title 35, United States Code, to provide for the protection of inventors contracting for invention development services; to the Committee on the Judiciary.

By Ms. VELAZQUEZ:

H.R. 2420. A bill to amend title XIX of the Social Security Act to require health maintenance organizations and other managed care plans providing medical assistance to Medicaid beneficiaries to make payments for assistance provided to such beneficiaries by school-based health centers, and for other purposes; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. BALDACCI, Mr. BOEHLERT, Mr. HINCHEY, and Mr. SANDERS):

H.R. 2421. A bill to implement the recommendations of the Northern Forest Lands Council; to the Committee on Agriculture.

By Mr. MCDERMOTT (for himself, Mr. FORD, Mr. OLVER, Mr. DELLUMS, Mr. TORRES, Mr. MOAKLEY, Mrs. CLAYTON, Mr. KLECZKA, Mr. SCOTT, Ms. MCKINNEY, Ms. PELOSI, Mr. SPRATT, Mr. BARRETT of Wisconsin, Mr. OWENS, Mr. FALEOMAVAEGA, Mr. YATES, Mr. VENTO, Mr. CONYERS, Mr. MARTINEZ, Miss COLLINS of Michigan, Mr. GENE GREEN of Texas, and Mr. WATT of North Carolina):

H.R. 2422. A bill to amend title XVIII of the Social Security Act to provide for security of the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. EWING, Mr. MCCOLLUM, and Mr. THORNBERRY):

H.R. 2423. A bill to amend the Internal Revenue Code of 1986 to provide an estate tax credit with respect to property managed according to certain habitat conservation agreements, to provide a credit for certain conservation expenses, and to exclude from income amounts received from others to pay for such expenses; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. HANCOCK, Mr. HANSEN, and Mr. SHAYS):

H.J. Res. 109. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself and Mr. BURTON of Indiana):

H. Res. 233. Resolution condemning the abduction of Jaswant Singh Khalra and urging his release; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. ROSE introduced a bill (H.R. 2424) for the relief of James M. Hughs; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 77: Mr. BLUTE.
H.R. 311: Mr. MARTINI.
H.R. 497: Mr. SMITH of Texas, Mr. BAKER of California, Mrs. KELLY, and Mr. FOGLIETTA.

H.R. 528: Mr. DIXON, Mr. CHAPMAN, Mr. BROWDER, Mr. FILNER, Mrs. CLAYTON, Mr. HEINEMAN, and Mr. VISCLOSKY.

H.R. 580: Mr. DIXON and Mr. FOGLIETTA..

H.R. 609: Mr. FOGLIETTA.

H.R. 752: Mr. VENTO, Mr. THORNTON, and Ms. SLAUGHTER.

H.R. 771: Ms. LOFGREN, Mr. STUPAK, Mr. GEJDENSON, Mr. ANDREWS, and Mr. FOGLIETTA.

H.R. 789: Mr. DICKEY and Mr. BONILLA.

H.R. 858: Ms. NORTON, Mr. HOLDEN, Mr. GOODLATTE, and Mr. PICKETT.

H.R. 922: Mr. BARRETT of Wisconsin, Mr. FOX, and Ms. WOOLSEY.

H.R. 952: Mrs. LINCOLN.

H.R. 957: Mr. KIM.

H.R. 1003: Mr. JOHNSON of South Dakota.

H.R. 1021: Mr. FOLEY.

H.R. 1023: Mr. FOLEY, Mrs. MORELLA, and Mr. MORAN.

H.R. 1061: Mr. COX.

H.R. 1078: Ms. FURSE and Mr. FOGLIETTA.

H.R. 1083: Mr. OXLEY, Mr. BILBRAY, and Mr. CLEMENT.

H.R. 1094: Mr. RIGGS, Mr. CLEMENT, and Mr. CHAPMAN.

H.R. 1098: Mr. PACKARD.

H.R. 1099: Mrs. KENNELLY.

H.R. 1204: Ms. WOOLSEY and Mr. MCCOLLUM.

H.R. 1248: Mr. BEILENSON and Mr. SANDERS.

H.R. 1493: Ms. ESHOO, Mr. NEY, and Ms. PELOSI.

H.R. 1499: Mr. UNDERWOOD, Mr. FLANAGAN, Mr. SCHIFF, and Mr. BUYER.

H.R. 1533: Mr. SCHUMER.

H.R. 1627: Mr. CUNNINGHAM, Mr. STEARNS, Mr. BACHUS, Mr. SCARBOROUGH, Mrs. FOWLER, Mr. TRAFICANT, Mr. PORTER, Mr. BASS, Mr. ENGLISH of Pennsylvania, Mrs. VUCANOVICH, Mr. CASTLE, and Mr. KIM.

H.R. 1636: Mr. HAYES.

H.R. 1687: Ms. ROYBAL-ALLARD, Mr. HOYER, Mr. NEUMANN, Mr. SHADEGG, and Ms. DELAURO.

H.R. 1735: Mr. JOHNSTON of Florida and Mr. FOGLIETTA.

H.R. 1747: Ms. MOLINARI, Mr. DINGELL, Mr. TEJEDA, and Mr. PAYNE of Virginia.

H.R. 1776: Mr. GENE GREEN of Texas and Mr. SKELTON.

H.R. 1796: Mr. WICKER.

H.R. 1853: Mr. FOGLIETTA.

H.R. 1889: Mr. SPENCE, Mr. DELLUMS, Mr. PAYNE of Virginia, Mr. WISE, Mr. PETE GEREN of Texas, and Mr. FOGLIETTA.

H.R. 1969: Mr. EVANS and Mr. RAHALL.

H.R. 1985: Mr. MARTINEZ and Mr. JOHNSTON of Florida.

H.R. 2008: Ms. DELAURO and Mr. HOLDEN.

H.R. 2011: Ms. DELAURO, Mrs. LINCOLN, Mr. RAHALL, Ms. FURSE, Mr. WALSH, Ms. WOOLSEY, Mr. EHLERS, Mr. PAYNE of Virginia, Mr. MASCARA, Mr. JACOBS, Mr. TRAFICANT, Mr. SAWYER, Mr. CLYBURN, Mr. BALDACCI, Mr. ACKERMAN, and Ms. KAPTUR.

H.R. 2046: Mr. KENNEDY of Rhode Island.

H.R. 2098: Mrs. MEYERS of Kansas, Mr. BROWNBACK, Mr. LATOURETTE, Mr. HOEKSTRA, Mrs. MYRICK, and Mrs. KELLY.

H.R. 2128: Mr. BEREUTER.

H.R. 2132: Mr. FOGLIETTA, Mr. BONIOR, and Mr. GUTIERREZ.

H.R. 2138: Mr. MCINTOSH, Mr. CLYBURN, Mr. FOX, and Mr. DAVIS.

H.R. 2147: Mr. NEY, Mr. ENGLISH of Pennsylvania, and Mr. HEFLEY.

H.R. 2152: Mr. LOBIONDO.

H.R. 2164: Mr. LIPINSKI.

H.R. 2200: Mr. BACHUS, Mr. TIAHRT, Mr. BUYER, Mr. WATTS of Oklahoma, Mr. MCCRERY, Mr. COLLINS of Georgia, Mr. MCHUGH, Mr. BREWSTER, and Mr. SKEEN.

H.R. 2202: Mr. LIPINSKI.

H.R. 2275: Mr. QUILLEN, Mr. CREMEANS, and Mr. BRYANT of Tennessee.

H.R. 2281: Mr. SHAYS, Mr. MILLER of California, Ms. RIVERS, Mr. LUTHER, Mrs. LOWEY, Mr. BISHOP, Mr. GEJDENSON, and Ms. FURSE.

H.R. 2283: Mr. WHITFIELD and Mr. STUMP.

H.R. 2338: Mr. PETE GEREN of Texas and Mr. FROST.

H.R. 2342: Mr. BAKER of Louisiana, Mrs. SCHROEDER, Ms. LOFGREN, and Mr. NEY.

H.R. 2344: Mr. SERRANO, Mr. RANGEL, Ms. SLAUGHTER, Mrs. LOWEY, Mr. KING, Mr. GEJDENSON, Mr. RICHARDSON, Mr. DEFAZIO, Mr. ORTIZ, and Mr. HINCHEY.

H. Con. Res 50: Mr. OLVER.

H. Con. Res. 102: Mr. OBERSTAR, Mrs. MEEK of Florida, Mr. WILLIAMS, Mr. GEJDENSON, Mr. SCHIFF, and Mr. NEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 497: Mr. SAXTON.

H.R. 2072: Mr. FOX.

H.R. 2275: Mr. MARTINEZ.