REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1111

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Kansas [Mr. MORAN] as a cosponsor of my bill, H.R. 1111.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. COLLINS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 14, 1997 at 9:55 p.m. and said to contain a message from the President whereby he submits a report on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 (''the CFE Flank Document'').

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 (''the CFE Flank Document''), adopted by the Senate of the United States on May 14, 1997, I hereby certify that:

In connection with Condition (2), Violations of State Sovereignty, the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom have issued a joint statement affirming that (i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and (C) of the Treaty) conventional arms and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party; (ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and (iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

In connection with Condition (6), Application and Effectiveness of Senate Advice and Consent, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to (i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature; (ii) secure the adoption of a new United States obligation under, or in relation to, the CFE Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or (iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of the resolution of advice and consent to ratification of the CFE Flank Document.

In connection with Condition (7), Modifications of the CFE Flank Zone, any subsequent agreement to modify, revise, amend or alter the boundaries of the CFE flank zone, as delineated by the map entitled ''Revised CFE Flank Zone'' submitted to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

In connection with Condition (9), Senate Prerogatives on Multilateralization of the ABM Treaty, I will submit to the Senate for advice and consent to ratification any international agreement (i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or (ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term ''national territory'' as used in Article VI and Article IX of the ABM Treaty.

In connection with Condition (11), Temporary Deployments, the United States has informed all other States Parties to the Treaty that the United States (A) will continue to interpret the term ''temporary deployment'', as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, several months, but not years; (B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and (C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty (i) to justify military deployments on a permanent basis; or (ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1997.*

REPORT ON NATIONAL SECURITY STRATEGY OF UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 15, 1997.*

GENERAL LEAVE

Mr. LIVINGSTON. 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. 1469, and that I may include tabular and extraneous material.

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

There was no objection

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

The SPEAKER pro tempore. Pursuant to House Resolution 149 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. 1469.

□ 1244

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. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. COMBEST 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 Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

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

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

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I might consume.

□ 1245

Mr. Chairman, it is a pleasure to present to the House the fiscal year 1997 emergency supplemental bill, H.R. 1469, and I hope that the spirit of bipartisanship that has embraced the budget negotiations will carry forward on this emergency appropriations bill. This is the first bill the Committee on Appropriations has presented to the 105th Congress, and I look forward to a very productive year as we move 13 appropriations measures forward.

The bill, as reported, proposes $8.4 billion in new spending authority, fully offset, and I stress offset, by the rescission of previously appropriated funds and by including other offsets. Again, I say this bill is fully offset in budget authority.

The supplemental bill before us provides the following major items: For disaster recovery we provide $5.509 billion; for miscellaneous appropriations we provide $113 million; and then we offset that spending with $5.622 billion of rescissions.

In peacekeeping, in Bosnia and other areas, we repay the Pentagon for what they have already spent, $2.039 billion, and we offset that with rescissions of funds previously made to the Pentagon of $2.040 billion.

Mandatory appropriations are included here as well in a third category, mostly for the veterans' pension benefits and other benefits for a total of $757 million.

At the beginning of the 104th Congress, Republicans began a policy of paying for supplementals by rescissions of previously appropriated funds. I am very proud to say that, once again, the bill reported by the committee complies with this policy and is totally offset in budget authority. We have had to look far and wide for offsets to pay for this disaster recovery bill, as well as our international commitments in Bosnia, but I would hope that all of our colleagues would recognize the true national scope of this appropriations bill, and that finding different or substitute offsets of any major scope is nearly impossible this late in the fiscal year which began on October 1, 1996.

Mr. Chairman, my objective is to get the disaster recovery money to the people who need it and to restore our national security funding to keep our troops safe and secure on the ground in Bosnia. Flood victims in some 35 States badly need the money in this bill. In addition, our troops in Bosnia and those men and women who have served our country in various wars are looking to us to pass this bill quickly as a sign of our support for them.

So Mr. Chairman, the bill reported by the committee is an excellent disaster supplemental appropriations bill. It is one which enjoys tremendous bipartisan support, and there are now several amendments that, if adopted, could cause this bill to be vetoed. We are going to speak to them at the appropriate time, but I hope that the Members would understand that it is important that we get this bill on the President's desk and signed into law before we adjourn for the Memorial Day recess.

So I hope that we will keep the bill clean and noncontroversial and that we will get it passed, conferenced with the Senate and signed into law as quickly as possible, and I urge its adoption.

Mr. Chairman, at this point in the RECORD I would like to insert a table reflecting the programs and amounts in this bill, as reported.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Farm Service Agency			
105-58	Emergency conservation program (emergency appropriations)	20,000,000	.....	-20,000,000
105-58	Contingent emergency appropriations	17,000,000	65,000,000	+48,000,000
.....	Tree assistance program (contingent emergency appropriations)	.....	9,000,000	+9,000,000
	Total, Farm Service Agency	37,000,000	74,000,000	+37,000,000
	Natural Resources Conservation Service			
105-58	Watershed and flood prevention operations (emergency appropriations)	66,100,000	.....	-66,100,000
105-58	Contingent emergency appropriations	18,000,000	150,700,000	+132,700,000
	Total, Natural Resources Conservation Serivce	84,100,000	150,700,000	+66,600,000
	Rural Housing Service			
	Rural Housing Insurance Fund Program:			
	Rental housing (sec. 515):			
105-58	Loan subsidy (emergency appropriation)	250,000	.....	-250,000
105-58	(Loan authorization)	(488,000)	.....	(-488,000)
105-58	Rural housing assistance program (emergency appropriations)	750,000	.....	-750,000
	Total, Rural Housing Service	1,000,000	.....	-1,000,000
	Rural Utilities Service			
105-58	Rural utilities assistance program (emergency appropriations)	1,000,000	.....	-1,000,000
	Food and Consumer Service			
105-3	Child nutrition programs	6,250,000	.....	-6,250,000
105-3	Special supplemental nutrition program for women, infants, and children (WIC)	100,000,000	38,000,000	-62,000,000
	Total, Food and Consumer Service	106,250,000	38,000,000	-68,250,000
	Total, Chapter 1:			
	New budget (obligational) authority	229,350,000	262,700,000	+33,350,000
	Appropriations	(106,250,000)	(38,000,000)	(-68,250,000)
	Emergency appropriations	(88,100,000)	.....	(-88,100,000)
	Contingent emergency appropriations	(35,000,000)	(224,700,000)	(+189,700,000)
	(Loan authorization)	(488,000)	.....	(-488,000)
	CHAPTER 2			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
.....	Economic development assistance programs (contingent emergency appropriations)	.....	47,700,000	+47,700,000
105-58	(By transfer)	(1,200,000)	.....	(-1,200,000)
.....	Salaries and expenses (contingent emergency appropriations)	.....	2,000,000	+2,000,000
	Total, Economic Development Administration	.....	49,700,000	+49,700,000
	National Oceanic and Atmospheric Administration			
105-58	Operations, research and facilities (emergency appropriations)	12,000,000	.....	-12,000,000
105-58	Construction (emergency appropriations)	10,800,000	10,800,000	.....
	Total, National Oceanic and Atmospheric Administration	22,800,000	10,800,000	-12,000,000
	Total, Department of Commerce	22,800,000	60,500,000	+37,700,000
	DEPARTMENT OF STATE			
	International Organizations and Conferences			
105-3	Arrearage payments (advance appropriation, FY 1999)	921,000,000	.....	-921,000,000
	Total, Chapter 2:			
	New budget (obligational) authority	943,800,000	60,500,000	-883,300,000
	Emergency appropriations	(22,800,000)	(10,800,000)	(-12,000,000)
	Contingent emergency appropriations	.....	(49,700,000)	(+49,700,000)
	Advance appropriation, FY 1999	(921,000,000)	.....	(-921,000,000)
	(By transfer)	(1,200,000)	.....	(-1,200,000)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	CHAPTER 3			
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
.....	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency appropriations)	.....	20,000,000	+20,000,000
105-58	Operation and maintenance, general (emergency appropriations)	39,000,000	150,000,000	+111,000,000
105-58	Flood control and coastal emergencies (emergency appropriations)	201,700,000	415,000,000	+213,300,000
105-58	Contingent emergency appropriations	50,000,000	.....	-50,000,000
105-58	Advance appropriations, FY 1998	30,500,000	.....	-30,500,000
	Total, Department of Defense - Civil	321,200,000	585,000,000	+263,800,000
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
105-58	Operation and maintenance (emergency appropriations)	4,500,000	7,355,000	+2,855,000
	Total, Chapter 3:			
	New budget (obligational) authority	325,700,000	592,355,000	+266,655,000
	Emergency appropriations	(245,200,000)	(592,355,000)	(+347,155,000)
	Contingent emergency appropriations	(50,000,000)	.....	(-50,000,000)
	Advance appropriation, FY 1998	(30,500,000)	.....	(-30,500,000)
	CHAPTER 4			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
.....	Construction (emergency appropriations)	.....	1,793,000	+1,793,000
105-58	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	.....
	Total, Bureau of Land Management	.....	1,793,000	+1,793,000
	United States Fish and Wildlife Service			
105-58	Resource management (emergency appropriations)	2,000,000	2,250,000	+250,000
105-58	Construction (emergency appropriations)	32,000,000	81,000,000	+49,000,000
105-58	Land acquisition (emergency appropriations)	15,000,000	15,000,000	.....
	Total, United States Fish and Wildlife Service	49,000,000	98,250,000	+49,250,000
	National Park Service			
105-58	Construction	10,000,000	10,000,000	.....
105-58	Emergency appropriations	147,779,000	156,912,000	+9,133,000
105-58	Contingent emergency appropriations	30,000,000	30,000,000	.....
	Total, National Park Service	187,779,000	196,912,000	+9,133,000
	United States Geological Survey			
105-58	Surveys, investigations, and research (emergency appropriations)	1,300,000	4,290,000	+2,990,000
	Bureau of Indian Affairs			
105-58	Operation of Indian programs (emergency appropriations)	5,800,000	11,100,000	+5,300,000
105-58	Construction (emergency appropriations)	5,000,000	5,554,000	+554,000
	Total, Bureau of Indian Affairs	10,800,000	16,654,000	+5,854,000
	Total, Department of the Interior	248,879,000	317,899,000	+69,020,000
	RELATED AGENCIES			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
105-58	National forest system (emergency appropriations)	25,000,000	37,107,000	+12,107,000
105-58	Reconstruction and construction (emergency appropriations)	13,000,000	32,334,000	+19,334,000
	Total, Forest Service	38,000,000	69,441,000	+31,441,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Indian Health Service			
.....	Indian health services (emergency appropriations)	.....	1,000,000	+1,000,000
.....	Indian health facilities (emergency appropriations)	.....	2,000,000	+2,000,000
	Total, Indian Health Service	.....	3,000,000	+3,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	GENERAL PROVISIONS			
.....	Recreation fees (sec. 401)	.....	7,000,000	+7,000,000
	Total, Chapter 4:			
	New budget (obligational) authority	286,879,000	397,340,000	+110,461,000
	Appropriations	(10,000,000)	(17,000,000)	(+7,000,000)
	Emergency appropriations	(246,879,000)	(350,340,000)	(+103,461,000)
	Contingent emergency appropriations	(30,000,000)	(30,000,000)	.....
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	.....
	CHAPTER 5			
	DEPARTMENT OF TRANSPORTATION			
	Coast Guard			
105-3	Retired pay	4,200,000	4,200,000	.....
	Federal Aviation Administration			
.....	Facilities and equipment (Airport and Airway Trust Fund)	.....	40,000,000	+40,000,000
	Federal Highway Administration			
	Federal-aid highways (Highway Trust Fund):			
105-58	Emergency relief program (emergency appropriations)	276,000,000	276,000,000	.....
105-58	Contingent emergency appropriations	15,000,000	374,000,000	+359,000,000
105-3	(Limitation on obligations)	(318,077,043)	(318,077,043)	.....
	Total, Federal Highway Administration	291,000,000	650,000,000	+359,000,000
	Federal Railroad Administration			
.....	Emergency railroad rehabilitation program (contingent emergency appropriations)	.....	10,000,000	+10,000,000
	Total, Department of Transportation	295,200,000	704,200,000	+409,000,000
	RELATED AGENCY			
	National Transportation Safety Board			
105-3	Salaries and expenses (emergency appropriations)	20,200,000	.....	-20,200,000
.....	Contingent emergency appropriations	.....	23,300,000	+23,300,000
	GENERAL PROVISIONS			
.....	Highway traffic safety grants (sec. 503/504)	.....	3,000,000	+3,000,000
	Total, Chapter 5:			
	New budget (obligational) authority	315,400,000	730,500,000	+415,100,000
	Appropriations	(4,200,000)	(47,200,000)	(+43,000,000)
	Emergency appropriations	(296,200,000)	(276,000,000)	(-20,200,000)
	Contingent emergency appropriations	(15,000,000)	(407,300,000)	(+392,300,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	.....
	CHAPTER 6			
	UNITED STATES POSTAL SERVICE			
105-3	Payment to the Postal Service Fund	5,383,000	5,300,000	-83,000
	FUNDS APPROPRIATED TO THE PRESIDENT			
105-71	Unanticipated needs for natural disasters (emergency appropriations)	200,000,000	.....	-200,000,000
	INDEPENDENT AGENCY			
105-61	Federal Election Commission	1,709,000	1,700,000	-9,000
	Total, Chapter 6:			
	New budget (obligational) authority	207,092,000	7,000,000	-200,092,000
	Appropriations	(7,092,000)	(7,000,000)	(-92,000)
	Emergency appropriations	(200,000,000)	.....	(-200,000,000)
	CHAPTER 7			
	DEPARTMENT OF VETERANS AFFAIRS			
	Veterans Benefits Administration			
105-3	Compensation and pensions	753,000,000	753,000,000	.....
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Housing Programs			
.....	Preserving existing housing investment	.....	3,500,000	+3,500,000
105-3	Drug elimination grants for low-income housing (by transfer)	(30,200,000)	(30,200,000)	.....
	Community Planning and Development			
105-71	Community development block grants fund (emergency appropriations)	100,000,000	.....	-100,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	INDEPENDENT AGENCIES			
	Federal Emergency Management Agency			
105-58	Disaster relief (emergency appropriations)	541,000,000	3,567,677,000	+3,026,677,000
105-58	Contingent emergency appropriations	438,000,000		-438,000,000
	Salaries and expenses		5,000,000	+5,000,000
	Total, Federal Emergency Management Agency	979,000,000	3,572,677,000	+2,593,677,000
	Total, Chapter 7:			
	New budget (obligational) authority	1,832,000,000	4,329,177,000	+2,497,177,000
	Appropriations	(753,000,000)	(761,500,000)	(+8,500,000)
	Emergency appropriations	(641,000,000)	(3,567,677,000)	(+2,926,677,000)
	Contingent emergency appropriations	(438,000,000)		(-438,000,000)
	(By transfer)	(30,200,000)	(30,200,000)	
	CHAPTER 8			
	DEPARTMENT OF AGRICULTURE			
	Office of the Secretary			
	Fund For Rural America (offset)		-20,000,000	-20,000,000
	Natural Resources Conservation Service			
	Wetlands reserve program (offset)		-19,000,000	-19,000,000
	Food and Consumer Service			
105-3	The emergency food assistance program (offset)	-6,000,000	-20,000,000	-14,000,000
	Foreign Agricultural Service			
	Export credit (offset)		-16,000,000	-16,000,000
	Export enhancement program (offset)		-23,000,000	-23,000,000
	Total, Foreign Agricultural Service		-39,000,000	-39,000,000
	Public Law 480 Program Account:			
	Title I - Credit sales:			
105-44	Ocean freight differential (rescission)	-3,500,000		+3,500,000
105-44	Loan subsidies (rescission)	-46,500,000		+46,500,000
	Total, Public Law 480 program account	-50,000,000		+50,000,000
	Total, Department of Agriculture	-56,000,000	-98,000,000	-42,000,000
	DEPARTMENT OF JUSTICE			
	General Administration			
105-44	Working capital fund (rescission)	-6,400,000	-6,400,000	
	Legal Activities			
	Assets forfeiture fund (rescission)		-3,000,000	-3,000,000
	Immigration and Naturalization Service			
	Construction (rescission)		-1,000,000	-1,000,000
	Total, Department of Justice	-6,400,000	-10,400,000	-4,000,000
	DEPARTMENT OF COMMERCE			
	National Institute of Standards and Technology			
	Industrial technology services (rescission)		-7,000,000	-7,000,000
	National Oceanic and Atmospheric Administration			
	Fleet modernization, shipbuilding and conversion (rescission)		-2,000,000	-2,000,000
	Total, Department of Commerce		-9,000,000	-9,000,000
	RELATED AGENCIES			
	Federal Communications Commission			
	Salaries and expenses (rescission)		-1,000,000	-1,000,000
	Ounce of Prevention Council			
	Direct appropriation (rescission)		-1,000,000	-1,000,000
	Total, related agencies		-2,000,000	-2,000,000
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
105-3	Construction, general (offset)	-50,000,000		+50,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	DEPARTMENT OF ENERGY			
.....	Energy supply, research and development activities (rescission)	.....	-22,532,000	-22,532,000
	Power Marketing Administrations			
105-44	Construction, rehabilitation, operation and maintenance, Western Area Power Administration (rescission)	-2,111,000	.....	+2,111,000
	Total, Department of Energy	-2,111,000	-22,532,000	-20,421,000
	DEPARTMENT OF ENERGY			
105-57	Clean coal technology (rescission)	-10,000,000	-17,000,000	-7,000,000
105-44	Strategic petroleum reserve (rescission)	-11,000,000	-11,000,000	.....
	Total, Department of Energy	-21,000,000	-28,000,000	-7,000,000
	DEPARTMENT OF TRANSPORTATION			
	Federal Aviation Administration			
.....	Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)	.....	-750,000,000	-750,000,000
	National Highway Traffic Safety Administration			
.....	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authorization)	.....	-13,000,000	-13,000,000
	Federal Transit Administration			
.....	Trust fund share of expenses (Highway Trust Fund) (rescission of contract authorization)	.....	-271,000,000	-271,000,000
.....	Discretionary grants (Highway Trust Fund) (rescission of contract authorization)	.....	-588,000,000	-588,000,000
	Total, Federal Transit Administration	.....	-859,000,000	-859,000,000
	Total, Department of Transportation	.....	-1,622,000,000	-1,622,000,000
	GENERAL SERVICES ADMINISTRATION			
	Federal Buildings Fund:			
.....	Repairs and alterations (rescission)	.....	-1,400,000	-1,400,000
105-44	Expenses, presidential transition (rescission)	-5,600,000	-5,600,000	.....
	Total, General Services Administration	-5,600,000	-7,000,000	-1,400,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Housing Programs			
105-44	Annual contributions for assisted housing (rescission)	-250,000,000	-3,823,440,000	-3,573,440,000
	Total, Chapter 8:			
	New budget (obligational) authority	-391,111,000	-5,622,372,000	-5,231,261,000
	Rescissions	(-335,111,000)	(-3,902,372,000)	(-3,567,261,000)
	Rescission of contract authorization	.....	(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-56,000,000)	(-98,000,000)	(-42,000,000)
	Total, title I:			
	Discretionary budget authority (net)	2,991,910,000	.....	-2,991,910,000
	Appropriations	(123,342,000)	(113,500,000)	(-9,842,000)
	Rescissions	(-335,111,000)	(-3,902,372,000)	(-3,567,261,000)
	Rescission of contract authorization	.....	(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-56,000,000)	(-98,000,000)	(-42,000,000)
	Emergency appropriations	(1,740,179,000)	(4,797,172,000)	(+3,056,993,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(+143,700,000)
	Advance appropriation, FY 1998	(30,500,000)	.....	(-30,500,000)
	Advance appropriation, FY 1999	(921,000,000)	.....	(-921,000,000)
	(Loan authorization)	(488,000)	.....	(-488,000)
	(By transfer)	(31,400,000)	(30,200,000)	(-1,200,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	.....
	Mandatory budget authority	757,200,000	757,200,000	.....
	TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR PEACEKEEPING			
	CHAPTER 1			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
.....	Military personnel, Army (emergency appropriations)	.....	306,800,000	+306,800,000
.....	Military personnel, Navy (emergency appropriations)	.....	7,900,000	+7,900,000
.....	Military personnel, Marine Corps (emergency appropriations)	.....	300,000	+300,000
.....	Military personnel, Air Force (emergency appropriations)	.....	29,100,000	+29,100,000
	Total, Military personnel	.....	344,100,000	+344,100,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	Operation and Maintenance			
.....	Operation and maintenance, Marine Corps (by transfer) (sec. 2102)	.....	(23,000,000)	(+23,000,000)
105-3	Overseas contingency operations transfer fund (emergency appropriations)	2,006,214,000	1,566,300,000	-439,914,000
105-3	OPLAN 34A/35 P.O.W. payments	20,000,000	20,000,000	.....
	Total, Operation and maintenance	2,026,214,000	1,586,300,000	-439,914,000
	Revolving and Management Funds			
105-3	Reserve mobilization income insurance fund (emergency appropriations)	72,000,000	72,000,000	.....
	General Provisions			
.....	Defense health program (sec. 2103)	.....	21,000,000	+21,000,000
.....	Force protection initiatives (sec. 2104)	.....	10,000,000	+10,000,000
	Total, general provisions	.....	31,000,000	+31,000,000
	Total, Chapter 1:			
	New budget (obligational) authority	2,098,214,000	2,033,400,000	-64,814,000
	Appropriations	(20,000,000)	(51,000,000)	(+31,000,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(-95,814,000)
	(By transfer)	.....	(23,000,000)	(+23,000,000)
	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Operation and Maintenance			
105-44	Operations and maintenance, Defense-wide (rescission)	-10,000,000	-10,000,000	.....
	Procurement			
105-44	National Guard and Reserve equipment (rescission)	-62,000,000	.....	+62,000,000
	General Provisions			
105-3	DOD-wide savings proposals (offset)	-4,800,000,000	.....	+4,800,000,000
.....	Revised economic adjustments, FY 1997 (sec. 2201) (rescission)	.....	-307,000,000	-307,000,000
.....	Foreign currency savings, FY 1997 (sec. 2202) (rescission)	.....	-308,000,000	-308,000,000
.....	Prior year unobligated balances (sec. 2203) (rescission)	.....	-246,367,000	-246,367,000
.....	Prior year rescissions (sec. 2204)	.....	-982,500,000	-982,500,000
.....	Military construction, rescissions (sec. 2205)	.....	-180,000,000	-180,000,000
	Total, general provisions	-4,800,000,000	-2,023,867,000	+2,776,133,000
	Total, Chapter 2:			
	New budget (obligational) authority	-4,872,000,000	-2,033,867,000	+2,838,133,000
	Rescissions	(-72,000,000)	(-2,033,867,000)	(-1,961,867,000)
	Offsets	(-4,800,000,000)	.....	(+4,800,000,000)
	CHAPTER 3			
	GENERAL PROVISIONS			
.....	Military construction, Navy (rescission) (sec. 2301)	.....	-6,480,000	-6,480,000
.....	Family housing, Navy and Marine Corps (sec. 2302)	.....	6,480,000	+6,480,000
	Total, title II:			
	Discretionary budget authority (net)	-2,773,786,000	-467,000	+2,773,319,000
	Appropriations	(20,000,000)	(57,480,000)	(+37,480,000)
	Rescissions	-72,000,000	-2,040,347,000	-1,968,347,000
	Offsets	(-4,800,000,000)	.....	(+4,800,000,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(-95,814,000)
	(By transfer)	.....	(23,000,000)	(+23,000,000)
	Grand total, all titles:			
	Discretionary budget authority (net)	218,124,000	-467,000	-218,591,000
	Appropriations	(143,342,000)	(170,980,000)	(+27,638,000)
	Rescissions	(-407,111,000)	(-5,942,719,000)	(-5,535,608,000)
	Rescission of contract authorization	.....	(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-4,856,000,000)	(-98,000,000)	(+4,758,000,000)
	Emergency appropriations	(3,818,393,000)	(6,779,572,000)	(+2,961,179,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(+143,700,000)
	Advance appropriation, FY 1998	(30,500,000)	.....	(-30,500,000)
	Advance appropriation, FY 1999	(921,000,000)	.....	(-921,000,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	.....
	(Loan authorization)	(488,000)	.....	(-488,000)
	(By transfer)	(31,400,000)	(53,200,000)	(+21,800,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	.....
	Mandatory budget authority	757,200,000	757,200,000	.....
	Total appropriations in bill (net)	975,324,000	756,733,000	-218,591,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	SUMMARY			
	Total discretionary spending, title I	2,431,521,000	5,622,372,000	+3,190,851,000
	Total rescissions and offsets, title I	-391,111,000	-5,622,372,000	-5,231,261,000
	Total mandatory spending, title I	757,200,000	757,200,000	.....
	Total discretionary spending, title II	2,098,214,000	2,039,880,000	-58,334,000
	Total rescissions and offsets, title II	-4,872,000,000	-2,040,347,000	+2,831,653,000
	Total spending in bill	5,286,935,000	8,419,452,000	+3,132,517,000

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

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me simply say that I am in the happy position of being able to say that at least as of this moment, unless we have amendments adopted that change the situation, I think we are at a point where we can have bipartisan support for this bill. I hope it remains that way.

I would like to simply raise one concern I have about the Thune amendment. I had hoped that Mr. THUNE would be on the floor. I had asked him to be here. I do not see him at this moment, but let me simply, because we will not have time on the Thune amendment, let me raise some concerns about it now.

As the Chair of the committee understands, on the Democratic side of the aisle we were concerned about the committee decision not to provide community development block grant funding for the Dakota floods. We had urged that they do so. The decision was made by the majority party to withhold judgment on whether or not there ought to be any CDBG funding provided, and we respected that. Now I am happy to see that there will be an amendment offered, and I do not expect to object to it when it is offered today by the gentleman from South Dakota [Mr. THUNE].

I know that the gentleman from North Dakota [Mr. POMEROY] and the gentleman from Minnesota [Mr. PETERSON] and others are very concerned that that amendment pass, but I must say that there are some problems with that amendment that I believe are going to have to be fixed in conference.

First of all, as I understand it, the amendment attempts to fund $500 million in CDBG money by reducing the $1.2 billion contained in the original FEMA money to $700 million, which leaves FEMA with a very tight budget. I am concerned about the robbing Peter to pay Paul, the result that that might produce. I am also concerned that that amendment would run the risk of limiting the Federal response and delaying victims from receiving much-needed assistance through the regular FEMA account.

In the Senate, the $500 million was added without reducing FEMA's disaster fund account, and I had hoped that we would be able to simply adopt that approach. I think it would be useful if we could do that in conference.

I would also note that I am concerned because the gentleman's amendment apparently seeks to make permanent changes in law which would force the Secretary of HUD to waive the requirement that HUD's disaster assistance benefit only low- and moderate-income persons.

I am also concerned about why it is necessary to force the Secretary to waive the requirement to hold local public hearings. I am also concerned that it appears to be the intent of the gentleman's amendment to allow HUD to make grants, not loans, to privately owned, for-profit utilities. I am actually unsure about what his intention is in that regard, and I would simply make this point: It has been Government policy that CDBG funds can be used to assist businesses damaged by disasters, to the extent that such businesses are declined loans by the Small Business Administration or because they need assistance above the SBA loan limits, and I am curious as to whether or not it is the intent of the gentleman in that amendment to change that long-standing practice.

I hope that he can respond to those questions between now and the time that we deal with this in conference, because everyone wants to see this amendment go forward, but we want to see it go forward in the right way.

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

Mr. LIVINGSTON. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, the Thune amendment is an attempt to provide maximum flexibility to the people who have suffered such devastation in the Dakotas and in Minnesota as a result of the flood. There was some concern that because the flooding was so extensive and had been on the ground for such a long period of time, that certain businesses and certain people who live in houses in that flood zone either would not come back or should not come back, and it has been hard to get a handle on exactly what should be done and whether or not the Federal Government, within the confines and restrictions of current law affecting FEMA, has the flexibility to deal with those questions.

To his credit, the gentleman from South Dakota [Mr. THUNE] is attempting I think to answer some of those questions. Others in this Chamber, both on the Republican and the Democrat side, both the majority and minority side, have had different ideas on how to provide that flexibility, and I think this is an ongoing process. It is an ongoing process, so that we can talk it out and by the time we get to conference, hopefully we will provide the maximum amount of flexibility that really does help the people that need help, but without simply throwing the money at the problem and wasting taxpayers' dollars.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Chairman, I would simply say that I understand the gentleman's comments and agree with them. We do want to provide whatever amount is necessary through the CDBG process to enable them to meet their problems. We do also, because of our responsibility to the taxpayers and to other potential recipients from FEMA, want to make certain that in the process we do not hurt FEMA's ability to deliver aid. We also want to make certain that we do not unnecessarily make permanent changes in law that might come back to haunt us.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF], the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I thank the chairman of the Committee on Appropriations for yielding time to me, and I hope I can do it in 2 minutes. I want to commend the gentleman.

I do want to say I was very disappointed, though, that the leadership in the Committee on rules chose not to protect from points of order a total of $1.6 billion in rescissions of contract authority. These rescissions are necessary to ensure that the spending contained in this bill is fully offset. Without them, this emergency Supplemental appropriations will add more than $1.6 billion to the deficit, and I would have hoped, knowing that the gentleman has done such a good job and the committee did such a good job of offsetting it, that that would have been protected. I just thought it was a given, because we have been committed to making sure that all of this is offset.

Second, and I have so much here, I would just submit it all for the RECORD, but I would say that I am concerned that the senate has added much more money in to this for highway spending to donor States, far beyond what the President or anybody else has even suggested that should be in. We wanted a bill that was totally offset, and now they have added so much more.

Third, as the chairman of the Committee on Appropriations knows, and I would hope that we can resolve this matter, they have also basically put earmarking back in. This House, on both sides of the aisle, did away with earmarking. Some people call them pork projects, some people call them highway demonstration projects, others call them whatever they want to.

As an example, in the Senate bill, the State of Alabama would receive $21 million in additional highway aid funds in fiscal year 1997 and the State of Alabama would be required to spend all of that money on one specific project, the Warrior Loop project.

The House is well aware that we have gotten rid of these things, so therefore the other body has put in more money, well beyond what the President wanted, and at the very time both bodies are meeting, the budget committees are meeting, everyone is taking credit for reaching a balanced budget in the year 2002, yet we put more money into this than the President asked or anybody else asked for. So I hope as we get to conference both of these issues will be resolved.

Lastly, this is not the place to rewrite ISTEA. The place to rewrite ISTEA is in the Committee on Transportation and Infrastructure this year.

I again want to thank the chairman of the Committee on Appropriations for his outstanding job, and just hope that we can make sure this money is offset when we go back to committee.

I thank the chairman of the Appropriations Committee for yielding me a few minutes so that I might discuss a few of the items in the Transportation Subcommittee's jurisdiction.

First, the chairman of the full committee needs to be congratulated for the yeoman's work that he has done in crafting this bill—an $8.4 billion emergency supplemental bill that is fully offset. That was no easy task. He has been forced to make some difficult decisions and has done a commendable job under equally difficult circumstances.

I am disappointed, however, that the leadership and the Rules Committee chose not to protect from points of order a total of $1.6 billion in rescissions of contract authority. These rescissions are necessary to ensure that the spending contained in this bill is fully offset. Without them, this emergency supplemental appropriations bill will add more than $1.6 billion to the deficit.

This action is disturbing and painful.

In the area of transportation, the emergency supplemental bill includes $650 million in emergency highway program funds, $40 million for the FAA to procure additional explosive detection equipment, $22 million for the National Transportation Safety Board, and $10 million for emergency railroad rehabilitation. These funds are needed desperately to respond to the devastating floods that occurred throughout our country this spring and to ensure safety in our skies.

The bill also includes $318 million in additional fiscal year 1997 obligation authority for the Federal-aid highway program. These funds were requested by the President and are intended to compensate those States that were given an expectation of what they would receive—a false expectation, based on an arithmetic error by the Treasury Department—which they then calculated into their State highway fund.

The committee has been responsible and diligent in responding to the needs of the people in the flooded areas while being mindful of the desire of the American people to balance the budget and to offset this additional spending.

I am concerned, however, that the other body has gone much further than is necessary or warranted. I want to alert my colleagues to the other body's actions on its version of the supplemental bill—particularly with respect to two troubling issues. These issues have the potential to delay unnecessarily the emergency funding contained in this bill.

The other body has provided a total of $933 million in additional fiscal year 1997 obligation authority for the Federal-aid highway program. Of this amount, $457 million was added to address the Treasury error that I alluded to earlier in my remarks.

Moreover, the other body has provided almost a half a billion dollars more in additional fiscal year 1997 Federal-aid highway spending. This spending was not requested by the President and is not necessary as an emergency requirement.

This funding has nothing to do with the arithmetic error. It has to do with providing a hold-harmless provision to donee States to address what the donee States now see as a problem in the highway authorization act of 1991.

That act, ISTEA, contained a provision for donor States—those States that had traditionally received back substantially less than they had contributed to the highway trust-fund—that in the last year of the 6 years of ISTEA authorization, which is this year, there would be inserted a 90-percent floor. That is, no State would get back less than 90 percent of what it contributed to the highway fund. The 90-percent standard has been the holy grail of those States that have gotten less back than they have contributed to the fund.

This program, the 90 percent of payments program, was part of the common understanding of the Congress and the States when President Bush signed the bill in 1991. It was the understanding of the donee States. It is now the law of the land.

Well, now the donee States want more—more than what they have received in excess of their contributions over the last 6 years, more than what they would get under current law, more that what they are entitled to under ISTEA. The donee States would get a half a billion dollars more from the other body. This is not fair to the donor States.

While the majority of the other body is represented by donee, States, the overwhelming majority of this House is elected from donor States.

Mr. Chairman, this urgent supplemental appropriations bill is not the place—nor is it the time—to debate the donor/donee States issue. The reauthorization of ISTEA is the proper and appropriate legislation to debate this divisive issue.

In addition to this item, the other body has taken the unprecedented step of earmarking seven highway demonstration projects from the funds provided to the States under the regular Federal-aid highway program.

Rather than provide additional highway funds to the States without strings attached or to earmark funds in excess of the regular Federal-aid highway program for specific projects, as has been the norm, the other body directs certain States to spend a portion—and in some cases all—of their Federal-aid highway fund on specific highway demonstration projects.

As an example, in the Senate bill, the State of Alabama would receive $21 million in additional Federal-aid highway funds in fiscal year 1997. The State of Alabama would be required to spend all of that money on one specific project, the Warrior Loop project.

Now, under the provisions of the Senate's bill, the State of Alabama either uses its Federal-aid highway funds on this one particular project by the end of September, or it loses all of it.

The State is afforded no elasticity as they have under current law.

The process advocated by the other body will significantly change the manner in which the Federal Highway Administration manages the Federal-aid highway program. It will also impact each of the States' ability to fund the projects of greatest need. And it eliminates the flexibility afforded the States and local units of government under current law to determine what project or program is best for them.

This process undermines the planning process established by ISTEA and forces the States to give a higher priority on these projects than on other potentially more worthy projects.

The House is well aware of our position on the earmarking of highway demonstration projects. As a result of not earmarking highway demonstration projects, the Appropriations Subcommittee on Transportation has been able to increase the Federal-aid highway program by almost $1 billion.

In doing so, we have allowed the States and people at the local level to determine the appropriate use of these funds—not people here in Washington in their ivory towers.

These issues are surely to be contentious in conference and I felt compelled to inform my colleagues at this stage of the process.

I am afraid that a protracted debate on Federal-aid highway formulas and the underlying donor/donee State problem as well as the earmarking highway demonstration projects will delay the necessary funding to respond to the devastating floods that occurred this spring.

I thank the chairman for yielding me the time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. PETERSON].

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

□ 1300

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in support of H.R. 1469, the Emergency Supplemental Appropriations Act, because it contains very important money for our region for the disaster that we just went through, a disaster like we have never seen in 500 years in Minnesota.

In East Grand Forks, pictured here, in Breckenridge, in Ada, in Warren, and all the rural communities along the Red River, we were under water. Nobody can remember anything like this. We had snowstorms, ice storms, and then, last, the flood of 1997.

There is the city of East Grand Forks, a town of 9,000 people, that got hit probably the hardest of any community in this flood. Everyone, the entire town was under water. It had to be evacuated because the water kept rising. In the end it just could not be stopped. Every street, every home, every business went under water, and the water did not go down for 2 weeks.

In true Minnesota style, the people of Crookston, Thief River Falls, Red Lake Falls, Bemidji, and many other communities opened their doors and provided shelter and people to help us get through, and to help the people driven out by the floods.

Now, although the water has receded, the damage and desolation that is everywhere is reminiscent of a nuclear blast. There are no children playing, and life is now just returning to normal. There is garbage and debris every place you look. People's entire lives are sitting on the berms waiting to be scooped up by payloaders. East Grand Forks has lost four of their six schools,

their city hall, their library, and neighborhood after neighborhood. Thirty-five to forty percent of this community is going to have to be rebuilt and moved to another part of the area so we do not do this again.

Mr. Chairman, in all of the flood-ravaged communities in the Red River Valley, the challenge now is to rebuild. On behalf of all of the Minnesotans in the Seventh District, I want to thank the President, the Vice President, the Speaker, the majority leader and other Members who came out to look at the damage for themselves, and thank them for all the help they have given us to get to this point.

The work of FEMA and the director, James Lee Witt, have been outstanding. I want to thank each and every one of the agency personnel who have been out in the Seventh District helping our people and communities get back on their feet.

I also want to thank the National Guard, Army Corps of Engineers, and the mayors. I thank them and I encourage everyone to support this bill.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Florida [Mr. YOUNG], chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill. I would like to urge our colleagues to do everything possible to expedite this bill. The money for the Department of Defense that we provide in this bill is offset from the Department of Defense budget. There is no new money here. It is basically a transfer within the department's funding. But if we cannot get this done expeditiously, the operation and maintenance accounts, the training accounts for all of the services, are going to be severely affected.

I just urge our colleagues, however they intend to vote on the bill, help us expedite the consideration of this bill so we do not have to stand down any flight training or stand down any training on the part of any of the services, or affect any of the operations and maintenance, because that is what will happen if we do not get this funding resolution, this supplemental appropriations bills, through here quickly.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. REYES].

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

Mr. REYES. Mr. Chairman, I wanted to offer an amendment today, but it was ruled not germane to the bill. The amendment would have provided for displaced workers affected by NAFTA, which I believe qualify for disaster relief. I appreciate the opportunity to enter my remarks, written remarks, into the RECORD.

Mr. Chairman, I wanted to offer an amendment today but I've been told that, under the rule, my amendment is not germane so I'm not going to offer it but I would like to tell my colleagues about it.

Last week, the New York Times ran a lengthy article about workers who have been dislocated by NAFTA. The dateline on the story was El Paso, TX, which I represent.

Mr. Chairman, during the first 2½ years of NAFTA, Texas had almost 8,000 certified job losses as a result of NAFTA.

More than half of those dislocated workers were in El Paso.

Under current law, after these workers exhaust their unemployment compensation, they are entitled to cash benefits for 52 weeks while they are retraining.

Many of these workers have exhausted those cash benefits and they are still jobless.

My amendment would have appropriated an additional $10 million for these workers and extend their eligibility for benefits an additional 6 months.

My amendment would also have appropriated an additional $1.6 million for the retraining programs, which would bring the appropriation up to $30 million, the maximum amount authorized.

Today we're considering a supplemental appropriations bill primarily for disaster relief.

As far as I'm concerned, these dislocated workers need disaster relief, too. Unfortunately, under this rule, we're not going to be able to help them.

Mr. Chairman, we have an obligation to these workers and I will be on this floor every chance I get to speak on their behalf.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

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

Mr. Chairman, I thank very, very sincerely the Committee on Appropriations chairman and the ranking member of the Committee on Appropriations for their assistance in working up an appropriate disaster relief proposal, formed as the Thune amendment.

Mr. Chairman, what we have in North Dakota is an absolute disaster, the dimensions of which we have never experienced before. Grand Forks, ND, second largest town in the State, A town of 50,000, was under water, and the consequences of it are absolutely devastating for the businesses and the homeowners that reside there.

What we are finding as we begin tackling the rebuilding component of this is the additional needs that are simply not met with the existing programs. For example, we literally have hundreds of homes in the floodway, a floodway that is proposed to be razed, and a permanent dike established so we do not have this problem ever again.

These individuals need to know right now whether or not funds will be available on a home buyout proposal so they might have the means to build on higher ground while the city's enhanced flood protection program moves forward.

The Thune amendment allows this to happen by transferring funds from FEMA into the Community Development Block Grant, to be more flexibly applied to the unique needs that this situation presents. The CDBG funds in the Thune amendment are not exclusively for the area, and other areas that have had disasters may also access these funds to augment the existing structure of disaster relief programs.

What we have seen with the Thune amendment is a bipartisan response to a truly national disaster. President Clinton, Speaker GINGRICH, the majority leader, the gentleman from Texas, Mr. ARMEY, all have visited the area. The gentleman from South Dakota [Mr. THUNE] and the gentleman from Minnesota [Mr. PETERSON] have worked at great length putting this together. Please support the Thune amendment and the bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP], a new and valued member of the Committee on Appropriations.

Mrs. NORTHUP. Mr. Chairman, I rise in support of H.R. 1469, the Disaster Recovery Act of 1997, which will get money needed as a result of the floods to Kentucky residents. I am sorry for so many of the people that suffered in my community because of this extraordinary flood that occurred this spring. We had 12 inches of rain in 1 day. We had flash flooding, and then a major flood when the river overflowed as it drained off and the river flooded.

This flood was the worst since 1964. There is no amount of personal insurance, of personal precautions, that would prepare a person or a community for this size flood. It is in this bill where we reach out to those people who were struck so badly.

My constituents have said this is when Government should become involved in citizens' lives, when Government is truly the last resort for assistance. It is a bill which will help many States and citizens, and it was developed in a teamwork approach. That is why I urge my colleagues to vote for this bill.

I hope the President will listen to the needs of my constituents from Kentucky, Arkansas, and throughout the Nation, and please, sign this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

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

Mr. Chairman, I commend the distinguished chairman of the Committee on Appropriations and our ranking member for their hard work to bring this legislation to the floor. When natural disaster strikes, the people of our country have a right to have a response from us, and a response that is quick and appropriate. That is why I hope that we can do that with this legislation, and why it is hard to understand why anyone would want to throw up an obstacle to the very quickest response to the needs of the American people.

That obstacle is in the form, in this legislation, of having in order the Gekas amendment. President Clinton has rightfully said that if the Gekas

amendment is included in this bill, that he would veto the bill. So I urge my colleagues, when it comes time to vote on the Gekas amendment, to vote against it.

Who wins under the Gekas amendment? I think just the House Republicans, because this month's balanced budget agreement includes several new investments in education and other priorities for American families, but Republicans are hoping they can ignore those bipartisan commitments by ramming through this amendment, which would allow them to impose automatic $25 billion cuts in education and other priorities.

If the Gekas amendment passes today, here is what could happen: 86,000 fewer children would be enrolled in Head Start, 360,000 fewer students would receive Pell grants for college or job training, 31,000 fewer students would get college work study jobs. If you are a veteran you should be concerned, because 60,000 veterans could be denied medical care, 66,000 people would lose job training and job placement.

The list goes on and on. If you are concerned about the environment, the cleanup of 900 toxic waste sites could be delayed, 500,000 fewer at-risk pregnant women and children would get milk, cereal, and other foods. We will be debating that under the WIC provision that our colleague, the gentlewoman from Ohio [Ms. KAPTUR], is proposing. It is hard to understand how the Republican majority rejected the WIC funding. It is hard to understand why they would allow the Gekas amendment to stand in the way of the quickest possible aid to people suffering from disaster in America.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. QUINN].

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

Mr. Chairman, I rise to speak in support of the amendment today. Our amendment adds $38 million to the supplemental food program for nutritionally at-risk pregnant women, infants, and children under the age of 5. We propose to take unused dollars from a NASA wind tunnel project to offset the cost of the additional dollars.

Mr. Chairman, we appreciate the interest from Members on both sides of the aisle. If we do not include these funds, 180,000 women, infants, and children will be removed from the program. Because of an increased need, food price inflation, along with an underestimated caseload for fiscal year 1997, a serious reduction of women, infants, and children served through the WIC Program this year is inescapable.

The WIC participation for 1996 fiscal year exceeded the initial projection by 100,000 women, infants, and children. Innocent children are facing unique and challenging circumstances at this time. We should be there to help them. For instance, the flooding in North Dakota has caused 3,000 additional caseloads with the WIC Program.

There has been some controversy surrounding our request for these additional funds, there is no question. However, if we cannot continue to serve these people who need our help, who are experiencing temporary difficulty with maintaining a healthful diet at their most critical time of growth and development, if we cannot do this, we are essentially cutting the program.

WIC is a well-managed program that would put these additional dollars, I believe and others believe, to efficient use. In fact, it includes the most successful cost-containment system of any Federal health-related program. We all know, and it has been justified, it has been talked about, that for every dollar WIC spends on prenatal care, we save $3.50 spent on Medicaid.

WIC is one Federal program that I believe and others do that is truly deserving, and it delivers what it promises to the American taxpayer. Medical evidence shows that the WIC Program reduces low birthweight, infant mortality, and child anemia. This amendment is proof that we can do what we want when we work from both sides of the aisle.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the ranking member of the Committee on Appropriations for yielding me the time, and also the chairman, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, I stand to lend my support to the bill as reported by the committee, and I want to thank them for their skill and sensitivity in bringing this before the floor.

On behalf of myself and my colleagues, the gentleman from Florida, Mr. DIAZ-BALART, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, the gentleman from Florida, Mr. CLAY SHAW, and the gentleman from Rhode Island, Mr. PATRICK KENNEDY, our amendment, which has been allowed as a part of this particular exercise here this morning, it takes through the fiscal year the cutoff of SSI income and Medicaid checks to legal immigrants, including refugees and asylees. This delay will give Congress a chance, Mr. Chairman, to agree on a permanent solution to help and assist these vulnerable people.

Our amendment provides an offsetting rescission in budget authority that will allow us to do this, so that when Congress takes its recess, these very worthy legal immigrants will continue to receive their benefits. Our amendment, which they have been so helpful in letting us offer this morning, is identical to the one that has already been passed by the Senate on May 7.

We all know that the Social Security Administration has sent out over 800,000 letters to people letting them know they may or may not have a cutoff of their benefits. We know they have let them know, and this has caused quite a bit of consternation with the many people who received them.

But now, because of the sensitivity of this Congress and because of this supplemental bill, we will hopefully, with our amendment, be allowed to help these people. This cutoff was required by the welfare law that was enacted last year.

SSI checks, as we know, they go to needy people, they go to aged and frail people and disabled people. They are the most vulnerable people in our society. These people, most of them are over 64 years of age, blind or disabled, and certainly this Congress does not want to see their SSI cut off. We want to thank this Congress, Mr. Chairman, for this wonderful act.

□ 1315

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 30 seconds.

I would simply like to congratulate the gentlewoman from Florida. The history of this provision is that when we first marked up the supplemental in the Committee on Appropriations, the gentlewoman from Florida tried to offer an amendment which would have provided for a long-term extension of the restoration of the benefits that this amendment covers. She understood fully that it was not the jurisdiction of the Committee on Appropriations, and she understood why the gentleman from Louisiana and I had to oppose that amendment.

But she then offered this amendment in committee which would provide in essence for a 1-month bridge so that we would not have people lose their benefits in August, be out of benefits for a month, only to then have them resume if the budget agreement passes which restores these benefits. So she agreed to withhold offering that amendment in committee, so long as her right to offer this amendment was protected on the floor, as in fact now has occurred.

I simply want to say that this is the responsible way to approach this problem. It would be ludicrous for these people to be bounced off the rolls for one month and then go back on. I appreciate her commitment on the issue. That is why this matter is before us today.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, I just want to say that I agree with everything that the gentleman from Wisconsin has just said but would add that this amendment became necessary because of a shortfall created in the welfare reform program.

I want to say that I totally agree with, concur with and support the welfare reform activities that this Congress entered into in the 104th Congress. But when we reduced welfare, in effect we created savings in the entitlement side of the equation or the mandatory portion of the budget, and now we are making up for the differential out of the discretionary portion of the budget.

For the average person throughout America, they do not know the difference between mandatory spending

and discretionary spending, and they do not care and they need not care. It does not matter to them. But for us who have to work with the numbers day in and day out, we know that we are making great gains in the discretionary portion of the budget pie, saving the American taxpayers money, and we are not making significant or we made less gains on the entitlement side.

Hopefully with this budget agreement we will make significantly more gains. But it just seems unfortunate that we have to make up for the shortfall on the discretionary side of the budget that was created on the entitlement side of the budget recognizing that what I just said is inside-the-Beltway jargon.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WALSH], the very distinguished chairman of the Subcommittee on Legislative. He did an outstanding job previously on the Subcommittee on the District of Columbia.

Mr. WALSH. Mr. Chairman, I would like to thank the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], for the terrific job that he is doing under very difficult conditions.

Mr. Chairman, I rise to discuss the intent of the provision included in this bill by the Committee on Appropriations that would place a 14-million acre limitation on the number of acres that could be enrolled in the Conservation Reserve Program in 1997.

First of all, I want to make it clear that I am a strong supporter of the CRP program, and I support efforts to ensure a full 36-million acre enrollment. However, my purpose in placing this limitation language in the bill was to ensure that only the most environmentally sensitive land is enrolled in the CRP. USDA maintains that they plan on enrolling acreage that provides the greatest environmental benefit for the dollar spent. Our language merely was giving USDA breathing room to do the job right in accordance with the 1995 farm bill.

Currently, over 75 percent of the acres enrolled in the CRP is concentrated in nine States. Much of this acreage was enrolled back in the mid-1980's, when the CRP program was a price support program. Our bill language was meant to ensure that the USDA did not re-enroll some of these highly productive lands when world stocks of grain are exceedingly low. Idling productive acres is not what Congress intended when it passed the farm bill last year. Taxpayer money should not be used to re-enroll productive lands in the CRP program.

One of the problems with this new sign up is that this year's bidding occurred only 3 weeks after the new rules were finalized by USDA. This did not leave sufficient time for outreach to farmers who had not previously participated in the program. It is only reasonable to assume that most of the States need some time to disseminate information about the new program.

Even more troubling to us was the fact that USDA policies on rental rates discouraged enrollments in the East and the West coastal regions while USDA administrative policies also discouraged Western rangeland from participating in the program.

We also wanted to ensure that adequate CRP acreage was provided for the continuous enrollment of buffer strips which are perhaps the most effective way of controlling farm runoff.

A final point is that tight Federal dollars must buy maximum conservation benefits. Our appropriations bill language was fiscally responsible in that it saved, in fiscal year 1998, $31 million, and in 1999, $177 million. These moneys could have been available to spend on other critical agricultural programs that we will not otherwise be able to fund at sufficient levels in the upcoming bills.

I thank the chairman for yielding me the time on this important issue to express the intent of the CRP bill language. I look forward to continued work with the committee and with USDA to ensure that regional inequities in the administration's CRP program are addressed.

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

Mr. Chairman, let me simply say that I appreciate the gentleman's concern for his region. It is perfectly appropriate.

I would simply say that I think there are many in Congress who have a different view of the provision in the bill at this point with respect to the CRP. It seems to me that on an emergency supplemental, we should not be making this kind of change in basic law. It insures to the detriment of a good many farmers in the upper Midwest. I trust that at the time it will be properly stricken on a point of order.

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

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

Mr. WALSH. Mr. Chairman, the gentleman is correct. We are concerned in the Northeast, the Southeast, the Southwest and the far West that all of the acres will be enrolled within this year in one section of the country. This was meant to be a national program.

Mr. OBEY. Mr. Chairman, I would say that this is a national program. it should be allowed to proceed the way the department and farmers expected it to. If other regions of the country are behind, I suspect over time that will be a self-correcting phenomenon.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Iowa [Mr. BOSWELL].

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

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

I rise in support of this emergency supplemental appropriations bill. As many of my colleagues have done, I, too, have been an appropriations person in another life. I realize there is a temptation for Members on supplementals to want to do other things. But I want to remind my colleagues that the intended target of this funding would be the people affected by the flooding which has devastated parts of North Dakota, South Dakota, Minnesota, and California.

We need to help our neighbors in their time of need, and it is the right thing to do. Nearly 4 years ago my State of Iowa suffered from the great flood of 1993, a 500-year flood. I remember the assistance the Federal Government provided us in our communities in our time of great need. There may be provisions in this massive funding bill that we may find objectionable; that will always be the case. But please do not derail this because of wanting to attach to a supplemental something that would actually delay the needed relief.

I ask my colleagues to join me in extending a neighborly helping hand to the affected States and provide them with the help they need to improve their situation. Anyone who has been through a devastational flood can attest it takes time, money, and a lot of sweat and hard work to get back to some semblance of normalcy. Let us provide one part of that equation by adopting this emergency funding bill. It only makes sense.

Hopefully, no amendments will be adopted that will cause a veto or delay this much needed assistance. We owe it to our neighbors. Let us pass this and get this help to them right away.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the great gentleman from the Great State of Washington [Mr. NETHERCUTT], a great member of the Committee on Appropriations.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Louisiana [Mr. LIVINGSTON], the great chairman of the Committee on Appropriations, for his great introduction.

Mr. Speaker, I am here pleased to support the work of the chairman of the Committee on Appropriations and working with the ranking minority member, the gentleman from Wisconsin [Mr. OBEY], to bring to the Congress, to the House, a wonderful effort to meet the needs of the flood victims of last year. It is absolutely critical that we pass this bill today, and I totally support it.

I also appreciate the comments of the gentleman from New York [Mr. WALSH], my colleague who was here a moment ago, speaking with regard to CRP. I want my colleagues to understand that, as a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, we really resisted the amendment of the gentleman from New York [Mr. WALSH] to cap CRP, Conservation Reserve Program, acres at 14 million acres. We want it to

be the 19 million acres that are intended to be enrolled in 1997.

This is supported by the chairman of the Committee on Agriculture. It is supported by people who care deeply about agriculture across this country, not the least of whom are in my own district, the Fifth District of the State of Washington. CRP is a great program. We should not fool with it in an appropriations bill, especially an emergency supplemental appropriations bill.

I happened to be pleased to join with the chairman of the Committee on Agriculture today in raising a point of order to have the cap lifted and the language that the gentleman from New York [Mr. WALSH] was able to insert in the subcommittee and full committee and have that language removed from the bill, because it is bad policy on an emergency supplemental. It is also bad policy for agriculture.

The Conservation Reserve Program helps habitat, it helps the environment, it helps agriculture, it does all of those things for the good of the Nation. The program has been fairly distributed. I am happy to work with the gentleman from New York [Mr. WALSH] and anybody else to get the Department of Agriculture to enroll acres that are properly to be enrolled, highly erodible acreage.

So I will offer this point of order with the gentleman from Oregon [Mr. SMITH] today, and I urge the support of my colleagues.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. MINGE].

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

Mr. MINGE. Mr. Chairman, I rise to support the bill that is under consideration and the Thune amendment. The area of Minnesota which I represent is one of the hardest hit by this spring's flooding. The work, the spirit of the local officials, the residents, the volunteers, State and local officers, and others have prevailed in our area's recovery. This is a tribute to all of this hard work.

I also wish to signal my support for the Smith point of order that would strike the limitation on the Conservation Reserve Program. This is an important program for our country. It ought to be allowed to move ahead as the U.S. Department of Agriculture is implementing it.

I rise today to commend the community leaders, volunteers, and public servants of flood ravaged communities along the Minnesota River. The flooded communities in my district will begin to put their lives back together with the passage of the fiscal year 1997 emergency supplemental appropriations bill before the House today.

From treacherous November windstorms, to unprecedented January snowstorms, to the flood of the century, Minnesota weather has certainly tested our wills. Cleanup and recovery efforts from the floods have just begun. I have held numerous town meetings in flood-ravaged areas along the Minnesota River, and I have seen that, in the true Minnesota spirit, folks are moving on with their lives with their heads held high. The passage of this bill today is a long-awaited, important step toward recovery.

This disaster experience has summoned an unprecedented level of commitment from all levels of government starting at the local level. Mayor Jim Curtis and City Manager Jim Norman of my hometown of Montevideo, as well as Granite Falls' Mayor Dave Smiglewski and City Manager Bill Lavin; Dawson's Mayor Al Schacherer and City Manager David Bovee; Redwood Falls Mayor Sara Triplett and City Manager Jeff Weldon; New Ulm's Mayor Bert Schapekahm and City Manager Richard Salvati; St. Peter's Mayor Jerry Hawbacker and Daniel Jordet; Morton's Mayor David Mude and City Clerk Shirley Dove; Appleton's Mayor Hugo ''Bob'' Roggatz and Coordinator Robert Thompson; Ortonville's Mayor David Ellingson and Clerk Administrator John Jenkins; and Beardsley's Mayor Glenn Burgess; Boyd's Mayor Gary Steinke and Clerk Karen Schmitt; Clara City Mayor Todd Prekker; Maynard's Mayor Richard Groothuis; and Odessa's Mayor Donald Teske, along with numerous county commissioners and emergency management officials, are just a few of the many community leaders who showed remarkable courage and perseverance when their communities were under crisis.

The Federal Government worked together with these officials as well. When our region was devastated with drastic winter storms, Federal employees from the Federal Emergency Management Agency [FEMA] were on hand to assess the damage of our public roads, buildings, and utilities. Other employees worked efficiently to open roads after unprecedented winter snowfall. During the flooding of the Minnesota and Red Rivers, FEMA employees were immediately disseminating information and helping flood victims get back on their feet. I even heard from several of our local county officials that FEMA responded so quickly, local officials had to speed up their assessment of the damage so that the Federal employees could proceed with their response.

These are but a few examples of good government and cooperation we have witnessed throughout this disaster. City mayors to local emergency teams, to county and State representatives, to Federal officials have demonstrated that government can be effective.

I am pleased that the Speaker recognized the extent of the damage in our area and vowed his assistance. According to Minnesota Gov. Arne Carlson's office, the Speaker has promised Minnesota Federal reimbursement aid at 90 percent when that level is accorded to the States of North Dakota and South Dakota. This would allow the Federal Government to cover 90 percent of the costs while the State and local governments would be responsible for 10 percent. Minnesota's counties who were ravaged by the unprecedented floods should not be excluded from this reimbursement ratio that recognizes the severity of the damage, and I commend the Speaker for lending his support to Minnesota.

I would also like to voice my strong support for the inclusion of Community Development Block Grants [CDBG's] in the supplemental appropriations bill. After consultations with the FEMA and local officials in Minnesota, I agree that CDBG's will effectively serve flood victims and I urge my colleagues to support Representative THUNE's amendment that provides the inclusion of Community Development Block Grants [CDBG's]. This is the best way for the Federal Government to quickly and efficiently aid flood victims and restore our devastated communities to economic vitality.

Unfortunately, this bill came before the House with several extraneous provisions and its consideration was delayed because of several superfluous additions. I was disappointed that the bill was not brought to the floor as a clean, emergency appropriations bill. The extraneous provisions took the focus away from providing aid to the victims of the flood.

I am pleased, however, that the Speaker allowed my colleague, Representative RAY LAHOOD and I to bring forward an amendment to strike one of the extraneous provisions. The bill called for a cap on enrollment of the Conservation Reserve Program [C.R.P.]. The C.R.P. has enabled Minnesota to protect environmentally-sensitive land and has revitalized the wildlife habitat in our region. Our amendment would maintain C.R.P. enrollment at the current level and allow farmers and landowners to continue to take advantage of this popular, efficient, conservation program.

I urge my colleagues to recognize the urgency of our situation in Minnesota and allow the House to come to the aid of the flood victims in the Midwest immediately. The passage of this bill will enable local governments to continue to help the people in their flood-ravaged communities put their lives back together.

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

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds. I am in a similar position as the gentleman from Louisiana [Mr. LIVINGSTON]. I had seven Members who desperately wanted to speak, none of whom are now here.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. PASTOR].

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

Mr. PASTOR. Mr. Chairman, first of all, I would like to congratulate the chairman and the ranking member for bringing this bill to the House so we can help and assist the flood victims and also provide more financial aid to the troops in Bosnia.

There are two issues that I would like the House Members support. One issue deals with WIC. As you know, it should be the objective of this House to fully fund WIC. In my former political life as a county board supervisor and being in charge of an indigent hospital, we would see that women who came in and were enrolled in the WIC Program delivered children that were healthy and probably the children would have a better life of quality, where women who were not enrolled in the WIC Program delivered a low-weight baby and we found the children would experience problems.

□ 1330

So it makes good sense to support WIC because it is humane and also it will save costs in the future.

The second issue that I would ask support for deals with the Diaz-Balart-Meek amendment, and this is to extend the social services that will be denied to legal immigrants.

What is happening today, Mr. Speaker, is that legal immigrants, people who have lived in this country for many years, have raised their children, have paid their taxes, and because of the new welfare reform legislation, will be denied social services.

Many legal immigrants today are receiving notices that they will no longer receive social services due to their status of not being citizens. That is causing a lot of problems, especially to the elderly; people who are in nursing homes, people who need the assistance of food stamps because they are not making enough on their pensions, and also young people will be affected.

So I would ask the Members to support the Meek amendment. All it does is extend the services until the end of the fiscal year so that the people will continue to receive services and, once we pass the budget, hopefully all those services will be restored to the legal immigrants.

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

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

I would just take a minute to say that this is an important bill. The President initially requested about $2 billion for disaster relief for people devastated in California and various other States, and then the incredible flooding of the Dakotas and Minnesota occurred in the interim. All of these people, not only in those States I have mentioned, but all told in some 35 States, have suffered the ill effects of terrible weather and the tremendous adversity of nature.

Unfortunately, in recent years, the American taxpayer has become the insurer of last resort. So it seems that year after year we have to come up with these supplemental appropriations bills to deal with this devastation. We are happy to do that. We want to make sure that we try to repair some of the damage. There is no way on God's green Earth we will be able to repair all of the damage but, at the same time, we owe the taxpayer the responsibility to make sure that the money is spent wisely; that it is not wasted; that it is simply not just thrown at the problem.

In addition to the disaster relief, President Clinton, of course, has detailed troops to Bosnia and to Haiti and other places throughout the world and those expeditions have exceeded their budget and have exceeded the money previously appropriated to the Defense Department, and so we have to pay for those ventures. Unless we, at some point, pull our troops out of those places, that expense goes on from day to day. We cannot simply tell our troops to go out and do the job, but we will not pay for it.

So it is important, I think, that we pass this bill, that we pay for the troops, that we pay for the devastation, but that we offset it within the existing budget. We have done that in this bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

I wanted to mention for the RECORD that there are a number of colleagues who will have colloquies with myself regarding some items on the emergency side of this bill. There are some complicated difficulties we are having on housing programs. I want my colleagues to know that we are very aware of those circumstances and plan to work with our colleagues.

In view of the fact that many were not able to be here at this moment, I would suggest that the gentleman has done fabulous work on this bill, I congratulate him for his efforts, and certainly those people facing disasters across the country owe him a good deal of gratitude.

Mr. LIVINGSTON. Well, Mr. Chairman, I thank the gentleman. I want to say this is a bipartisan bill. We have gotten this far in joint agreement because Members across this House of Representatives, working in tandem with the other body, have decided that these items must be paid for, and yet we have also joined forces to make sure that we find the budget authority within our previously appropriated items to offset the increased costs.

So right now there are no additional costs to the U.S. taxpayer for what is spent in this bill. I think that makes it a reasonable bill, a bill that meets the demands of the American people and a bill that should be passed with as few amendments as absolutely possible.

I do hope that we can get this bill passed without undue political wrangling, that we can put it on the President's desk and that we can get his signature within the next few days, certainly before we leave on the Memorial Day recess. In fact, I would encourage all of our Members on both sides of the aisle and the leadership to make sure they do everything possible to assure that this bill becomes law before the Memorial Day recess.

Mr. MCINTYRE. Mr. Chairman, I rise today to announce my support for H.R. 1469, the supplemental appropriations bill for fiscal year 1997. Included in this bill are several components, which, if enacted, would greatly assist the residents of southeastern North Carolina in their further recovery from last year's hurricane. The night of September 6, 1996, the district that I represent, North Carolina's Seventh, was battered by hurricane Fran. Less than 2 days later, my entire district was declared a disaster area by the President. Yet, we were ready to rebuild our lives and repair our environment.

That is why the $150,700,000 appropriated in this bill for the Emergency Watershed Program [EWP] is so important to the fine people who live, work, and vacation in North Carolina. This money will be available nationwide to all qualified applicants. The EWP provides for the restoration of creeks and rivers that were clogged by downed trees and other storm debris. I have had many constituents contact me by phone, letter, and in person about the need to clear our rivers now in order to prevent flooding later. The greater the potential for flooding, the more likely the Federal Government will be called upon to assist those whose homes, businesses, and crops are damaged or destroyed by flood waters.

The Seventh District faces another threat H.R. 1469 seeks to address: economic disaster. North Carolina's economy continues to suffer after Hurricanes Fran and Bertha. Fran damaged 891 nonagricultural businesses with $50 million in repairs still needed. Our agricultural and timber industries were nearly overwhelmed by $2 billion in damages. It makes good sense that one of the highest priorities of North Carolina's economic recovery plan is support for the Economic Development Administration's efforts to assist our communities.

Finally, I thank the entire North Carolina congressional delegation for working together to make sure that this bill addresses many of the unmet high-priority needs in my State. In the House, Congressmen, HEFNER, PRICE, and TAYLOR along with my other colleagues worked to ensure that North Carolina's unmet needs were addressed in this legislation. I also want to thank our State's Senators, who have been instrumental in coordinating our efforts to support these important components. I urge my colleagues to support H.R. 1469.

Mr. PAUL. Mr. Chairman, I rise in opposition to the automatic continuing resolution amendment to H.R. 1469, the so-called Supplemental Appropriations for Fiscal Year 1997.

Nestled within all the rhetoric and debate surrounding H.R. 1469, the Supplemental Appropriations for Fiscal Year 1997, is an amendment offered to fund national government operations throughout Fiscal Year 1998. Funding that is, at 100 percent of the current level of overspending. This amendment abdicates the responsibility of Congress to legislate and appropriate; that for which Congress was elected by citizens of this country. Rather than accepting the responsibility and corresponding accountability to constituents for voting in favor of or against particular appropriations, this amendment allows Congress, in the name of strategizing against the President and averting blame for a government shutdown, to approve in an autopilot-type approach, Federal spending through the end of fiscal year 1998.

This strategy sets a dangerous precedent of bypassing the constitutional checks on governmental powers by minimizing the separate roles of the executive and legislative branches. Rather than a Presidential veto on congressional appropriations—thus demanding a new consensus between the Congress and the Executive—the veto power of the President becomes merely the power to continue funding at a level already burgeoning with spending on constitutionally suspect programs. Once again, Congress grants to the executive branch, powers never intended by the Constitution.

The amendment also introduces a dangerous ratchet-up feature in Federal Government spending. For should this precedent be later followed and should Congress ever decide to make amends for its habit of spending

beyond its means, the Presidential veto power then becomes a tool by which the President can ignore the will of Congress absent a two-thirds majority to override the veto. Recent history suggests that Congress is rather unlikely to decrease its spending and this certainly would be much more unlikely in the event a two-thirds majority is required.

For these reasons and others, I oppose abdication of congressional responsibility, putting the Federal Government appropriation process on autopilot, and, therefore, approval of the automatic continuing resolution amendment to H.R. 1469.

Ms. ESHOO. Mr. Chairman, included in the fiscal year 1997 supplemental appropriation bill which we are considering is language that makes available to the State of California, emergency relief funding for the repair or reconstruction of highway 1 at Devil's Slide in San Mateo County.

For decades the residents of San Mateo County have dealt with the ongoing problem of Devil's Slide. The current highway runs along the coast and is prone to damage from mudslides and vulnerable to long closures. An original proposal to construct a bypass road further inland ran into several problems, with opposition from local residents concerned about its impact. However, last year the people of San Mateo County voted overwhelmingly to endorse the building of a tunnel bypass.

The tunnel alternative has the strong support of local officials, business owners, the environmental community, and residents. After a long and difficult process, we are ready to move forward to solve this problem and provide reliable access to those who visit, live, and drive in San Mateo County.

I congratulate Representatives LANTOS and PELOSI for their hard, effective work that will allow us to finally move forward.

Mr. PORTMAN. Mr. Chairman, I rise today in strong support of the legislation that provides supplemental funding for emergency flood assistance. Much of the massive flooding from winter storms occurred in four counties in Ohio that I represent. I personally visited these areas many times and have seen the devastation firsthand. The damage is simply staggering.

Farmland in our area was affected severely by the floods. The legislation we are considering today provides needed funds to restore damaged agriculture. Especially important to my district are the Emergency Conservation Program, which provides cost-sharing assistance to farmers whose farmland was damaged as the result of flooding; the Conservation Reserve Program, which provides meaningful benefits for watershed-based approaches that achieve environmental benefits such as water quality, flood control, wetlands conservation and wildlife habitat; and the Natural Resources Conservation Program, for emergency watershed and flood prevention operations to repair damage to waterways and watersheds resulting from flooding.

Funding is also provided in this legislation for the Federal Emergency Management Agency [FEMA]; for repair of transportation systems; for hazard mitigation, infrastructure and to rebuild levees; and to rebuild other flood control works and highways that were damaged by floods.

I join with my colleagues today in support of this needed emergency disaster assistance legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise today to express concern about one of the provisions contained in the bill we are considering today. It is a provision that most Members probably aren't even aware is in this bill. That is the redirecting of $11 million from the Strategic Petroleum Reserves operations account to help pay for these programs.

I am extremely troubled by the irresponsible way the administration and our appropriators continue to use our national energy emergency stockpile.

The Strategic Petroleum Reserve was created in the 1970's in response to the severe energy shortage that plagued this Nation, harming our productivity and our economy. Since 1975, the Federal Government has spent over $200 billion building and filling a national oil reserve so Americans would never again be held hostage by foreign governments because of our reliance on imported petroleum.

In the 104th Congress, the first of three budget raids were made on the Strategic Petroleum Reserve, the first initiated by the Clinton administration and the second and third by Congress. When the first ever oil sale for non-emergency purposes was made we were told it would be a one-time sale that was only occurring because the Reserve itself needed repairs. Unfortunately, two more sales were made for other, we were assured, equally worthwhile purposes. My Commerce Committee colleagues and I objected to each one of these sales.

The United States is now more than 50 percent dependent on foreign oil to meet its daily energy needs. The Strategic Petroleum Reserve is our first line of defense in an energy emergency. During the Persian Gulf crisis, President Bush announced oil from the Reserve would be sold, immediately calming oil markets and protecting Americans from shortages and the economic effects of oil price spikes.

Unfortunately, if we continue to sell oil from the reserve and use the proceeds from those sales as we are today, the next time there is an energy crisis, there will be no Reserve to protect us. And all Americans, including those who will benefit from this bill today will look to Congress to ask what happened to the $200 billion Reserve they paid for to protect them from an energy emergency.

I feel it is important to note this obscure provision in the bill we are considering today, because I know in a few short months the Interior Appropriations Committee will begin to work on a bill to pay for operating and maintaining the Reserve another year. And I know that the Strategic Petroleum Reserve will again be lower on their list of priorities than it should be. I hope that no more oil sales are proposed, but if they are I plan on again opposing such a sale. There is not enough oil in the Reserve to pay for every worthwhile program that comes along and if we don't stop these oil sales soon, there won't be enough oil in the Reserve to protect Americans from another energy crisis.

Mr. MCDADE. Mr. Chairman, I rise in strong support of H.R. 1469, the emergency supplemental appropriations bill for fiscal year 1997. This legislation is necessary to deliver much needed relief to victims of natural disasters and to ensure our military preparedness through the replenishment of critical defense accounts.

Mr. Chairman, I am proud of the contribution made to this bill by the Subcommittee on Energy and Water Development. The Energy and Water Development chapter is narrowly targeted to address the urgent needs created by devastating flooding nationwide. Earlier in the year, California and the Pacific Northwest were ravaged by the fury of uncontrollable flood waters. Then nature trained her sights on the Ohio River Valley and the States of America's South. And the devastation has continued in the Great Plains, particularly North Dakota, where dramatic images of abandoned cities have reminded us all of the tremendous power of natural forces.

Mr. Chairman, the Energy and Water Development chapter includes $585 million for the Corps of Engineers and $7.4 million for the Bureau of Reclamation to begin the arduous process of rebuilding flood control works for the protection of communities nationwide. Funds are provided to repair Federal projects, rebuild levees and perform emergency dredging across the country. Time and again, Americans have demonstrated their great resilience in the aftermath of natural disasters. This assistance will help them rise to their feet once more.

To partially offset these emergency supplemental appropriations, the bill includes a rescission of $22.5 million from the energy supply research and development account of the Department of Energy. This rescission, amounting to less than 1 percent of the $2.7 billion account, represents unanticipated carryover balances brought forward into fiscal year 1997.

Mr. Chairman, as one who has witnessed firsthand the devastating effects of rising floodwaters, I appreciate the importance of delivering Federal assistance on a timely basis to communities in need. Accordingly, the Subcommittee on Energy and Water has kept this chapter largely free of riders unrelated to emergency flooding. I hope that the House will follow the example of the subcommittee and pass this bill quickly and without the added weight of extraneous material. We must make every effort to accelerate the delivery of this critical assistance.

One of the great strengths of this sprawling and diverse Nation is its capacity to unify in times of disaster. This legislation provides relief to those who find themselves in dire need due to circumstances beyond their control. Accordingly, I urge all of my colleagues to support this vital measure.

Mr. MURTHA. Mr. Chairman, the House was wise to prohibit yesterday's recommendation of the Rules Committee which was to consider the Gilman amendment setting a date—certain for withdrawing United States ground troops from Bosnia. I sympathize with those who demand closer and more comprehensive consultation with Congress before major commitments of U.S. military power are made. We are elected by the people to represent their interests. We control the purse strings. We have a constitutional role in participating in such important decisions.

The issue of prior congressional consultation and approval of military action has been of long-standing controversy between Congress and the President. Democratic Congresses have had issues with Republican Presidents, Democratic Congresses have had disagreements with Democratic Presidents,

and now the Republican Congress is demanding prior approval of military activity from a Democratic President.

This issue needs a careful and thorough airing. It ought to be done in the proper forum with considerable thought. I would urge the authorizing committees to proceed with such a process.

But having said that, we must also recognize that we are talking about affecting an ongoing, major operation on the ground in which over 8,500 U.S. troops and hundreds of other personnel are doing an important job in a very dangerous place.

This is not just an academic, inside-the-beltway exercise about the role of Congress versus the President. The Bosnia operation is a major commitment of United States prestige, power, money, and most importantly, people.

It involves commitments to our most important international alliance—NATO.

It involves the most serious outbreak of violence in the European theater since World War II.

It threatens to ignite a regional conflict possibly involving Greece and Turkey.

It has attracted dangerous elements from Iran and other places seeking to exploit terrorism.

Bosnia seems like a far off place to most Americans. But as history shows, the Balkans have been a flash point of major global events for centuries. One should not forget that the border of Bosnia is only 105 miles from the border of Austria, 175 miles from the border of Greece, and 102 miles from the shores of Italy. History teaches us that sticking our head in the sand and letting a conflagration go unabated this close to the heart of Europe is playing with fire.

And make no mistake about it, the reason that the fragile peace in Bosnia has been achieved is due to one reason and one reason only—the leadership of the United States of America.

The U.S. military in particular has implemented its peace enforcement mission with skill and courage. They came into a situation and controlled a situation that many thought hopeless.

They have shown strength.

They have shown compassion.

They have shown competence and integrity.

They have earned respect from all parties.

And once again they have demonstrated clearly why they are the best in the world.

I have been to Bosnia six different times in the last 6 years. The change in this country over this period has been simply remarkable. I have seen the country at the beginning of the war, during the period that UNPROFOR tried to control it, during the period that the U.S.-led IFOR force was deployed, and now we have the SFOR force. Americans broke the 4-year long cycle of violence in this country and established a fragile peace when others had given up.

Bosnia has become an important symbol of American leadership and support for peace around the world. What we do or don't do here will have worldwide implications.

So we can't consider this amendment in the abstract. We must consider the broader implications.

SAFETY OF THE TROOPS

Foremost in our minds must be how legislating a specific withdrawal date will affect our troops on the ground in completing their mission. And that is where I have a major problem with the gentlemen's amendment.

I have had hours of conversations with our senior commanders in the field. And the one thing they have told me in no uncertain terms is, ''give us the flexibility to do the job you want us to do.''

They are experts on the law of unintended consequence, and I can tell you, they think that legislating a date certain for withdrawal is a big mistake that might actually affect the safety of our personnel. They say, set a goal for withdrawal, but give us the flexibility and the discretion to manage it according to our best professional judgment. That is what we should do.

Let me give you one example of how things might go wrong under the requirements of this amendment. One of the best means our troop have of keeping the peace and deterring attacks from rogue elements is the promise that retaliation against any attackers will be swift, sudden, overwhelming, and deadly. We have the biggest stick and the meanest dog on the block. Let's say some extremist group hasn't read every caveat of this amendment. Instead they miscalculate and think that since Congress has mandated that all troops be gone from Bosnia by a certain date, they could attack our personnel near this date with little chance of retaliation. Now I am sure that we would swiftly retaliate, but little good for the people who suffer the initial attack. Congress should do nothing that might encourage these kinds of actions.

There are scores of other scenarios that might develop ranging from bad weather to terrorist threats to unknown political events that might necessitate deviations to the basic operation. I believe our military leaders deserve the flexibility to deal with them.

That is what General Shalikashvili and Secretary Cohen are saying as well. Here is what they say about legislating a withdrawal date in a May 13 letter to the House leadership:

> A fixed withdrawal date will constrict U.S. commanders' flexibility, encourage our opponents and undermine the important psychological advantage U.S. troops enjoy. Our forces must be able to proceed with a minimum of risk to U.S. personnel: legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety.

You can't say it any more clearly than that. I think we should heed the professional advice of our military leaders.

SOMALIA

Proponents of this amendment say that we should accept this amendment because it is patterned after the Somalia amendment we passed some years ago. Somalia was a completely different situation. President Bush went into Somalia without a blue print. Our forces had a murky and undefined mission in Somalia. There was no goal for withdrawal. There was mission creep. There was an ill-defined chain of command. In the case of Somalia, as more or less a last resort, Congress set the withdrawal date for the Administration, and it was justified.

The Bosnia situation is wholly different. There is a blue print in the form of the Dayton agreement. The President has a plan and a timetable that we know about. Our forces know their mission and they have been successful in carrying that mission out. If in June 1998 we see that things have changed, we may want to consider legislating a withdrawal if it is necessary. But there is simply no overriding need to do it now when we might have the unintended consequence of jeopardizing the safety of our own personnel.

SERBIA AND CROATIA

There are many other ramifications of this amendment as well. We have potentially volatile situations in Serbia and Croatia. Leadership in both countries is aging and there are serious signs of unrest in Serbia. The symbol of abandonment that this amendment sends could bolster the extreme elements inside those countries who are more interested in continued ethnic fighting than in building their countries.

Mr. Chairman, America's effort to bring peace and stability to Bosnia and the Balkans has come at a high cost. But we must recognize the responsibility our country has around the world and we must recognize how much other people around the world have come to depend on us. This amendment sends the wrong signal. It is a signal of abandonment, rather than engagement to attain a lasting peace.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Kaptur amendment to H.R. 1469, the supplemental appropriations bill for fiscal year 1997, to add $76 million for the special supplemental food program for women, infants and children [WIC]. Failure to approve this amendment would force States to cut the number of those receiving WIC by 180,000 women, infants, and children.

The $76 million supplemental request submitted by President Clinton and his administration was cut in half by the Appropriations Committee to $38 million. This drastic cut would have pushed 180,000 women, infants, and children out of the WIC program.

My State of Hawaii would suffer greatly if these funds are not restored. It would mean that 9,300 individuals, one-third of the caseload, would be refused food at a time when good nutrition is critical for healthy babies.

WIC provides essential food and nutrition to our low-income prenatal, postpartum, and nursing women, infants, and children. Poor nutrition causes low-birthweight babies and neural and other physical underdevelopment, which seriously impairs the child's later growth. At the critical, early stages in a child's life, WIC provides nutrition that assures healthy physical and mental development.

The WIC program, in its support of nutrition risk assessments, special vouchers and food packages, has been shown to work. Its successes have been lauded by medical professionals, social workers, State and local governments, and millions of mothers whom WIC has helped.

WIC represents one of the best early investments toward a good future for America's poor children. I strongly urge my colleagues to support this important and necessary amendment to restore full funding to WIC.

Mr. SABO. Mr. Chairman, this supplemental appropriations bill is very important to the thousands of people in Minnesota and

the Dakotas who have had their lives turned upside down by an unprecedented flood this spring.

As the only member of the Appropriations Committee from these three States, I have a very strong interest in moving this legislation quickly. I am pleased that the Appropriations Committee responded to the region's needs by adding an extra $200 million to earlier requests for funding. But that action was taken before we knew the full cost of this disaster.

I had the opportunity to tour the flood-ravaged areas recently with Majority Leader ARMEY, Congressman POMEROY of North Dakota, and several other Members, and we were all astounded by the devastation. Since that time we have heard that preliminary damage estimates for Minnesota alone are likely to exceed $1 billion.

The Senate has responded by providing $500 million in CDBG funds in its flood relief bill. Today, I urge my House colleagues to support an amendment that will provide the same level in the House bill.

The flood assistance in this bill will help families, individuals, businesses, and local governments that have suffered losses, and will also pay for flood prevention and control efforts. The aid—combined with the persistence, creativity, and heroic spirit we have already seen from area citizens—will go a long way toward getting the region back on its feet.

Additionally, we have the chance today to remedy the problems we created for legal immigrants in last year's welfare bill. Congresswoman CARRIE MEEK is offering an amendment to delay these problems until a more permanent solution can be effected. I urge my colleagues to do what's right and support our efforts to restore fairness for legal immigrants.

As you know, Mr. Chairman, the new welfare law, will deny legal immigrants supplemental security income [SSI], food stamps, and Medicaid benefits starting in August of this year. Many of the people affected by the new law are elderly people who have lived in this country, worked hard, and paid taxes for many years. many of these people came here to escape political or religious persecution.

The new law is unduly harsh on these people, and the States, localities, and private charities have not had nearly enough time to find ways to soften the blow. In my State of Minnesota alone, the new law will deny food stamps to 16,000 legal immigrants, supplemental security income to 5,400 elderly and disabled legal immigrants, and Medicaid coverage to 470 immigrants. Nationally, millions more will be hurt by these changes.

I urge my colleagues to support the flood relief efforts in this bill which are so important to my State and region. I also urge that we begin to restore fairness to legal immigrants that was unwisely taken away in last year's welfare legislation.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, an amendment striking lines 8 through 17 on page 24 is adopted. Before consideration of any other amendment, it shall be in order to consider the amendments printed in House Report 105–97. Each amendment printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

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

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 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 not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in the House Report 105–97.

Mr. OBEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. A quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1350

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–97.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

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

The CHAIRMAN. The Chair would inquire if the gentleman from Wisconsin is the designee of the gentlewoman from Ohio [Ms. KAPTUR].

Mr. OBEY. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBEY:

Page 5, line 15, after the dollar amount, insert the following: ''(increased by $38,000,000)''.

Page 35, after line 25, insert the following:

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Pub. L. 103–327), $38,000,000 is rescinded.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Wisconsin [Mr. OBEY] and a Member opposed, the gentleman from New Mexico [Mr. SKEEN], each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, let me simply say I am offering this amendment on behalf of the gentlewoman from Ohio [Ms. KAPTUR] and I very much appreciate the cooperation that we have had from a number of people on both sides of the aisle on the amendment.

Basically the situation is this: The administration indicated that based on numbers it was receiving from the various States around the country, that there would be a shortfall of approximately $100 million in the WIC program, which would necessitate knocking a large number of women and children off the rolls. When they were asked to rescrub those numbers, they came back with a hard estimate that they would need about $76 million. The committee chose to refuse to fully fund the administration request. The instead provided $38 million.

Since that time, a number of us have been trying to get that number up to the number estimated by the States as being necessary in order to prevent people from being knocked off the rolls. That means that we are asking today to provide an additional $38 million above the amount provided by the committee. Very simply, without this action, unless the administration goes through elaborate actions that would in fact shortchange other important programs to rural America, the fact is that some 180,000 women and children would be knocked off the payroll.

When we offered this amendment, we were at first told that our numbers were disingenuous and that we knew it. The fact is these are not our numbers. These are the numbers which to the best of our knowledge are accurate based upon estimates that we received from the various States around the country. I would point out that most of

the States who would suffer the shortfalls if this funding is not provided are States being run by Republican Governors. They have not handled this in a partisan fashion. I do not think we should, either.

It seems to me that the question is very simple. If Members want to make the early investments that are necessary to protect the health of pregnant mothers and their young children, they will support this amendment. If they do not, they will oppose it. I would urge support for the amendment.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. I thank the distinguished chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for yielding me this time.

Mr. Chairman, I appreciate the remarks of the ranking minority member of the Committee on Appropriations as it relates to wanting to help children. Republicans want that as deeply as Democrats do. There should be no dispute about that.

However, I think we also, Democrat and Republican, should expect efficiency. We should demand efficiency. As I hear the ranking minority member of the Committee on Appropriations talk about numbers, numbers changing, the best estimate of our numbers, the best knowledge of numbers of people needing WIC is uncertain, Mr. Chairman. That is what troubles me about this desire of the sponsors of this amendment to add more money to more money that has already been added, to more money that is carried over, $100 million carried over in a $3.7 billion annual program, in addition to the $50 million that is available through the Secretary of Agriculture in the fund for rural America.

My point is this: We owe our constituents, all of us, efficiency. I would expect, and I would expect there to be a commitment on the part of both the Democrat leaders and Republican leaders, if we do not know the numbers, if we are speculating, and I believe we are, we ought to have a study that can be done in 2 or 3 months, signed, sealed and delivered. Let us find out what the numbers are. But let us not gamble with the taxpayers' money at this time when we are adding an additional $38 million.

□ 1400

Should we not feel that that is adequate? And the gentlewoman from Ohio [Ms. KAPTUR], one of the sponsors of this amendment, has testified in our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that she has some concerns about the adequacy and accuracy of the program and the numbers. One final point, and no, I do not have time, I say to the gentlewoman from Ohio [Ms. KAPTUR].

Mr. Chairman, one final point. In 1995 and 1996, the Inspector General, with the Department of Agriculture, did an audit of the Food and Consumer Services Agency that administers these food programs in the Government. It found that $13 billion, one-third out of $39 billion appropriated, could not be located. That is the inefficiency that exists, and I urge opposition to this amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Wisconsin for yielding this time to me, and I would say to my colleague on the committee that, yes, we do have questions about this program, the most important question being will we maintain the people on the program who are already on it in this fiscal year? And the Department of Agriculture has given us excellent numbers; they have surveyed every Governor. States like California, without these funds, will be cutting thousands of recipients. California alone needs over $26 million just to complete this fiscal year.

So we know what the challenge is. In the amendment, the $38 million that is provided out of this major, major emergency appropriations bill will merely keep current beneficiaries on the program, pregnant women, low-birth weight babies and young children. That is the purpose of this. Without the amendment States will have to cut over 180,000 current beneficiaries from the program.

So it is somewhat disingenuous to say that we do not believe the numbers, because in fact the U.S. Department of Agriculture in April, this April, surveyed the various States.

I only have a minute and a half so I cannot yield to the gentleman, but I wanted to clarify what the prior speaker had said. I want to urge my colleagues to pass the Kaptur-Riggs-Roukema-Roemer-Quinn amendment, and I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] very much for her leadership on this, not just this year but in prior years. I think her commitment is clear. We know that this prevents sick children from being admitted to hospital rooms across this country.

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

Mr. Chairman, as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, I have always supported our numerous feeding programs. In fact, there are 26 different feeding programs funded by the Federal Government. I sincerely believe there is no need for anyone in the United States to go hungry.

I can tell my colleagues that our committee has funded the WIC Program as our No. 1 priority. All other programs in our bill have suffered because of our emphasis on WIC. The Nation's research needs, low-income housing for the poor, conservation programs that protect our lands for future generations, have all had to take reductions because of our interest in assuring healthy children.

In spite of that we must maintain a balance of all these programs. Instead, the ugliness of grandstanding and demagoguery have crept into the WIC Program this year. This has never happened before and my committee has held hearings on WIC and deeply analyzed the President's WIC request. We find no basis for an increase except malfeasance.

I personally believe that the States have more than enough money to carry the existing caseload for the rest of the year, but in a very concerted political move to show who loves children more, we have State WIC directors telling misleading stories of how people will be released from the WIC rolls. I am disappointed WIC is being used this way.

If there is a shortfall and people are let off the rolls, then either the USDA personnel or State WIC directors should be investigated for malfeasance. The appropriations bill for WIC was passed last August containing $3.7 billion which is $1.8 billion more than 1989. The Department and the States had more than ample time to figure out how to manage their funds for the year. If my colleagues currently believes USDA, which I do not, States will run out of money or put people off the WIC Program before the end of the year. Why? Only because of malfeasance or incompetence on the part of the managers of the program.

WIC is now a $3.7 billion program. Almost $1 billion more than 25 percent goes for management and overhead. This not about protecting children; this is about protecting a large and rapidly growing bureaucracy.

Every month I get a check and I must manage it for the month. If I do not, I bounce checks and am held accountable. WIC should operate in the same manner, and someone should be held accountable, and if the States are unable to manage their funds with as much advanced notice as they had, then we in Congress should hold them accountable. In the real world, banks are not held responsible for their clients' incompetence.

Simply put, if every private citizen in America must live within their budgets, then this program should also. We cannot allow incompetence to be rewarded with a raise, and so my colleagues have a choice. Vote for the committee's fact-based recommendation or vote out of fear for an increase.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman I, am certainly happy to be here with the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from California [Mr. RIGGS] because they have provided wonderful leadership in helping us to get this issue resolved.

Mr. Chairman, I wish we did not have to be here today. This should not be a partisan issue. This is about funding poor children who need food in their mouths, and I must say to my colleague from New Mexico this is about taking food out of the mouths of little babies and 183,000 of those children who genuinely qualify.

Mr. Chairman, it is not about profligate government spending. The WIC Program is a program that works and in the longer term actually saves money. For every dollar we use in this program, there are untold returns not only in Medicaid savings but in the productive lives and healthy lives of children, and that cannot possibly be measured in dollars and cents.

Mr. Chairman, I do not know who was saying that we are pulling for efficiency here. I am saying I do not know what they mean by efficiency, but I use the old adage ''Let's not be penny-wise and pound-foolish.'' Every current research, up-to-date research, demonstrates the returns to society on the health of children when those investments are made in the early years of life such as the WIC Program gets.

So I must also remind my colleagues, and I am as fiscally conservative, if not more so, than many of my colleagues, before it became popular, before it became popular, and I must say it is budget neutral and we should support it.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to this amendment. I know personally how important the WIC Program is to our community and our State. I was part of the Southern Initiative for Healthy Women and Children throughout a number of years, and we used the WIC Program as a basis of helping to raise the level of nutrition and health services for those most at risk, women and children.

But this argument today is not about healthy mothers and children. It is about demagoguery and elections. We have today $100 million that we expect to be carried over in the WIC Program. Those are tax dollars that will be unspent and carried over.

When the President asked for the $78 million increase in WIC funding, it is not because anybody expects the WIC funds to run out. We agreed to a compromise of half of that money in this supplemental appropriations bill. Furthermore, we agreed to put language in the bill that would allow $47 million that is currently in the fund for rural America to be transferred over in the unlikely event that the funds in the WIC Program should begin to run short.

All estimations are there are more than enough funds, more than enough funds; in fact, $100 million, more than enough funds to fund the WIC Program.

Every week when I go home, Mr. Chairman, I am confronted by the tremendous needs of the people in my community, the women who are trying to move from welfare to work, who need more day care, who need more transportation moneys, and I am confronted by the limitations on the amount of money we have.

Please do not let us fund a program that already has excessive funds, that has a backup, and turn our backs on the real needs and the questions that are put to us every week. Not one person has asked me for more WIC funds, but thousands of people have asked me to find the money for the programs that are truly needed every day.

This is not free money. This money comes from taxpayers across this country who wrote a check and on April 15 got in their cars and drove to the post office and paid money out of their hard-earned income to fund our necessary programs. Please do not put this money in a program where it is unneeded, where there are excessive funds now, where there is a reserve to draw on, and fail to address and leave ourselves the opportunity to fund the programs that are really most needed today.

Mr. OBEY. Mr. Chairman I yield myself 10 seconds.

Mr. Chairman, there is a very big difference between carryover funds and surplus funds. There are no surplus funds in the WIC Program.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio [Ms. KAPTUR] to explain why.

Ms. KAPTUR. Mr. Chairman, the WIC Program is structured in such a way to allow approximately 2 percent of total funding to be carried over from one fiscal year to the next fiscal year because in the act, in the statute, WIC cannot create any deficits. So those dollars are dollars that pay for current beneficiaries.

I am sure that the gentlewoman that just spoke is unfamiliar with the program, being a new Member, but there is absolutely no way that WIC can overspend its dollars, and in addition to that, the fund for rural America is already over subscribed. We are going to have to cut water projects, sewer projects all over this country, housing projects. To throw the WIC's dollars in there makes absolutely no sense because there is not enough money to begin with.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, as my colleagues know, it is too bad that everything has to be reduced to rhetoric and emotionalism here. The respected ranking member herself has asked a lot of questions about the WIC numbers. We all have questions about it. It was just said, a 2-percent carryover is what is needed. That is $75 million. We already have $100 million in there. We do not need the additional. However, we asked USDA on April 17, last month, less than a month ago, what would happen if they put another $36 million in there. The participation would be approximately 7.4 million children or people.

Now the question is how will that number change if we put another $36 million in there, run up to $76 million, and again the USDA, which my colleagues keep quoting, and I respectfully disagree with the numbers; I have got them right here from the USDA. They say the participation level will not increase from 7.4.

So we are not talking taking children off.

Mr. OBEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the gentleman refuses to be unconfused by the facts. The fact is if we are wrong, all that happens is we can appropriate less money next year. If you are wrong, 150,000 kids are going to get hurt.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to salute the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and all the Democrats and Republicans that have voted and supported this program in the past and urge them to support it in the future. This is a bipartisan program that if my colleagues are for families first and balancing the budget this returns $3.54 for every dollar we invest.

Now I am getting tired of hearing the arguments that we have $100 million sitting around that is going to be wasted or going to be thrown around in this program that is some kind of supplemental or reserve fund. It is coming from people that I respect on the other side, but they either do not support WIC or they do not understand it.

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People getting vouchers take the voucher from the urban center where they get the food to a grocery store. The grocery store takes the voucher to a bank, the bank takes it eventually to the State for repayment. Vouchers that are then taken into the State in August and September before the fiscal year October 1, are not going through the system, so money has to carry over. It is one of the sound management principles that WIC has to run on. There must be carryover funds. That is one of the ways that the voucher system works.

So food prices are going up, milk prices are going up, we froze disability payments for children in this country for a number of months; that money is for these children and these women. This helps from throwing 180,000 people off this program. I encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I think I have about got this thing figured out, but I have not gone over it yet with the sharp eye of opposition, but this is the way I see it.

We have had, since the start of the great society, this compassion in our country that we must take care of women, infants and children, and people with disabilities and unfortunates, and we started on the right track, but somewhere in this deal we have gotten into this one word called ''more.'' Every year we want more and we want more.

Elected officials have been caught in this, we might say this spirals upwards because they want to be reelected. The liberals have been in the majority, so they go from one year to the next and say, if we do not bring more into this program, then we are going to fail. If we fail, we are going to have criticism and criticism might mean that we will not get reelected.

Now, I think down in the heart of hearts of the liberals on the other side of the aisle is this relief that we are finally going to stop what has been so white hot and so excessive over all of these years and we are finally going to stop it. But the unfair part of it is that as we are standing up here and saying we are not against women and infants and children. We are for them. We do not want anybody to go not being fed or taken care of.

The liberals are taking the advantage politically and saying, yes, those people do not care, and what they will do is they will drag the perfectly justifiable cases to center stage, draw the spotlight to it and they will say, these are the folks, the conservatives are, in fact, against as they are trying to slow down the growth of the WIC Program.

I think that is the reason I am for this for more reasons than have been stated before, but I know this.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman obviously knows, being a member of the subcommittee, that the money for this is coming from an offset in another account, and in fact, there is no committee that has taken more cuts than the Committee on Agriculture. The gentleman from the State of Arkansas knows that. So the gentleman obviously knows that this is not new money. This is money that is being shifted from other programs, because we all have a commitment to reduce the deficit.

Mr. DICKEY. Mr. Chairman, I thank the gentlewoman, but the gentlewoman knows what is going to happen, and this is what is happening in these programs. Everybody takes what the figures are for this year. They know they have to spend them whether they are there or not. We spend to that point and then it becomes the floor for the next year.

What I am worried about is if we are going to save these programs, if we are going to help these people, we are going to have to start cutting because the balanced budget is in fact a necessity security for people like this. We cannot keep spending and spending and spending on the basis that we are compassionate and we are the only people who are right, because if we do, we are not going to have a program.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Committee on Appropriations for yielding to me.

I feel like I am in a little bit of a quandary in this debate. I feel like I ought to lift this podium up and move it over here to the center aisle, although I am mindful of the admonition that the only thing one gets by being the middle of the road in Washington is run over.

Mr. Chairman, let me, first of all, point out that this bipartisan amendment, with the gentlewoman from Ohio [Ms. KAPTUR] in the lead is, as the gentlewoman from Ohio pointed out, fully paid for. It is offset with $38 million out of the $365 million in unobligated funding from the NASA national aeronautics facilities account.

Second, let me tell my colleagues that I accept on good faith the administration's claim that we need at least $76 million more in this program to maintain the current caseload, ensure full participation for this year, and that is as a result of the caseload being higher than what is projected at the beginning of this current fiscal year and, as I think the gentleman from Indiana [Mr. ROEMER] alluded to, the increase in food prices, primarily dairy prices.

Last, let me assure my colleagues on both sides of the aisle, as the chairman of the authorizing subcommittee that has jurisdiction of the WIC Program, we are going to look at all of these management and fiscal year issues later this year, probably in the fall, when we take up the reauthorization of the WIC Program. We will be looking at ways to achieve greater efficiency and more accountability in the WIC Program, but the time and the place to debate those structural changes to the WIC Program, which, again, are going to require bipartisan support in the Congress and support from the WIC community across the country is in the fall when we do the reauthorization bill, not in the context of this supplemental appropriations bill.

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

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, on April 24, the Republicans voted to reject the administration request for WIC funding, a program that feeds poor women, infants and children.

When Democrats protested, the Republicans proudly defended themselves. One after another they marched to the well and said, we are not really cutting WIC, we are not really throwing poor babies off the program.

Nobody was fooled. The phone started ringing and the mail started pouring in. The American people were outraged. Now, some brave Republicans are jumping off that sinking ship.

I would like to commend those Members across the aisle for understanding that the Republican leadership was terribly wrong. I would also like to make it very clear that it took a steady drumbeat of opposition by my Democratic colleagues to help the Republicans to see the light.

The Kaptur amendment will restore full funding for WIC and keep 180,000 women, infants and children from being denied proper nutrition.

Mr. Chairman, the American people are much smarter than the Republican leadership thinks. Support the Kaptur amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of this amendment to restore funding for the women, infants and children's program, WIC. I had originally introduced my own amendment, but I am going to withdraw it to support the Kaptur, et. al. amendment.

In my State of California alone, 1.2 million low-income and nutritionally at-risk pregnant women, infant and children benefit from WIC. To suddenly strip 180,000 of these women, infants, and children from this essential program is cruel and without reason.

I am proud that California operates the largest WIC Program in the country, as it is one of the most successful programs ever established by Congress, and I am proud to support this amendment.

Mr. Chairman, I rise today to support this amendment to restore funding for the women, infants and children program [WIC]. I had originally introduced my own amendment to restore full funding for WIC, however, I will withdraw my amendment to support the Kaptur-Riggs-Roukema-Roemer-Quinn amendment.

In my State of California alone, 1,225,800 low-income and nutritional-at-risk pregnant women, infants, and children benefit from WIC. To suddenly strip 180,000 of these women, infants, and children from this essential program is cruel and without reason.

Programs that are not only cost-effective, but produce such impressive results are precisely the programs we need to keep, not cut. The Government saves $3.50 for each $1 spent on WIC for pregnant women in expenditures for Medicaid, SSI for disabled children, and other programs. More importantly, research has demonstrated how effectively WIC reduces low-birthweight babies, infant mortality, and child anemia.

I am proud that California operates the largest WIC Program in the country as it is one of the most successful programs ever established by Congress. And I am proud to support the full restoration of funding for WIC.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

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

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Kaptur amendment.

Mr. Chairman, I rise today to express my strong support for the women, infants and children nutrition program. WIC is one of the most successful and important Federal programs ever undertaken, and is it crucial that it receive the funding necessary to continue serving eligible mothers and children. Last year, the WIC program served 7.4 million pregnant women, nursing mothers, infants, and children under age 5. These beneficiaries must demonstrate their eligibility based both on financial need and nutritional risk, and participants are screened every 6 months to ensure their continuing need for enrollment in the program.

Quite simply, WIC saves lives. The program has been invaluable in helping to reduce infant mortality and improve health by decreasing anemia, low birthweight, and prematurity. It has also been linked to better cognitive development among children. WIC is not an entitlement. It has also been linked to better cognitive development among children. WIC is not an entitlement. It is an investment in our future, and one which has continued to prove itself for more than a decade.

Sadly, as many as 180,000 current WIC participants will be forced out of the program if it does not receive full funding for fiscal year 1997. After so many assistance programs were cut last year, WIC is the last remaining source of assistance for some some of our most vulnerable citizens. It would be a tragedy to limit this strikingly effective program, leaving thousands of women and children with no assistance at all. I sincerely hope that I can count on my colleagues' continuing support of WIC, and I urge that it receive funding in the full amount of the administration's request.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me this time.

Let me simply say in my community there are 109,596 women, infants, and children in the 18th Congressional District on the WIC Program. Over 683,000 WIC recipients reside in Harris County and will have a $1,255-million shortfall if this amendment is not passed.

I appreciate the bipartisan effort of the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentlewoman from Ohio [Ms. KAPTUR]. I withdrew my amendment on restoring WIC funds because of the leadership of the gentlewoman from Ohio [Ms. KAPTUR], and I appreciate her efforts.

Let us realize that we had a $300-billion deficit and we are now down to $100 billion. Who better to spend the money on than women, infants, and children who only have the good sense of this Congress to rely. I support this amendment and the restoration of the $38 million for this very vital nutrition program that helps feed needy families.

Mr. Chairman, I rise in support of this amendment to H.R. 1469, the emergency supplemental appropriations bill on behalf of the 1.6 million women, 1.8 million infants and 3.7 million children who participate in our Nation's Supplemental Nutrition Program for Women, Infants, and Children [WIC] as authorized by section 17 of the Child Nutrition Act of 1966.

This amendment would address the projected shortfall in funds by the close of fiscal year 1997.

In the 18th Congressional District a total of 109,596 women, infants and children receive WIC services each month. This means that in Harris County, TX 12,917 pregnant women, 5,259 breast-feeding mothers, 9,448 postpartum mothers, who have recently given birth, and 29,934 infants, and 52,038 children can receive the help that they need.

One-seventh of the State of Texas' 683,000 WIC recipients reside in Harris County, TX. If the State of Texas' WIC program does not receive additional funds it will have a $1.255-million shortfall by the close of fiscal year 1997.

This would require an additional $76 million in funding for this program for fiscal year 1997.

This program is not as glamorous as others—the WIC program is formula, milk, juice, and bread. The majority of those served are infants and children.

To cut the WIC program does not materially reduce the numbers of women, infants and children who are in need. This program is one of the best run, most efficient and effective programs that the Federal Government has initiated.

According to the Government Accounting Office for every dollar spent on the WIC program the taxpayer saves $3.50. This is the reason the WIC program received very strong bipartisan support throughout its history.

I would ask that my colleagues would join in support of this amendment so that we may meet a clear and present need in the WIC program.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding, because I think this is a terrific amendment and I am very much in support of it.

Mr. Chairman, hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they our in the streets of Washington, DC, or the villages of Iraq and Bosnia. Fortunately, the pain and violence of hunger can be reduced by appropriating additional money to the WIC Program. That is exactly what this amendment does. I am strongly in support of it, and I hope this whole body will approve of it.

Mr. Chairman, I want to express my support for the Kaptur-Riggs amendment to the supplemental appropriations bill that would add $38 million for the Special Supplemental Food Program for Women, Infants, and Children [WIC].

WIC is an effective prevention program that saves on future health care costs. WIC provides food, education, and child care to poor women, infants, and children. It is estimated that one in five children in our country is living in poverty, and five million children under the age of 12 go to bed hungry each month. No child in our country should go to bed hungry. Only well-nourished children reach their full potential and become productive, contributing members of society.

Hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they occur in the streets of Washington, DC, or in the far-off towns and villages of Bosnia or Iraq.

Fortunately, the pain and violence of hunger can be reduced by appropriating additional money to the WIC Program. This increase would provide supplemental food and nutrition education for thousands of women, infants, and children who are eligible for the WIC Program. Without this additional money, these eligible participants will be part of the growing childhood hunger epidemic that plagues us.

Under the Kaptur-Riggs amendment, $38 million would be taken from the money that was appropriated in fiscal year 1995 for a new National Wind Tunnel Complex [NWTC]. Only $35 million of this appropriation has been used by NASA for research into wind tunnel testing. The remaining $365 million has never been used. This amendment would not impact negatively on NASA.

I urge my colleagues to join me in the fight against hunger by voting for the Kaptur-Riggs amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FATTAH].

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

Mr. FATTAH. Mr. Chairman, I rise in support of this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the authors of this amendment. I cannot tell my colleagues how distressed I was to learn that the Committee on Appropriations did not put in the request by the administration for the full funding of WIC.

I have been involved in this program my entire life in the Congress of the United States. I have probably visited more WIC clinics, more site visits, conducted more investigations, asked for more studies and investigations by universities and others of this program, and the result is always the same: This program works.

This program saves healthy pregnancies. This program helps make healthy babies. These pregnancies do not know fiscal years. They do not know carryover budgets. They do not know any of that. What the WIC directors have done historically year in and year out is provide us credible information to run this program. They have done it again this year.

Mr. Chairman, we cannot interrupt this funding, because if we take away this program in a late-term pregnancy, if we take away the program for a newborn, we change the manner and the ability of that child's brain to develop. We change the manner and the ability

of that fetus to develop during that pregnancy, and we ought to listen to the WIC directors and provide for full support of this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, this is not a liberal issue. This is not a conservative issue. This is an issue of values. Who are we and what do we stand for in the United States of America? We are talking about cereal, we are talking about milk, and we are talking about formula, and we are talking about pregnant women and children.

What the Kaptur-Roukema amendment does is to provide necessary funding to prevent 180,000 women, infants, and children from being kicked out of the WIC Program. These numbers are not administration numbers, they are not Democratic numbers, these are numbers that come from the States. The process of seeing people thrown off of this program has already begun in States like Arizona and Nebraska.

In the last several weeks, Members have taken the case for WIC to the American people. We have explained that WIC is a program that works, that it saves the Federal Government $3 for every dollar that it has invested, and that it provides assistance to those in our society that need it the most: Pregnant women and young children. I thank my colleagues on the other side of the aisle for joining. Support Kaptur-Roukema. Let us not gamble with our children's lives.

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Mr. OBEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, 45 years ago Franklin Roosevelt said, ''The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.'' That is the simple test before us today.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I urge my colleagues to vote for the bipartisan Kaptur-Roukema-Riggs-Roemer-Quinn amendment. It provides enough support to maintain the current participation level of pregnant women and low birthweight children around this country. The support is paid for then by an offset to the NASA accounts, the wind tunnel accounts, which are being canceled.

Keep in mind, for a few hundred dollars per participant we save, on average, $20,000 for children who would be admitted to hospital rooms across the country with anemia, with all kinds of conditions, that are a direct result of poor nutrition.

This is a wise investment for America, fully paid for, fully proven. Support the bipartisan Kaptur-Roukema amendment. I thank my dear colleague, the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, for working so hard on this. It is an honor to work with her.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the gentlewomen for speaking to the issue. They believe differently than we do, but at least they spoke to the issue and did not demagogue, did not do anything.

We on this side feel that the money was put in, the $38 million we put in, and then the additional $40 million to bring it to $78 million. The President asked for $76 million, and then they say, what if USDA is wrong and there is not enough money in there? Will we hurt the children? We do not think we will. They believe one way and we believe the other.

But I appreciate my colleagues on the other side. They do not stand up and demagogue. They are speaking to the issue. We truly feel there is enough money in there to cover without increasing and increasing and increasing.

Mr. Chairman, I would like to thank my colleagues on both sides of the aisle for debating this without throwing in the rhetorical information.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, we are not here to talk about the merits of WIC, we are not here to talk about feeding children. Indeed, this committee has supported WIC to the tune of full funding last year, $3.7 billion. This committee has supported increasing WIC $36 million. This committee has supported increasing funding in the carryover up to $147 million. Also this committee, to make sure, has asked the USDA what their numbers are. I have the numbers here. They are open to anybody. The number of participants at the additional $36 million is 7.4 million. The number of participants at the $76 million is 7.4.

In addition, we even had an April 11, 1997, memo from Mary Ann Keeffe, the Acting Undersecretary of Food and Consumer Services, that states that she believes the State projections of 7.4 million is optimistic, and that the USDA budget assumptions of 7.2 are more realistic.

In either case, Mr. Chairman, we are covered without spending additional dollars. My question would be, to my friend across the aisle, would she support an amendment to make sure we are only feeding children and not bureaucrats, that stipulates that none of this money can be used for the bureaucracy?

Because it is time we start talking a little bit about the WIC bureaucracy. It is 25 percent of the overhead, which means they will get $15 million of this vote today, $15 million goes to bureaucrats, not children. It is a program that already 33 percent of the participants are not documented or verified as being eligible, Mr. Chairman. Six percent have been called ineligible, but they are still on it. Yet, the Democrats have not supported a study in the committee. I would love the gentlewoman to support a study. Would the gentlewoman support a study?

Mr. Chairman, I include for the RECORD points against the Kaptur-Riggs amendment.

TALKING POINTS AGAINST KAPTUR/RIGGS

We asked USDA to give us information on impacts to the program with a $36 million supplemental and a $76 million supplemental.

According to USDA, participation will not change whether they get $36 million or $76 million—remains at 7.4 million.

The $38 million we are providing is a supplemental appropriation. It is in addition to the $3.7 billion the program has already received for this fiscal year.

We have not reduced or cut the program. WIC got $3.7 billion in the fiscal year 1997 appropriations bill and will get $38 million more in this supplemental bill.

Program participation fluctuates monthly. The Dems want to keep using the October monthly participation rate of 7.47 million because it is the highest number. We should counter with the December participation rate of 7.28 million.

We know participation dropped from October to December, went up in January, and dropped again in February.

In a memo dated April 11, 1997 from Mary Ann Keeffe the Acting Under Secretary for Food and Consumer Service, she states that her agency continues to believe that state projections of maintaining 7.4 million participants is optimistic and the USDA budget assumptions of 7.2 million are more realistic.

USDA plans to carryover $100 million with a $38 million supplemental. It plans to carryover $135 million with a $76 million supplemental.

In addition, States are allowed to spend forward or carryover funds on their books. We know states spent forward over $60 million into fiscal year 1997.

The program needs a certain amount of carryover because of the way the program operates. USDA has said that about a 2% carryover would be needed. 2% of the program would be about $75 million, so there's a $20 to $25 million that could be used if it was really needed.

In this bill we give the Secretary the authority to use the Fund for Rural America for WIC. There is a $47 million unobligated balance in the Fund for Rural America. The Secretary could use these funds for WIC if it's that critical.

The President's budget submitted in February said carryover funds from FY96 to FY97 would be $145 million. In a USDA table sent to the Committee on April 16, 1997, we now find out that it was $202 million.

A USDA study of WIC income documentation and verification policy indicates that 33.3% of state agencies allow the participant to self declare income levels without documentation or verification.

Another USDA study indicates that 5.7% of WIC participants receive WIC benefits, but are not eligible. This is over $200 million that could be saved and used for those that truly need to be in the program.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, would the gentleman agree that the Governor of California needs the money to maintain current participants in this program?

Mr. ABERCROMBIE. Mr. Chairman, I rise today in support of the additional funding for the Special Supplemental Food Program for Women, Infants and Children [WIC] under H.R. 1469, the Supplemental Appropriations bill for FY 1997. Hawaii is among the twelve states that would have to reduce current WIC caseloads without the approval of $76 million in supplemental funds. Nearly one-third of Hawaii women and children who receive WIC, or 9,300 participants, would lose their access to nutritional assistance. Without the additional funding, the increasing numbers of Hawaii women and children who qualify for WIC may not receive it.

Hawaii's WIC program has long served the low-income population of children and pregnant, postpartum, and breast-feeding women who are at risk for nutritional deficiencies. In the last year, Hawaii's WIC program has been providing nutritious supplemental foods, quality nutrition education, high-risk counseling, breast-feeding promotion, and referrals to health care and social services to 30,532 participants. This is a 13 percent increase in caseload over the past year. Considering the slow recovery of Hawaii's economy and the impact of welfare reform, the WIC program becomes an even more valuable resource to the 50,000 women, infants and children estimated to be in need of the services.

Earlier this month, the State of Hawaii implemented major cost containment strategies to stay within the budget provided. Current WIC participants are being told to make ''best buys'' to do more with less money, like buying powdered milk. These cost saving adjustments may be difficult to implement but they are much less costly than the long-term consequences of forcing 9,300 low-income women, infants and children out of the program.

Mr. BISHOP. Mr. Chairman, I would first like to thank Ms. KAPTUR and Mrs. ROUKEMA for their considerable hard work and perseverance in bringing this amendment to the floor today.

I rise to express my strong support for this amendment which would provide a $76 million supplemental appropriation for the Special Supplemental Food Program for Women, Infants and Children (WIC). The passage of this amendment will ensure that over 180,000 pregnant women, infants and children across the country will not be terminated from participation in the WIC program.

As a member of the House Agriculture panel which has authorizing jurisdiction over nutrition, I have been a longtime supporter of the WIC program. Numerous studies, including one by the GAO, have reported that a dollar spent on WIC saves as much as $3.54. Because of the preventative nature of the WIC program, these savings are primarily Medicaid savings. Simply put, this supplemental appropriation amendment is just too important to the continued health of far too many disadvantaged women and the infants and children they care for.

Again, I rise in support of this amendment and encourage my colleagues to join me in doing likewise.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of the bipartisan amendment offered by my colleagues MARCY KAPTUR, FRANK RIGGS, MARGE ROUKEMA, TIM ROEMER and JACK QUINN, which would restore full funding for the Woman, Infants and Children Program, or WIC.

WIC provides basic foods like milk, juice, and cereal to needy children through age 5 and nutrition education and supplements to pregnant and nursing women. The program serves 7.4 million women and children, and enjoys broad bipartisan support.

As well it should: a spate of recent studies has shown the profound significance early nutrition has on child development. These studies back up twenty-two years of scientific research demonstrating that WIC is an excellent investment in our nation's future.

Study after study has shown that each dollar spent on pregnant women in the WIC program saves up to $3.13 in Medicaid costs for mothers and infants in the first 60 days after birth and that pregnant women on Medicaid receiving WIC are less likely to deliver premature or low birth-weight babies. Volumes of scientific research have shown that poor child nutrition leads to health problems and can slow learning.

As the mother of four, I find these results utterly unsurprising. Simple common sense tells us that kids are our future, and they need all the help they can get. That's why this amendment, which provides the WIC program with the minimum amount of funding it needs to continue serving needy children, is so important. In my home state of California alone, WIC will be unable to serve about 169,000 moms and kids if this amendment fails.

Mr. Chairman, the facts are clear. This amendment is vital for our nation's children, and I strongly urge my colleagues to support its passage.

Mr. Chairman, I rise in strong support of the Kaptur amendment to increase funding for the WIC Program by $38 million, and I commend my colleagues Ms. KAPTUR and Ms. ROUKEMA for their diligent efforts to obtain these funds.

WIC is a program that works. Medical research has found that WIC reduces low birthweight, infant mortality, and anemia and improves diets. WIC has also been linked to improved cognitive development in children. At a time when early childhood development has become an issue of great national attention, it makes no sense to withhold funding from a program that successfully addresses these development issues.

Both WIC participation levels and per participant food costs have increased, yet funding for the program has not increased to meet this need. The $38 million supplemental will still throw more than 180,000 needy women and children off the program. That is 180,000 pregnant women, malnourished infants, and vulnerable children lacking cereal, milk, formula—an astounding number of vulnerable people forced to find other means to meet the most basic nutritional needs for survival.

At the current funding level, many States have had to begin cutting participants from the program. California WIC agencies are currently cutting participants from the program because of lack of sufficient funds to meet last year's participation levels.

There is nothing, nothing more important than feeding our most vulnerable, than basic subsistence for the needy in our country. I urge my colleagues to support this important amendment.

Mr. HALL of Ohio. Mr. Chairman, I have always said that in this country no concern should be more bipartisan than the issue of hunger—especially as it affects our children. In that spirit, the WIC Program has long enjoyed strong support from both sides of the aisle, for the crucial role it plays in helping to ensure a healthy start in life for all kids and moms. So, no one was more pleased than I was to see an arrangement worked out for this amendment to be offered on a bipartisan basis, providing the additional $38 million needed to ensure that mothers and children are not dropped from the WIC Program in the coming months. We still have a great deal of work to do, as a country, to tackle the problem of childhood hunger and infant mortality. Most people are surprised to learn that 19 industrialized countries have lower infant death rates than the United States. It is hard to believe that in our rich Nation proportionally more babies die before reaching their first year than in Canada, Australia, Japan, most of Western Europe, and even Hong Kong and Singapore. There is no reason why this should be the case. We have the wherewithal and the know-how to address the problem of infant mortality, and part of the solution is a strong, effective WIC Program. I urge my colleagues to support this amendment, and keep the WIC Program on solid footing.

Mr. SERRANO. Mr. Chairman, I rise in defense of, surely, the most vulnerable sector of our society: women, infants, and children. And, I rise in strong support of restoring the funding request of $76 million to the Special Supplemental Food Program for Women, Infants, and Children; known as WIC.

I am deeply concerned with, and I did not support, the decision of the Appropriations Committee to cut the funds requested for the WIC Program in the fiscal year 1997 supplemental appropriations bill. By slicing in half the $76 million in funding needed to avert participation reductions of approximately 360,000 women, infants, and children, this bill will cause 180,000 eligible participants to be dropped from the rolls. I ask my colleagues to reconsider.

This year in New York City, for the first time ever, the appropriation was less than the preceeding year. Therefore, we began the fiscal year 1997 $6 million in the hole. According to WIC Program directors in the Bronx, the impact of cuts to their budgets may be devastating. I do not understand how a Congress that seems eager to support tens of billions of tax cuts to many of the wealthiest individuals in America through large reductions in capital gains taxes and taxes on the very largest estates cannot find $38 million to prevent poor children from going without the nutritional supplements they so desperately need. I ask my colleagues to reconsider.

This bill paints a very ugly picture and the families of the South Bronx, New York City, and indeed, of our great Nation deserve more. In this picture, we see families already being turned away from food pantries and soup kitchens in the Bronx. In this picture, we see a pregnant woman who is receiving WIC benefits for her unborn baby, and herself, but her 2-year-old is placed on a waiting list. Of course, she will use her WIC foods to feed her 2-year-old, she is a mother, she will protect her child. In this scenario, everyone suffers: the mom, the 2-year-old, and the unborn baby. This debate should not be about fiscal conservatism or policy differences with State officials over management of the WIC Program. Simply, this debate should be about providing poor women, infants, and children with milk, eggs, and juice.

Again, I ask my colleagues to reconsider and exhibit real leadership on this issue. Let us renew our commitment to the families of this Nation by ending a strong message that avoiding potential human disasters is just as important as providing funding to respond to natural disasters.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

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

RECORDed vote

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 338, noes 89, not voting 6, as follows:

[Roll No. 131]

AYES—338

Abercrombie
Ackerman
Aderholt
Allen
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—89

Archer
Armey
Baker
Ballenger
Barr
Barton
Bateman
Bliley
Blunt
Boehner
Bonilla
Brady
Burr
Burton
Buyer
Callahan
Calvert
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cox
Crane
Crapo
Deal
DeLay
Dickey
Doolittle
Dreier
Ehrlich
Goodlatte
Goodling
Graham
Gutknecht
Hansen
Hastings (WA)
Hefley
Herger
Hilleary
Hoekstra
Houghton
Hunter
Inglis
Istook
Johnson, Sam
Kingston
Knollenberg
Largent
Lewis (CA)
Linder
Livingston
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pickering
Pombo
Radanovich
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Schaffer, Bob
Shadegg
Skeen
Smith (OR)
Snowbarger
Stump
Talent
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)
Wicker

NOT VOTING—6

Andrews
Hefner
Mica
Schiff
Skelton
Watkins

□ 1502

Messrs. MANZULLO, PAXON, and LARGENT changed their vote from ''aye'' to ''no.''

Messrs. LEWIS of Kentucky, CRAMER, BACHUS, RILEY, ADERHOLT, and EVERETT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on the following rollcall Nos., had I been present I would have voted: No. 128—''Yes''; No. 129—''Yes''; No. 130—''Yes''; No. 131—''Yes.'' I was unavoidably detained.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–97.

AMENDMENT NO. 2 OFFERED BY MR. MCKEON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCKEON:

Page 51, after line 23, insert the following new title:

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 4001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the ''Cost of Higher Education Review Act of 1997''.

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 4002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the ''National Commission on the Cost of Higher Education'' (hereafter in this title referred to as the ''Commission'').

SEC. 4003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) Two individuals shall be appointed by the Speaker of the House.

(2) One individual shall be appointed by the Minority Leader of the House.

(3) Two individuals shall be appointed by the Majority Leader of the Senate.

(4) One individual shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairman and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act.

In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 4004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 4005. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 4006. FUNDING OF COMMISSION.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 4007, whichever occurs first.

(b) RESCISSION.—Of the funds made available for ''DEPARTMENT OF EDUCATION—Federal Family Education Loan Program Account'' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208), $849,000 is rescinded.

SEC. 4007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 4004(b).

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from California [Mr. MCKEON] and a Member opposed will each control 5 minutes.

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

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

In today's technology and information-based economy, getting a high quality postsecondary education is more important than ever. For many Americans it is the key to the American Dream.

That is why it is truly alarming to realize the cost of pursuing a postsecondary education has increased three times as fast as family incomes over the last 15 years. This trend is especially alarming in that it only seems to apply to higher education. There are many endeavors and many businesses that must keep pace with changing technologies and Federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a reasonable level.

The amendment I am offering today will establish a commission on the cost of higher education. This commission will have a very short lifespan. Over a 4-month period, it will study the reasons why tuitions have risen so quickly and dramatically, and report on what schools, the administration and the

Congress can do to stabilize or reduce tuitions.

Time is short. Over the coming year we will reauthorize the Higher Education Act, which will provide $35 billion in student financial aid this year alone. We need this commission up and running now so that its recommendations will be useful for the reauthorization.

The amendment I am offering provides $650,000 maximum for the commission to carry out its work. My amendment would fully pay for the cost of the commission by using administrative funds provided for the Federal Family Education Loan Program. In return, we will get the answers to the questions my colleagues and I hear all the time from parents and students: ''Why are college prices rising so quickly and will I be able to afford to go to college?''

This legislation was reported from the Committee on Education and the Workforce by a unanimous-voice vote and passed by the whole House in the same way yesterday. It is bipartisan, revenue neutral, and essential if we are to reauthorize the Higher Education Act in a way that truly helps parents and students afford higher education.

I urge my colleagues to join me in this effort and I urge a ''yes'' vote on this amendment.

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

The CHAIRMAN. Is the gentleman from Wisconsin [Mr. OBEY] opposed to the amendment?

Mr. OBEY. I am, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

I do not support the amendment as it stands because, while I certainly have no objection to reviewing ways to control the cost of tuition in college, I think that the makeup of the commission as it is presently constituted in the gentleman's amendment, frankly, is a very unbalanced one, and I think because of that the commission would have virtually no credibility as it now stands.

Nonetheless, I am willing not to press this matter to a vote at this time because of understandings that we have reached with the majority on the committee that the makeup of this commission will be addressed in conference to assure that we have an acceptable balance by the time we leave conference.

I know there is substantial concern on this side of the aisle about both the source of the funding for that commission and the makeup of that commission.

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

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, with all due respect to the gentleman and my friend from California, I think many of us are very, very concerned about the cost of tuitions at our colleges. I just had a bipartisan hearing back home in Indiana with the gentleman from Michigan [Mr. UPTON], and we heard that parents are concerned about this. But we also want to make sure that the commission that studies it is equitable, fairly balanced, and includes the administration.

Back in 1986, when a similar study was put together, with Democrats in control of the House and a Republican President, five of the appointments, Mr. Chairman, five, were given to the Republican President. Today, the White House gets one appointment. Now, that is not balanced. That is not equity. That is not fairness. So I would strongly oppose the composition of this commission and urge us in conference to change that.

Finally, if we cannot change that, Mr. Chairman, $650,000 for a study would provide for 382 Pell grants at the average Pell grant of about $1,700. So if we cannot fix this, instead of studying it, maybe what we should do is put the study money toward real people of 382 Pell grant recipients and do it the right way.

So, while the study and the intention is probably good, the composition is bad and it is unfairly biased against the White House.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I join in the comments of my colleague from Indiana in my concern about the makeup of the commission. I am glad there is an agreement to fix it.

I do have some concern, however. In fact, I was one of the original requesters of the GAO report when I served on the committee that the gentleman from California chairs that detailed the increases in higher education last year.

I have some concern with the reduction and where the money is coming from, the $849,000, in the Federal family education loan administrative account. I am concerned it will undercut the Department of Education's effort on debt collection efforts.

The FFEL administration currently funds a major portion of the Stafford Perkins Data Systems contract, which processes default claims from lenders and guaranty agencies and supports the defaulted loan collection program. So that is why I am so concerned.

I know typically in our process, if we provide additional oversight, for every $1 we provide we get back $5 in debt collection. But if we are taking away $849,000, I worry, are we losing a corresponding amount of $5 million in not having the $849,000?

So I have some concern about the outcomes of that and I hope we can judiciously look for that money that does not hurt our efforts to collect on debt service that is owed on the student loan program.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I thank the gentleman from California [Mr. MCKEON], and, of course, the ranking member on this side of the aisle, and thank even the gentleman from Indiana [Mr. ROEMER] for his leadership.

The commission is certainly needed, but I also have some of the same reservations and concerns, and I am hopeful that the gentleman from California, to whom I have expressed my support for this commission, and we will all be able to work some of these differences out.

Certainly the representational issue, the composition of administration officials and of congressional appointees is one of concern. I am hopeful, as I am sure the chairman is, and I take the liberty to speak on behalf of him because I know he shares a deep concern about the rising cost of tuition in this Nation, that we can begin to study and to look at ways to curb some of that so we make sure families and young people have these opportunities as they move forward.

So I appeal to the chairman, and I certainly say to the leadership on my side, that I thank them for their leadership and I hope we can work many of these differences out.

The CHAIRMAN. The gentleman from California [Mr. MCKEON] has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me this time.

First, I want to point out that this commission idea was run by the administration. The administration did not ask for any more people and did not want any more people because they thought it was a congressional investigating committee, not an administrative one.

Second, I want to point out that there is $46 million in the FFEL administrative account. All we are asking is for $650,000. There is $46 million there.

Let me say there are two things we hear as we travel around on the reauthorization of this program. One, the parents say that if we let them keep more of their money, they will take care of financing. And the college people say over and over again, and this blows my mind, that the reason the costs have gone up 200-and-some percent for the cost of a college education, and inflation has only gone up 70 percent and take-home pay 80 percent, is because they have to have a sticker price and then they have to have a discount price.

What that has to do with the cost of increasing college education blows my

mind. They ought to get rid of their discount price and stick to their sticker price.

MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], the former Governor of that State.

Mr. CASTLE. Mr. Chairman, I rise in support of the amendment.

To help put this in perspective, I obtained Consumer Price Indexes for selected items between 1984 and 1994. In this 10-year timeframe, the price of cereals increased by 34.8 percent, the price of sirloin steaks increased by 37.5 percent, the price of coffee increased by 40.4 percent, the price of housing increased by 44.8 percent, the price of transportation increased by 34.3 percent, the price of energy by 4.6 percent, medical care increased by 111 percent, and the price of college tuition increased by 149 percent.

Clearly, the issue of rising tuition as it relates to affordable higher education needs serious and careful consideration. H.R. 914 would do this. It would lay out the problem for us and the solutions, and I encourage each and every one of us to support it and to help all of our young people get a college education.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of Mr. MCKEON's amendment to authorize the establishment of the National Commission on the Cost of Higher Education, and provide it with $650,000 in funding.

It is important to note, of course, that Mr. MCKEON fully offsets the funding for this new Commission by rescinding $849,000 from the Federal Family Education Loan Program account. We should also note that the House has actually already cleared an authorization for this Commission with passage, under suspension of the rules this past Tuesday, of H.R. 914, the Higher Education Technical Amendments.

Normally, I'm not thrilled with the idea of commissions as I said last Tuesday, in this case, the fact that the Commission has to provide Congress with its findings within 4 months, means Congress will have an opportunity to review its recommendations during our consideration of the Higher Education Act.

As I indicated earlier, since 1980, the cost of 4-year public colleges and universities has increased by 234 percent, and tuition at private 4-year institutions has risen more than 8 percent annually.

Yet the causes for these increased tuition costs, and whether Federal policies or programs contribute to these increases, are very complex and deserve study. Parents and students deserve to know what can be done by colleges and universities, States, and the Federal Government, to help bring these costs under control, before the dream of going to college slips away from our best and brightest.

I congratulate Subcommittee Chairman MCKEON, full Committee Chairman GOODLING, for working to put the Commission to work so that we may have the product of that work, during the debate on reauthorizing the Higher Education Act later this year.

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

Normally, I am against commissions. I am a strong fiscal conservative, and I think we have to be very careful how we spend our money. But the problem has been outlined, and what we have done is tried to keep a small efficient number in the Commission. We have seven people, four appointed by the majority, three appointed by the minority. We think that we will be able to get the work done efficiently on a cost-effective basis and come back with some ways that we can help to solve this problem.

□ 1515

I think it is something that the people of this country are really paying attention to. They have real concerns, those who have students in college, those who are students in college, those who have children who will be going to college, something very important to the people of this Nation. I urge all Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MCKEON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–97.

AMENDMENT OFFERED BY MR. DINGELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DINGELL: page 23, line 2, insert before the period the following:

: *Provided further,* That, notwithstanding any other provision of law, of the unobligated balances under this heading from amounts made available in this or any other Act for fiscal year 1997 or any prior fiscal year, $300,000 shall be made available to Monroe County, Michigan, as reimbursement for costs incurred in connection with the crash of Comair Flight 3272

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

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

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

Mr. Chairman, this is a very simple amendment. There are $23 million to cover two major air crashes which occurred in the United States, the ValuJet crash in Miami and the TWA crash off Long Island. This would treat another crash in the same fashion, making available $300,000 for the costs incurred by the county of Monroe, a small county in Michigan, for their cooperation in terms of assistance, rescue, search and other activities including cleanup.

It would treat Monroe no differently than it would treat the other communities and States which were involved in cleanups of this kind and it would afford them no benefits not available here to others. It is simply a plea for equity to my colleagues in the Congress, that they would treat another small county on a small item in the bill but a very big item to that county. I hope my colleagues will support it.

Mr. Chairman, I rise today to offer an amendment which would make available up to $300,000 to reimburse Monroe County, MI for costs associated with the crash this past January of Comair flight 3272, which claimed the lives of 29 passengers and crew.

When Comair flight 3272 fell from the sky late in the afternoon January 9, an emergency situation befell local officials in Monroe County, MI which called for immediate and swift response. Like some counties its size, Monroe County had trained personnel who performed ably and admirably in the hours following the crash. The first mission was to determine how to help the victims' that mission was quickly surpassed by the stark reality that there were no survivors. At that point attention was turned to the grim task of victim and wreckage recovery, along with the collection of data and other clues to determine the cause of the accident.

For the first few hours after the tragedy, local authorities took control of the scene and attempted to secure the site. After several hours, Federal officials from the National Transportation Safety Board [NTSB] arrived in Monroe County and took command of recovery and investigation efforts over the next several days. Much of their work was performed outdoors under extremely cold and windy conditions, necessitating special efforts to procure mobile morgues, heaters, and other equipment so Federal efforts could continue.

Just a few weeks ago, I received from Monroe County a summary of the costs associated with the crash. It is important to note that some of the outstanding costs are subject to continued negotiation with the airline and its insurance carrier. I believe very strongly that Federal taxpayers should not be made liable for costs legitimately belonging to air carriers, and I hope that Comair and other air carriers do not misconstrue this amendment to mean relief from their financial obligations to the victims and families of air disasters. I have been informed that underwriters have recently been prevented from meeting with the NTSB by their air carrier clients. If true, such action contradicts the intent of Congress, which had hoped that air carriers would be more responsive, not less responsive to families. If such a move signals a lack of cooperation on the part of air carriers, Congress may have to send a stronger—and perhaps a more stringent—signal to the airlines to gain the cooperation we anticipated last year.

Last year Congress approved legislation, the Aviation Disaster Family Assistance Act, which required the National Transportation Safety Board to coordinate more help for air disaster victims and families. I was an early and strong supporter of this act, which became law in response to many horror stories shared with Members regarding poor treatment of families by airline and airport personnel, government officials and lawyers. Thankfully, this new law corrects some of those abuses. However, we instructed the NTSB to take on this mission without providing the funding necessary to support the new tasks, while failing to make more clear the responsibilities of air carriers and their underwriters following such disasters.

The crash of Comair flight 3272 was the first real test of the new family disaster assistance law, and I would agree with those colleagues who have concerns about the manner in which the liability and cost issues are being settled. I believe that the proper authorizing committee, working with the Appropriations Committee, should review the Comair case to determine how to make certain the new law works as intended. Also very important is clarification to determine how disaster costs will be settled and paid by responsible parties in a consistent, swift, and fair manner.

The legislation before us attempts to help remedy the problem by providing more than $23 million in emergency assistance to communities which have suffered these disasters. My amendment simply tries to make certain that Monroe County is dealt with in a manner that is consistent with the existing situation.

Mr. Chairman, when disaster struck Monroe County in January, local officials and citizens responded in a selfless and heroic way to come to the aid of those in need. This Sunday, a memorial service will be held in Monroe to remember those who died, give comfort to the families, and provide a chance for those local people whose lives were touched by disaster to reflect on a tragic experience. I believe that when the Federal Government plays a role in addressing the needs and concerns of aircraft accident victims' families, as called for in Federal law, we should not expect local communities to pick up the tab. I would hope that Congress will show its support and solidarity with Monroe by making certain that Federal assistance pays for Federal requirements associated with investigating the Comair crash.

I urge my colleagues to support my amendment to provide a small measure of assistance to a county that responded without hesitation to the urgent requests for help from a Federal agency. Once that job is done, I look forward to sharing my views with the chairman and ranking member of the Transportation and Infrastructure Committee so that disasters of the sort which struck Monroe County will be handled with the utmost care, efficiency, and accountability.

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

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

Mr. LIVINGSTON. Mr. Chairman, the gentleman is absolutely correct. Fairness dictates that if we are going to do this for the people in Florida after the devastating crash of ValuJet in Florida and if we are going to do it in New York after the devastating crash of TWA there, we ought to treat the gentleman's district the same. We have no objection to the gentleman's amendment.

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

Mr. DINGELL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say that on this side of the aisle we also have no objection to the amendment and are willing to accept it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in House Report 105–97.

AMENDMENT NO. 4 OFFERED BY MR. THUNE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. THUNE:

Page 27, after line 23, insert the following:

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for ''Community development block grants fund'' as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, to remain available until September 30, 2000, for use only for buy-outs, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997: *Provided,* That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further,* That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further,* That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts: *Provided further,* That, hereafter, for any amounts made available under this head and for any amounts made available for any fiscal year under title I of the Housing and Community Development Act of 1974 that are in communities affected by the flooding and disasters referred to in this head for activities to address the damage resulting from such flooding and disasters, the Secretary of Housing and Urban Development shall waive the requirement under such title that the activities benefit persons of low- and moderate-income and the requirements that grantees and units of general local government hold public hearings: *Provided further,* That, hereafter, for any amounts made available for any fiscal year under the HOME Investment Partnerships Act that are used in communities affected by the flooding and disasters referred to in this head to assist housing used as temporary housing for families affected by such flooding and disasters, the Secretary of Housing and Urban Development shall waive (during the period, and to the extent, that such housing is used for such temporary housing) the requirements that the housing meet the income targeting requirements under section 214 of such Act, the requirements that the housing qualify as affordable housing under section 215 of such Act, and the requirements for documentation regarding family income and housing status and shall permit families to self-certify such information: *Provided further,* That the Secretary of Housing and Urban Development may make a grant from the amount provided under this head to restore electrical and natural gas service to areas damaged by the flooding and natural disasters: *Provided further,* That the entire amount made available under this head is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 28, line 5, after the dollar figure insert the following:

(reduced by $500,000,000)

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from South Dakota [Mr. THUNE] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. THUNE].

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

For those who have seen the extent of the damage in the Upper Midwest, in the States of South Dakota, Minnesota, and North Dakota, they will understand the need for this amendment. For many areas there they experienced a 500-year flood.

Without question, the time to act is now. $500 million may seem like a lot of money, but we are talking about a very extreme situation. We are also talking about a people with a pioneer spirit that ask only when in dire need. They are now in dire need.

The Federal Reserve Bank of Minneapolis estimates the Red River Valley of North Dakota and Minnesota has sustained between $1.2 and $1.8 billion in damages. Minnesota alone estimates up to $375 million in damages as a result of the flooding.

In my State of South Dakota, the City of Watertown estimates damages at over $60 million. Flooding there has forced 5,000 families from their homes. The State of South Dakota has already tacked on an additional 3 cents per gallon fuel tax to help address highway funding needs.

The Speaker, after viewing the damage, asked me and other Members such as the gentleman from North Dakota [Mr. POMEROY], the gentleman from Minnesota [Mr. PETERSON], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from Minnesota [Mr. GUTKNECHT], many of us who toured the area, to come up with a solution that might somehow deliver in the most expeditious fashion assistance to the area that really needs it. Many models were examined.

Because of the demands of time, we agreed that the most effective means

of delivering relief to those that need it would be through modifications to the Community Development Block Grant program. The CDBG program would allow Washington to get the tools of recovery into the hands of State and local officials to address their most immediate and urgent needs.

While the process brings important streamlining provisions to disaster relief, it does provide sufficient accountability by requiring reports to be submitted from applicants. The amendment requires submission of a use and recovery plan, quarterly reporting by the Secretary of HUD and the Director of FEMA to House and Senate appropriations committees.

CDBG provides a faster, more efficient approach to hazard mitigation. The region of the country we are dealing with has an extremely short construction season. The amount of work that must be done to rehabilitate the area is massive. The FEMA hazard mitigation program has too much of a time lag for people to rebuild.

The CDBG would allow these communities to complete their hazard mitigation plans. CDBG would also allow State and local economic development organizations to supplement aid to small businesses, allowing them to give hope to the thousands who have been out of work.

The waivers that apply under our amendment only apply to the disaster relief effort outlined in this package. The waivers would also allow the Secretary of HUD to waive the traditional reporting requirements. The waivers would allow alternative reporting and compliance for this disaster situation only.

Mr. Chairman, we have had the opportunity to deal with the governors, the mayors, the officials from around there as well as with the many people who have been affected. We have seen the disaster firsthand. We need to act, and we need to act in an expeditious fashion to get the money into the hands of those who really need it.

They need flexibility. The governors have asked for as much flexibility as possible in delivering this assistance so that they can fashion programs that will, again, identify the highest needs. We feel fully confident that we have come up with a delivery mechanism that will accomplish just that.

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

The CHAIRMAN. Is there a Member who rises in opposition?

Mr. OBEY. Mr. Chairman, I must confess some concerns about this amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

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

Mr. Chairman, as I told the gentleman earlier, we tried in the full committee to provide funding for CDBG. We were asked to withhold, and we have been. I will not press this issue to a vote as well, but let me simply suggest I do think there are some problems with the gentleman's amendment that are going to have to be fixed in conference.

I do not understand, for instance, why it was necessary to make a permanent change in law, forcing the Secretary of HUD to waive the requirement that HUD's disaster assistance benefit only low and moderate income persons. I am also concerned about forcing the Secretary to waive the requirement to hold public hearings. I am also concerned about what appears to be an intent to allow HUD to make grants, not loans, to privately owned for-profit utilities. Lastly, I am concerned about what appears to be the intent of the amendment to change the longstanding process of assuring that CDBG funds can be used to assist businesses damaged by disasters, to the extent such businesses are declined loans by the SBA administration or because they need assistance above the SBA loan limits.

I do not want to hold up this amendment, so I will not object at this point, but I think that these are problems that are going to have to be worked out, I would say to the gentleman, before people are going to be comfortable; in addition to the fact that I think the money is taken out of what we would consider to be the wrong pot, because it also means that FEMA will have less than $200 million available for any pending hurricanes that occur for the rest of the year which could cause considerable problems to other parts of the country.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, as I indicated earlier, our entire town of East Grand Forks has been under water. This is the residential area, where it shows the devastation and all the belongings out on the berm.

I would also like to talk about the business situation. One of the reasons we need this through an amendment is so we can have some flexibility to deal with the problems we have in the business community. The entire business community of East Grand Forks was under water, some of it for 2 weeks.

Under the current FEMA program there is really no way to deal with this situation because it is all loans, and these people, loans are not going to work for them. I can tell my colleagues of business person after business person where their inventory, their equipment has been wiped out, they have got debt. There is no way, putting more debt on top of that, that it is going to solve their situation.

We need this CDBG money so we can have the flexibility to rebuild these communities. I very much encourage my colleagues to support this amendment. I want to thank the gentleman from South Dakota [Mr. THUNE], the gentleman from Minnesota [Mr. RAMSTAD], the Speaker, the chairman and everybody else for helping on this.

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

I would also say to the gentleman from Wisconsin that we would be happy to work with the gentleman in conferences to address concerns he might have. The objectives here is to get the assistance as quickly as we can into the hands of the people who need it, with as much flexibility to the Governors and the local officials that are involved.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

I am rising really to compliment the gentleman for the work that he is doing, bringing the critical problem here to our attention the way he has. FEMA, under current law, has some difficulty in terms of providing the sort of money flows that are needed in this case. The gentleman has given us an opportunity at least to solve this problem by way of the conference. We intend to review a number of the technical questions that were raised by the gentleman from Wisconsin. I want to compliment the gentleman, the gentleman from North Dakota [Mr. POMEROY] and the gentleman from Minnesota [Mr. PETERSON] for their work on this matter.

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

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

Mr. RAMSTAD. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this amendment. When a group of us with the Speaker toured the devastated Red River Valley to see the flood firsthand, the Speaker put it best when he said we need CDBG funding to allow these States and communities maximum flexibility to help homeowners and small businesspeople recover. He said we need CDBG funding because we need to give funding to these people as boldly and rapidly and as efficiently as possible.

Mr. Chairman, this means the Thune amendment. Let us give local officials some more control and more resources to help these people recover from this flood of a century which literally destroyed two cities. This flexibility is absolutely necessary. Let us get help to them now without Washington strings attached.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

I would simply say that, again, we support the idea of using CDBG money. The President requested this money the right way. I think there are some problems with this, but I hope we can correct it in conference.

Mr. Chairman, I yield 50 seconds to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman, the ranking member, for yielding me this time.

Mr. Chairman, it is impossible in 50 seconds to describe what our area has been hit with, but pictures tell 1,000 words. A flood. A flood of a 1,000-year dimensions. A flood to the signposts, causing more harm than one can possibly imagine. Water destroys everything it touches, and so now the businesses and the homes, virtually all of the City of Grand Forks, 50,000 people, is devastated.

The second picture, anguish. This is a woman being evacuated from her home in the dead of night. The anguish and the pain that these people have experienced defies description. This anguish has given way to pain. Pain realizing the permanent loss of business, permanent loss of house, permanent loss of possessions.

This cries out for a bipartisan response. I so salute the gentleman from South Dakota [Mr. THUNE] for the work he has done. I appreciate the support of the Speaker and the majority leader, I appreciate the support of the appropriations chairman in bringing this matter before us. Please pass this amendment.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Thune amendment. This transfer of funds to the Community Development Block Grant Program from FEMA will help communities, including many in North Carolina, complete the difficult task of cleaning up, rebuilding, and ensuring that destruction like what we have just experienced does not happen again.

FEMA funds are limited in their uses. When the Mississippi River flooded in 1994, CDBG funds were used to relocate homes out of the flood plain and to allow people to start their lives again without fear of losing everything again. There are still many unmet needs in North Carolina where CDBG funds can be used in conjunction with FEMA hazard mitigation funds to avoid future disaster and heartbreak.

□ 1530

Mr. Chairman, I appreciate very much the gentlemen from North Dakota and South Dakota writing this amendment in such a way that those affected by Hurricane Fran can benefit from these funds, and I urge Members to vote ''yes'' on this amendment.

Mr. HAMILTON. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from South Dakota, Mr. Thune, to the Supplemental Appropriations bill. This amendment would redirect $500 million for the Community Development Block Grant (CDBG) program to be used for buyouts, relocation, long-term recovery, and mitigation in communities affected by this year's devastating spring floods and other recent disasters.

This funding will greatly assist with relief efforts in my congressional district in southern Indiana. My district was hard hit by the flooding of the Ohio River this March. President Clinton declared 13 river counties to be a federal disaster area, and several communities were completely flooded out.

I have been working closely with local, state and federal officials to assist homeowners and business owners adversely affected by the flooding. FEMA has already provided emergency relief for infrastructure repair in the impacted communities and has helped homeowners repair damaged housing or move to temporary shelter.

I am concerned, however, about long-term relief to communities and residents. Many constituents have asked me about the possibility of buyouts of their homes so that they can relocate permanently out of flood-prone areas. Several hundred homes have been identified for such buyouts, but federal and state relief funds available for this purpose are inadequate to address the problem.

The Thune amendment would help provide the necessary funds to complete buyouts in my district and in other districts throughout the central and upper Midwest affected by flooding this spring. The buyout program is an important option to many residents in my district because it gives them an opportunity to start over again while limiting the government's exposure in the event of future floods.

Mr. Chairman, I commend the gentleman from South Dakota for his amendment. He has done an important service to his constituents and to others affected by recent flooding, including those in southern Indiana. I urge my colleagues to support the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Dakota [Mr. THUNE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in the House Report 105–97.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

Page 51, after line 23, insert the following new section:

BUY-AMERICAN REQUIREMENTS

SEC. 3003. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act. (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Ohio [Mr. TRAFICANT], and a Member opposed, will each control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, there is an ad in a national magazine that said the Navy Seals bring our knives on every one of their underwater missions; it is a Swiss Army brand knife, and they say now they will be carrying their sunglasses.

In addition to that, right out here, the east side of the Capitol, the south security gate, it is heated and cooled by a Mr. Slim unit made by Mitsubishi, who moved from San Diego to Mexico and does not even make them in America.

It is a very simple little Buy American. I am not going to take a lot of time, but let me say this:

Wherever possible let us try and expand our American taxpayer dollars on American goods, and, second of all, this little provision says if someone tries to sneak in an import with a fraudulent ''made in America'' label, they are handcuffed to a chain link fence and flogged.

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

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for his statement. He makes eminent sense, and we have no objection to his amendment.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from Wisconsin, the ranking member.

Mr. OBEY. Provided that the flogging occurs here on the floor, we have no objection either, Mr. Chairman.

Mr. TRAFICANT. Mr. Chairman, I have a picture, in closing out here, and this was given to me by a page, Justin Boyson, and I want to thank him.

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

The CHAIRMAN. If no Member rises in opposition, all time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in the House Report 105–97.

AMENDMENT NO. 6 OFFERED BY MR. NEUMANN

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NEUMANN:

Page 28, line 5, after the dollar amount insert the following: ''(reduced by $2,387,677,000)''.

Page 28, line 6, strike ''$2,387,677,000'' and all that follows through line 7.

Page 35, strike lines 8 through 25.

Page 51, after line 23, insert the following new section:

FURTHER RESCISSIONS IN NONDEFENSE ACCOUNTS

SEC. 3003. (a) RESCISSION OF FUNDS.—Of the aggregate amount of discretionary appropriations made available to Executive agencies in appropriation Acts for fiscal year 1997 (other than for the defense category), $3,600,000,000 is rescinded.

(b) ALLOCATION AND REPORT.—Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) allocate such rescission among the appropriate accounts in a manner that will achieve a total net reduction in outlays for fiscal years 1997 through 2002 resulting from such rescission of not less than $3,500,000,000; and

(2) submit to the Committees on Appropriations of the House of Representatives and the Senate a report setting forth such allocation.

(c) DEFINITIONS.—

(1) The terms ''discretionary appropriations'' and ''defense category'' have the respective meanings given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The term ''Executive agency'' has the meaning given such term in section 105 of title 5, United States Code.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Wisconsin [Mr. NEUMANN] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I would like to begin by commending the chairman for putting together a bill that I think is very important and proper for the good of the future of this country. Certainly when we have disasters strike victims in our Nation it is a proper and appropriate role of the U.S. Government to help those flood victims and those disaster victims throughout the country, and I think the chairman has done a very fine job of putting together a bill that will provide disaster relief to these disaster victims around the country.

I would like to make it clear, however, that I feel very strongly that when this Government provides this disaster relief to other people around this Nation, people who are truly worthy of receiving this disaster relief, that I think is incumbent upon our generation to pay the bill for that disaster relief, and that really is what this amendment is all about.

When we look at what happens in the checkbook over the next five years in the course of this bill, $5 billion will be shortfall in the checkbook; that is to say, $5 billion out of this bill will be passed on to the next generation. So while we are doing something that is fitting and proper, providing disaster relief to the victims here, $5 billion of this money will be coming from future generations. If we look at the next 5-year window, the checkbook will be overdrawn by $5 billion on account of this bill, and that money will simply be added on to the debt and then passed on to our children.

So what this amendment does is very, very straightforward. What this amendment does is it says OK to the disaster relief, it is fitting and proper; however, our generation must take on the responsibility of paying for that flood disaster relief.

Again I would emphasize that this bill does not do anything to the flood disaster relief that is called for in this bill. It provides full relief, as requested by the President, including North Dakota, Minnesota, Kentucky, Oregon, the whole list that was provided.

I would also like to point out very definitively that it does not affect any of the provisions relating to defense in this bill. The amendment will correct the bill so that our generation is paying for aid to disaster victims rather than passing this expense on to our children.

How do we do that? Well, there is a couple of things. First thing we do is we do not advance fund FEMA. There is $2.8, $2.4 billion in this bill that literally is advanced funding, money that cannot be spent between now and September 30 of this year no matter what happens. So if there was another disaster tomorrow, it could not be used for that, and it cannot be used for the disasters that have already occurred. The money cannot be obligated before September 30. This money belongs in next year's appropriations bill. So the first thing we do is eliminate that $2.4 billion.

I would add that when the President sent the supplemental request up he did not request this $2.4 billion; so that is the first thing we would do.

One might ask why would we advance fund FEMA in this kind of a bill? Well, the answer to that is pretty simple and straightforward. In this bill it is classified as emergency spending and does not fall under government spending caps. So if it is funded here rather than in the normal procedure through an appropriation bill, it falls under the classification of emergency and therefore it does not fall under the caps that are applied in the future.

Second thing this bill does is it restores the money that has been taken out of section 8 HUD housing. Section 8 HUD housing is losing $3.8 billion in budget authority under this bill, so the second thing our amendment does is recognize that we have problems in section 8 housing and that money is not taken out.

I recently was in an apartment in Racine, WI, and I met with people who were there under the section 8 provisions. We need to make sure that these senior citizens that I talked to and others like them all across this country are not adversely affected as we go and do something good for these flood victims, as we are helping them. We cannot go to one sector of our society and say we are going to take it away from these seniors who need this section 8 money and send it over here to the flood victims. So we did restore the money that was taken out of section 8 housing units.

The third thing this budget does, or this amendment rather does, is very straightforward. The balance of the money that is not paid for, we simply say to the President go to nondefense discretionary funds and get the money.

If I could have that chart, please?

I would like to point out that in last year's budget we had a 3.7 percent increase in nondefense discretionary spending. The first year after the change in Congress, 1995, nondefense discretionary spending went down. But last year that changed all around. We spent a ton more money in nondefense discretionary spending.

So what our amendment is doing is simply saying, Mr. President, please go to that account where there were huge sums of money spent last year and simply take out the additional money necessary so that we in our generation pay for this disaster relief that we are as a government appropriately supplying for victims of floods around this Nation of ours. So that is the third thing our bill does.

All in all our bill results in our generation paying for the money that is being spent to provide disaster relief to flood victims around this country.

Mr. Chairman, I would just summarize once again that this bill does not in any way affect the flood victims around the Nation. The money asked for in the supplemental is there. It does not affect defense, but what it does do is it does pay for it out of the pockets of our generation as opposed to putting this onto the debt that will be passed on to our children.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

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

Mr. Chairman, I thank the gentleman for his presentation. I want to congratulate him. He really is one of our more creative budgeteers, and he truly means it when he says he wants to get this country on a paying basis. And I am reluctant to disagree with him on this one amendment, but I applaud his efforts because if we had more like him, we would definitely be balancing our budget sooner rather than later.

But for the RECORD, this bill is fully paid for in budget authority as it currently is written. The Congressional

Budget Office scores the bill as fully paid for in budget authority, and that is no different from the way we have paid for emergency spending over the last 2½ years, since January 3, 1994.

Everyone should know that this amendment strikes two-thirds of the funding the bill provides for in FEMA. It simply fails to recognize that ever increasing strains placed on the agency as flood waters recede in the northern plains States and costs associated with that disaster rise daily. The amendment eliminates roughly, if I got the last figure correct, $2.7 billion or 1.6? Let me get the right figure. It eliminates $2.4 billion of the $3.6 billion that we provided in this bill for FEMA, albeit, as the gentleman has pointed out, in forward funding. But if we are ever expected to get ahead of these natural disasters, we must ensure FEMA has the funds available to pay for these bills for disaster victims as well as for future disasters in the very near future. Costs are still coming in for the existing disasters. They are going to be much larger in the current fiscal year than currently estimated.

Additionally, this amendment strikes $3.6 billion, if I got the last change correct, in offsetting costs that the bill provides and gives the President the authority to make the cuts, and I have to ask what we are doing here. Do we really want President Clinton to make the decisions on where to make the cuts? Do we really want him to eliminate, for example, the billion dollars or half billion dollars local law enforcement block grant the Republican initiative included in our Contract With America? That is what he will do. He will pick something like that. So I do not think that this offer of authority to the President makes sense.

Our committee went to great lengths to find real offsets in budget authority, and they are listed in this bill, and I do not understand why anyone would support an effort that does not define the offset in cuts. We have no idea what programs or priorities would be cut under this amendment, and there are no specifics in the amendment.

So I would have to reluctantly, once again, oppose the amendment for those reasons and again because it restricts the authority to do exactly what the whole purpose of this bill is, and that is to provide disaster relief.

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

Mr. NEUMANN. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], my good friend.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for yielding the time.

In this Congress we set to do a couple of good things with very good intentions. First of all, we wanted to provide some disaster relief to those who were caught up in this year's disasters, and this help is gravely needed, and the compassion of this country really reaches out to try to help those in need.

The second thing that we wanted to do is to provide some supplemental funding for our young men and women in Bosnia. Regardless of our position on whether we should be in Bosnia or not or regardless of our position on the $6.5 billion we have already spent there, this additional money is needed because we are there, and both of these are very good intended. But that opened the door, and in slipped an additional $3 billion, most of it in this advanced funding for FEMA, something that should be considered later, and that alone is a good reason to vote for the Neumann amendment.

But the real reason is that we have an overshadowing reason of the $5 billion that according to the CBO is not paid for in offsets, and we are talking about actually writing the checks, the outlays, versus the budget authority. So we have this $5 billion that is hanging out there that is going to show up on a bill for our children sometime in the future.

So I think we should pay as we go, I think that we should be frugal and we should fulfill the goals of our good intentions, but we should not do it at the expense of our children. Therefore, I think we should vote for the Neumann amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the very distinguished ranking minority member.

Mr. OBEY. Mr. Chairman, I would simply say that I think this amendment ought to be opposed because it is very selective in where it would save the money.

Evidently, the sponsors of the amendment do not believe that there is a dime's worth of waste in the Pentagon, so they exempt that from reductions. They allow huge spending to go forward on the F–22. They neglect the fact that since 1989, when the Soviet Union fell apart, Russia has decreased its military budget by 75 percent; the United States has decreased its by at most 15 percent. They neglect the fact that $11 billion was added last year to the President's budget by the Defense Department, and they neglect the fact that if nondefense discretionary was as high as it had been at its peak in this country, it would be 50 percent higher as a percentage of gross domestic product than it is today.

Let me simply say that I would urge opposition to this amendment. It also seems to me that it is ill-advised for the Congress to turn total determination as to which accounts are going to be reduced over to a nonelected bureaucrat in the OMB. I see no reason why Mr. Raines at OMB should be given the authority, without any kind of congressional check whatsoever, simply to decide that that program is going to go and that program is going to stay.

□ 1545

That to me is the ultimate abdication of responsibility to control the power of the purse. The Congress was given the power of the purse in the Constitution for one simple reason, because keeping the power of the purse in Congress rather than in the executive branch is the difference between having a President and having a king. We do not need any kings in this country.

Mr. NEUMANN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH], my good friend.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me this time.

I do rise in support of the amendment of the gentleman from Wisconsin [Mr. NEUMANN], but I feel compelled to respond to something that was said previously.

We keep hearing about how defense spending has increased so much and how we are spending so much on defense. The one statistic that we did not hear the gentleman from Wisconsin state is the fact that we are spending less money as a percentage of our budget on defense than at any time since 1939, since before Pearl Harbor. I see that he is smiling, so he must have read that statistic too. It is something that scares me.

If I can also say that I think at this time, when we are $5.4 trillion in debt, we need to be as conservative as possible with the amount of money that we spend. As CBO has scored this on outlays, it does cause a $5 billion increase in the deficit. That is $5 billion we cannot afford. Therefore, I stand and I support the gentleman's amendment, and certainly hope the rest of my colleagues will too.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS], the very distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate the chairman of the Committee on Appropriations yielding me this time.

I would like to make two points. First, the gentleman from Wisconsin [Mr. NEUMANN] and I serve on the subcommittee together that involves FEMA funding. He knows very well that within our subcommittee we take a back seat to nobody in terms of our commitment to balancing the budget over time. Indeed, in every one of our accounts we have been very tough as we go forward with attempting to reduce the rate of growth of government.

The difficulty with this specific amendment, however, is that it addresses one of those agencies within our bill that frankly has done the best job of reorganizing itself and attempting to get its own budgetary house in order. Indeed, with the last amendment that we passed, the Thune amendment, if we adopted this amendment, that would take the emergency account down to $700 million and put us in a position where, at the very time when America should be coming together on behalf of those people who are impacted by these floods, we would be undermining that opportunity and that

responsibility by way of this amendment.

So it is with great reluctance and a continuing commitment to moving towards balancing the budget, but with great reluctance, I must oppose very strongly the Neumann amendment.

Mr. NEUMANN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding me this time.

I just want to remind all of my colleagues that what we are about to vote on, not the amendment that Mr. NEUMANN is offering, which I support, but the emergency supplemental bill, is just that. We are talking about making an appropriation for emergencies.

Now, our President, who is not known for his fiscal restraint, has asked for $5 billion for emergency supplemental spending. The Republicans in Congress have upped the ante. We have raised the ante on the President's request of $5 billion to $8 billion. We are outspending the President. Why? Because we are adding a lot of things that are not, clearly are not, emergencies.

We just approved on a voice vote a commission to study higher education. Why is that an emergency? I do not understand that.

I want to tell my colleagues that in Tulsa, Oklahoma, $8 billion is still a lot of money. People have to work very, very hard to send $8 billion in their taxes to Washington, D.C.

I urge all of my colleagues to consider the fact that what we are talking about is an emergency supplemental and support the Neumann amendment.

Mr. LIVINGSTON. Mr. Chairman, I have no requests for time, and I reserve the balance of my time and the right to close.

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

Mr. Chairman, while there are a lot of issues to be addressed here, I guess the first and the most important is, we as a generation have to make a decision, when we do something that is right and proper, like flying flood relief to victims around this Nation, whether or not it is our generation's responsibility to pay for it. The disagreement between myself and the committee Chairman is budget authority versus outlays, which out in America probably does not make a lot of difference, but what we are really talking about here is looking at the checkbook. And when we look at the checkbook, if this bill passes as written, it will be $5 billion overdrawn at the end of 5 years and that will be passed down to our children.

I would just add one more thing, and that is, the precedent of asking the President to go into the nondefense discretionary spending and find the appropriate offsets is not exactly something this body has not already dealt with. We have already given the President something called line-item veto, and what we are really suggesting here is that the President apply a mini-line-item veto to apply the appropriate offsets, so that as our generation does what is right and supplies the necessary flood victim relief to the places around this country that truly need it, that we in our generation also accept the responsibility to pay for it. That is really what this amendment is all about.

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

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

Mr. Chairman, as the gentleman has pointed out, his well-intentioned amendment attempts to get the fiscal problems of this country under control by cutting the amendment that we are here to provide to the Federal Emergency Management Administration, so that they might not be able to adequately pay the bills incurred by the people who have been devastated by floods and other natural disasters.

It seems to me that if we are going to have a disaster relief bill, if we are going to make the taxpayer the ultimate insurer of the last resort, then we better also be prepared to pay the bills, and that is all this bill tries to do. It would eliminate some of the rescissions, even though the gentleman says that we want to pay for all of the money that we are outlaying so that the bill is ultimately budget-neutral, and I am not sure exactly how that makes us more budgetarily responsible, so I oppose the amendment on that score.

Finally, he would propose a new rescission, though, allowing the President to make undetermined cuts where he deems appropriate. Well, I thought it was the job of the U.S. Congress, the House and the Senate working jointly, to control the budget strings of this Nation. That is what it says in the Constitution of the United States, not simply to advocate a responsibility and turn it over to the President of the United States to do the job. Mr. Clinton would love to do the job, but I do not think we should give him that authority.

So I reluctantly oppose this amendment because this is a disaster relief bill. This is a bill to provide for men and women and children who have been thrown out of their homes for whatever reason, tornadoes, earthquakes, and devastating floods in the midsection of this country.

Let us not get torn up over the fine points of the budget process. This bill is paid for in budget authority. We can get encumbered on the difference between budget authority and outlays. The fact is, if we eliminate the budget authority, that budget authority ceases to exist and that money will not be expended, and therefore, this bill is paid for. This does not add to the overall bill.

By the way, the gentleman from Oklahoma who spoke here a little while ago had his figures wrong. It is a $5.7 billion disaster assistance bill, and reimbursement of Bosnia for another $2 billion. We have to deal with the real figures if we are going to debate this issue properly on the floor.

Apart from that, the bill is paid for, it is a good bill. I urge the defeat of this amendment and the passage of the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 324, not voting 9, as follows:

[Roll No. 132]

AYES—100

Armey	Gekas	Petri
Bachus	Graham	Pickering
Ballenger	Gutknecht	Portman
Barr	Hefley	Radanovich
Bartlett	Hill	Rohrabacher
Barton	Hilleary	Royce
Bass	Hoekstra	Ryun
Bliley	Hostettler	Salmon
Brady	Hulshof	Sanford
Bryant	Inglis	Scarborough
Burr	Istook	Schaefer, Dan
Burton	Johnson, Sam	Schaffer, Bob
Camp	Jones	Sensenbrenner
Campbell	Kasich	Sessions
Cannon	Kingston	Shadegg
Castle	Klug	Shays
Chabot	Largent	Smith (MI)
Christensen	Lazio	Snowbarger
Coble	Leach	Solomon
Coburn	Linder	Souder
Collins	Lipinski	Stearns
Crane	Manzullo	Stump
Crapo	McInnis	Sununu
Cubin	McIntosh	Talent
Deal	Meehan	Taylor (NC)
DeLay	Metcalf	Thornberry
Doolittle	Miller (FL)	Tiahrt
Duncan	Moran (KS)	Upton
English	Myrick	Watts (OK)
Ensign	Neumann	Weldon (FL)
Ewing	Norwood	White
Foley	Nussle	Young (AK)
Franks (NJ)	Paul	
Ganske	Paxon	

NOES—324

Abercrombie	Boswell	Danner
Ackerman	Boucher	Davis (FL)
Aderholt	Boyd	Davis (IL)
Allen	Brown (CA)	Davis (VA)
Archer	Brown (FL)	DeFazio
Baesler	Brown (OH)	DeGette
Baker	Bunning	Delahunt
Baldacci	Buyer	DeLauro
Barcia	Callahan	Dellums
Barrett (NE)	Calvert	Deutsch
Barrett (WI)	Canady	Diaz-Balart
Bateman	Capps	Dickey
Becerra	Cardin	Dicks
Bentsen	Carson	Dingell
Bereuter	Chambliss	Dixon
Berman	Clay	Doggett
Berry	Clayton	Dooley
Bilbray	Clement	Doyle
Bilirakis	Clyburn	Dreier
Bishop	Combest	Dunn
Blagojevich	Condit	Edwards
Blumenauer	Conyers	Ehlers
Blunt	Cook	Ehrlich
Boehlert	Cooksey	Emerson
Boehner	Costello	Engel
Bonilla	Coyne	Eshoo
Bonior	Cramer	Etheridge
Bono	Cummings	Evans
Borski	Cunningham	Everett

Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Andrews
Chenoweth
Cox
Hefner
Mica
Molinari
Schiff
Skelton
Watkins

□ 1615

Messrs. HORN, COOKSEY, and MOAKLEY changed their vote from ''aye'' to ''no''.

Messrs. BURTON of Indiana, STUMP, McINTOSH, and CRANE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in the House Report 105–97.

AMENDMENT NO. 7 OFFERED BY MR. GEKAS

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GEKAS:

On page 51, after line 23, add the following new title:

TITLE IV—PREVENTION OF GOVERNMENT SHUTDOWN

SHORT TITLE

SEC. 401. This title may be cited as the ''Government Shutdown Prevention Act''.

CONTINUING FUNDING

SEC. 402. (a) If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

TERMS AND CONDITIONS

SEC. 403. (a) An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

COVERAGE

SEC. 404. Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

EXPENDITURES

SEC. 405. Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY

SEC. 406. No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

PROTECTION OF OTHER OBLIGATIONS

SEC. 407. Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

DEFINITION

SEC. 408. In this title, the term ''regular appropriation bill'' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

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

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

(3) The Department of Defense.

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

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

(6) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

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

(10) Military construction.

(11) The Department of Transportation and related agencies.

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

(13) The legislative branch.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Pennsylvania [Mr. GEKAS] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

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

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

Before us now is legislation that would prevent a government shutdown during the current fiscal year. It is really a test of our wills as to whether or not we will be adopting this proposition. We know what a shutdown can do to our people. We know that a shutdown is very costly to the taxpayers. We know that a shutdown will leave people in hospitals unattended. We know that a shutdown will cause late delivery if there is any delivery at all of payment of benefits to veterans. If we do not pass this legislation, we are

risking again a 100 percent cut, a 100 percent cut in the delivery of benefits that this Congress is bound to do at this or any other fiscal year.

So those who oppose the Gekas amendment on the basis that somehow, because we stay at 100 percent of the levels of last year's budget, that somehow magically that is a cut, that is atrocious. The cut would occur if we do not pass legislation and a shutdown would occur.

The fiscal realities may not be enough to convince Members that they ought to adopt this amendment, but I ask them, as a matter of honor, as a matter of duty, as a matter of the right thing to do, to look back at the fall of 1990, when at the height of the amassing of our troops in Desert Shield, with our young people literally with musket in hand prepared to do battle in the forthcoming Desert Storm, our government shut down. What a disgrace.

It brings shame upon the shoulders of every American citizen to allow its own Government to shut down. Could Benjamin Franklin and the others in 1789 who established a Government for all time, they established it for all time, to last forever, can they in their and their memories countenance a shutdown of this institution for even 5 minutes? Our Government to shut down?

What if there is a shutdown that occurs and a terrible flood or hurricane should occur again like the ones we have just witnessed in the Midwest? We are caught without any Members in their seats, without any bureaus ready to do action and calamities even worse than the ones we have seen could occur.

It is our duty to try to prevent the shutdown. I ask Members to vote in favor of this for the sake of the continuance of our country's Government.

Mr. Chairman, today is a great day for the American people. Soon the House will be voting to approve a measure of which all Americans can embrace and be proud—my "Government Shutdown Prevention Act".

Mr. Chairman, unfortunately, the image of the government shutdowns from the 104th Congress remains etched in the mind of the American citizen as shameful—and unnecessary—indicents in our nation's history. As taxpayers, they were incensed that the government would choose not to perform its essential duties. As statesmen, we were all embarrassed to have forsaken our obligations to the American people. While the Republican Congress was blamed for the shutdowns, I believe we were all responsible for this disgraceful exhibition of failed governance: the House, the Senate, Republicans, Democrats, and the President.

Before us today is a message to the American people. An affirmation, if you will, in the form of an amendment which states that we, the Congress, will not forsake the American people's trust to deliver essential government services and allow for another shameful government shutdown in this fiscal cycle. We will achieve this by voting for my amendment to provide 100% of Fiscal Year 1997 spending levels to continue through the end of Fiscal Year 1998, the absence of a regularly passed appropriations bill or a continuing resolution.

Since my election to the House of Representatives in 1982, I have witnessed eight government shutdowns. The worst of which occurred when our soldiers were poised for battle in the Persian Gulf. It was at this time that I introduced my first government shutdown prevention bill, what I referred to as an "instant replay" mechanism. At the time, I knew I was facing an uphill battle in a long war. After all, the threat of a shutdown is one of the most effective weapons in the Congressional arsenal.

However, I remained vigilant with the image in my mind of our fighting men and women ready to sacrifice their lives as they stood poised for Operation Desert Storm without an operating government for which to fight. I pledged never to let that happen again. Today, I proudly stand ready to fulfill that pledge as the House prepares to approve the Government Shutdown Prevention Act now before us, so that we can send a clear message to the American people that we will no longer allow them to be pawns in budget disputes between Congress and the White House.

Mr. Chairman, without question, the time for enactment of my Government Shutdown Prevention Act is now. We need to restore the public's faith in its leaders by showing that we have learned from our mistakes. I ask for its adoption and urge all members, Republican and Democrat, to vote for its passage, and especially urge the President to sign this "good government" reform measure.

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

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

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Government did not shut down 2 years ago because of some unhappy accident of governance. The Government was shut down because a number of willful Members indicated well ahead of time that it was their intention to do just that, to shut the Government down to make the President of the United States bend to their will. That is why the Government shut down.

If we do not want the Government shut down, then we simply have to behave more responsibly than the behavior that we saw 2 years ago. That is the way we avoid a Government shutdown.

I find it amazing that in 1960, about 60 percent of all Government programs were discretionary. That meant you could think about them. Today, the discretionary portion of the budget has declined to about 30 percent. And the practical effect of this amendment, if it is adopted, will be to produce a situation in which we have zero portion of the Federal budget which is discretionary. What this amendment says is that it rewards inaction by the Congress.

It rewards lack of hard choices by the Congress. And it says that if we do not make choices and do not get an appropriation bill passed, that every program in that bill winds up being funded at last year's level. That means even if there is a large consensus in this Congress that a number of programs ought to be cut well below last year's level in order to fund more well-deserving programs, it means that we are not going to be able to get it done.

Let us say we had the fifth year of the budget agreement between the White House and the Congress on the floor today, and let us say that we were therefore facing a $30 billion reduction in domestic discretionary spending required by that budget.

The fact is, if we did not pass appropriation bills to accomplish that, this would require us to produce bills far above the spending levels that this House wants to agree to in that arrangement. I do not think that is what we mean to do, but that is the practical effect of it.

This amendment is the single-most significant thing the House could do to ensure dumbing down of the Federal Government and the entire budget process, because what it says is, if you cannot get agreement between the President and the Congress on any specific appropriation bill, then all of the programs in that bill have to be funded at last year's level, period. That means we cannot increase the ones that we agree ought to be increased. That means we cannot cut the ones that ought to be cut. That, to me, simply says we are just going to quit thinking, we are going to enshrine the status quo.

Now, if my colleagues think that is smart, go ahead and vote for it. If they think it is not, then I would urge bipartisan consideration against that proposition. I would also say that what this really does is to produce the ultimate blessing of the idea that we ought to keep Washington just like it is. We are not going to think about any of these issues anymore. If we cannot reach agreement, then, OK, we have got a magic formula and we will just keep going the way we have gone before and before and before. I do not think that is what we were sent here to do.

I do not see why we ought to assure that if we do not pass the Labor-HHS bill and if we do not pass the energy bill that we ought to have to continue every bureaucratic mess of a program at the Department of Energy, but we will be precluded from doing what I know the Republican chairman of the Labor-HHS subcommittee wants to do, which is to substantially increase funding for the National Institutes of Health. We simply could not do that if we adopt this prescription.

This, in my view, also has one other major problem. It will make it virtually impossible to deliver the disaster aid, which is the primary purpose of this bill, because this bill is going to be vetoed if it contains this amendment,

and if it is vetoed, we are going to be stuck till the cows come home before we can get another bill to the President.

So I would simply urge my colleagues, if they are interested in providing rapid emergency assistance to the people who need it, if they are interested in retaining the ability of this Congress to think about any remaining budgetary programs, they will turn this amendment down.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, first of all, I would like to indicate that I respectfully disagree with my colleague from Wisconsin, [Mr. OBEY]. Never in my legislative career would I have thought that I would hear the gentleman from Wisconsin [Mr. OBEY] making arguments, Republican arguments, against a good amendment. But, nevertheless, today we have heard that happen.

Let me say, Mr. Chairman, we can continue pointing fingers as to who was to blame for the last shutdown. But the fact of the matter is, as the author, the gentleman from Pennsylvania [Mr. GEKAS], indicated, it cost the taxpayers $1 billion more, so we did not save a red cent.

We heard our constituents who were part of this finger-pointing, who were part of this partisan debacle. Veterans who were ready to close on their homes got denied. Constituents of mine who were applying for a visa with nonrefundable flight tickets lost their money on those flights. So a shutdown serves no good purpose.

Let me indicate to the membership that in Wisconsin we have a similar law, we have an automatic CR for the State of Wisconsin which precludes this from happening. In my legislative days, it kicked in once. It provided for uniformity.

Mr. OBEY. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 11 minutes remaining and the gentleman from Wisconsin [Mr. OBEY] has 10 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong support of the Gekas-Solomon-Wynn amendment. Regardless of whether the budget resolution passes next week or not, we still have to pass appropriation bills.

I think the budget process is going to be a very long and difficult process. If my colleagues do not think so, I have a Madison County, IA, covered bridge in my district that I will sell them.

□ 1630

At the end of the year, we will need to make sure that we have had time to produce the best possible budget policy. We should not have to make decisions at the eleventh hour under the threat of a Government shutdown.

Support the Gekas-Wynn-Solomon amendment. It will keep the Government open and it will ensure that budget implementation is based on sound policy, not on the pressure of an expiring clock.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER.]

Mr. HOYER. Mr. Chairman, I rise and I wish I knew what I should say. The policy that the gentleman articulates is a good policy. My colleague from Maryland, Mr. WYNN, has cosponsored this amendment. I have stood for this premise since 1981; that we ought not to inadvertently shut down the people's government; that we ought not to, because we could not reach political consensus, have government shut down. And in point of fact, we never did that until 1995.

My friend and very sincere colleague, whose motives I question not a whit, he is honest in his presentation on this issue, but in 1990 we shut the government down because George Bush was angry that we did not pass, because he did not get his own party's support, a deficit reduction package. So he refused to sign the bill and Federal employees were on the street for 36 hours. That was the longest shutdown prior to 1995.

But in 1995, specifically in April, the Speaker of the House of Representatives, NEWT GINGRICH, said I am going to put our Government at risk and let us see what the President does. He said further that the President clearly cared much more than he and his colleagues about government's operation. So as a policy to threaten and leverage the President of the United States, this Government was shut down for 6 days and then for 22 days. Twenty-eight days. Eight times longer than it had ever been shut down before in history.

And now we have a very well-directed amendment on the floor. I may even vote for it. But I want to tell my colleagues this will not be a vote in which employee unions will score. I tell my colleagues that. Why?

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

Mr. HOYER. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I would advise the gentleman that I have here that under the leadership of the Democrats, they shut the Government down 17 times. I have the list right here, and the gentleman is welcome to look at it. Is that not true?

Mr. HOYER. Mr. Chairman, reclaiming my time, I do not ascribe to the gentleman any disingenuousness by asking the question. He knows full well that the Government was never once shut down by Democratic policy. Not once. There were, clearly, disagreements and the President refused to sign bills. The President was President Reagan. The President was President Bush.

I would ask the gentleman, am I correct those 17 times occurred in the 1980's?

Mr. STEARNS. If the gentleman would continue to yield, this goes back to 1972.

Mr. HOYER. Well, reclaiming my time, I do not want to analyze all those because I do not have the time.

Senator STEVENS is well-motivated and believes in this amendment, but I fear, my friends, that there are many on this House floor who believe this is the best they can get politically, freezing at last year's level with no RIF protection for Federal employees. That is what I fear, and that it will give them the opportunity and excuse not to pass appropriation bills and not have to pay the price of following their policy of shutting down government for which we paid such a dear price in November and January of 1995 and 1996.

That, my friends, is my fear on behalf of Federal employees, on behalf of the operations of this government, on behalf of doing our job in a responsible fashion.

Neither party comes with clean hands to this. I agree with my colleague from Florida, neither party comes with clean hands. All have been willing to play chicken in the appropriations process and put at risk Federal employees and those who receive services from the Federal Government.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time and also for his leadership on this issue. I rise in strong support of the Gekas amendment. I joined him in this amendment because it is the right thing to do.

My fellow colleagues, public employees do not care about our negotiating leverage and our negotiating positions and our personal biases. Taxpayers who cannot get into parks, who cannot get passports, who cannot get fundamental services do not care about which side has leverage nor about which side is at fault. What they care about is responsible government.

And responsible government is government that is open, functioning and ready to do business, ready to do the people's business. This amendment will enable us to keep the government running, and that is the right thing to do, regardless of which party we are in.

Now, there are a lot of people running to the well and saying if we do this we will lock in cuts to education and to WIC and a lot of important programs. That is simply not true. The fact of the matter is, this amendment maintains the status quo. We can debate our differences. We may want to increase a program, we may want to decrease a program. While we work that out, let us keep the government up and running. That is what we are supposed to do. That is what this amendment accomplishes.

There is not going to be any lock-in of cuts or anything like that. That is simply misinformation. I find it very ironic that 2 years ago on the Democratic side every single Member rushed

down to this well and said, please, we need this continuing resolution. And not 100 percent. They were willing to accept 98 percent. I say this is a much better continuing resolution.

I compliment my colleagues on the Republican side for their willingness to compromise. A 100 percent continuing resolution will accomplish our ends of maintaining the government while we negotiate our differences, and that makes common sense.

I want to tell my colleagues what President Clinton said in 1996, or rather let me say this. A lot of people are walking around today saying there will not be a shutdown. We said that Christmas of 1995 and there was a shutdown over the Christmas holidays and Federal workers were out of work.

The President said, ''Again, let me say I am convinced both sides want to balance the budget, but it is wrong, deeply wrong, to shut the government down while we negotiate.'' Let us heed the President's words and keep the government open.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, despite the good intentions of the author of this amendment, I believe this amendment should be called the Pork Barrel Protection Act.

It is a wonderfully designed proposal that will protect any wasteful government program that has been put in past appropriation bills. Forget what the Congress has found out about that program, forget about GAO studies that may have shown that program is a terrible waste of our hard-earned taxpayers' money. The fact is this amendment, if put into law, would protect those pork barrel projects.

I think all Members on both sides of the aisle who fought to come to this House in order to fight pork barrel ought to do so today by voting against this amendment.

Secondly, this measure, if put into law, would enshrine the National Endowment of the Arts. For me, that is fine, but too many of our colleagues who do not like the NEA and have said on the campaign trail they will do everything they can to kill it, they are doing the opposite in passing this amendment.

As someone who has fought hard for veterans, this measure would literally lock in funding that would cause tens of thousands of veterans to lose health care that they fought for in fighting for this country.

This amendment substitutes the wisdom of our Founding Fathers for the expediency of the moment. Our Founding Fathers put the responsibility for shaping appropriation bills in our hands. We should accept that responsibility, not hide from it. Our government was not intended to be put on cruise control.

Finally, if we care about flood victims, if we care about the Department of Defense that needs desperately the $2 billion that has been spent in Bosnia, we know absolutely for a fact that the President will veto this measure with the Gekas amendment in it.

Whether we agree or disagree with that, the fact is if we vote for this amendment we are slowing down desperately needed dollars to help people rebuild their lives that have been victims of floods. If we vote for this amendment, we are slowing down the funding of the Department of Defense, which today is having to put off programs for this summer for training. For those reasons, oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], a staunch supporter of the Gekas amendment.

Mr. SOLOMON. Mr. Chairman, let me correct the last speaker, whom I have great respect for. He says this amendment would hurt veterans. I want to tell my colleagues something. Over 20 years I have had a reputation for being the strongest advocate for the veterans of this country. If my colleagues do not believe so, they can ask any veteran organization in this country.

If this amendment does not go through, what will happen? If reasonable people cannot come to agree and we do not pass the VA, HUD and Independent Agencies bill, then that means that the hospitals, the veterans hospitals in this country, all of them, would cease to be able to operate. The outpatient clinics would cease to be able to operate.

Ronald Reagan once told me, ''Jerry,'' when he was trying to get me to vote for a particular bill, he said, ''You cannot always have it your own way. There are two political parties. There are two Houses and sometimes you have to work together.''

We are attempting to work together right now, and when the gentleman from Maryland [Mr. WYNN], and the gentleman from Virginia [Mr. MORAN], and the gentleman from Wisconsin [Mr. KLECZKA] came to me in the Committee on Rules and they sincerely asked for this amendment, they meant it.

Because there are good public employees in this country. They deserve a fair break. This amendment will guarantee they get a good break, and that is why we ought to pass it and we ought to pass it now.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this amendment, instead of preventing a government shutdown, actually shuts down the democratic process. Basically, what it says is the majority can choose to pass those appropriations bills, those programs that they want to make sure are passed and they can let the others wither on the vine.

The minority will not be represented under this process, make no mistake about it. Because those programs that do not have the constituency, that do not have the majority support, it is easy to let them slide when we do not have to take the vote, when we do not have to be accountable to that minority point of view.

I think this is a terrible policy. I think it is much like us giving up our responsibility to our constituents. We were sent here by our constituents to represent them. If we vote for this amendment, what we are really saying is take my vote and throw it away because it will not count anything for what the people sent me to do because this vote will be a throw-away when it comes to the programs that make a difference.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in support of this amendment because I think this is the proper time to debate this issue and it is the proper time to pass this issue.

We need to have a continuing resolution so we do not shut down the government. The past 2 years of the appropriations process, as we come to a conclusion in the end of September, has not been a time that we should be proud of. As we talk about 1995, what happened? We shut down the government. We eventually brought it back together, but it cost a lot of money by shutting it down.

Last year, as a fiscal conservative, what happened was we added $8 billion of more spending to keep the government from shutting down. That was not what we needed to do. We do not need to increase spending just to keep the programs going.

This is a 1-year effort. Let us try it for 1 year. My preference would be to have a 75 percent rather than 100 percent ratio because we need to have pressure put on us to pass appropriations bills. That is what we should be doing. The appropriation bills will be just as difficult this September and the following year's under the budget bill that will be brought to the floor next week because the growth in discretionary spending is not going to be as fast.

Let us give it a try because it has not worked the other way.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

□ 1645

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, I wish we had had the Gekas amendment in the last Congress, when we were here on the floor every day hoping that we would be able to avert the shutdown and bring our Federal employees back to work. I am strongly in support of it. We must never again shut down government, causing a situation we do not want to have repeated; an incredible waste of resources, important work left undone, tremendous cost to taxpayers and what it did to the morale of our civil servants.

This amendment is going to provide for an automatic continuing resolution at 100 percent of the fiscal year 1997 level. Yes, we did try to get an amendment in the Committee on Rules, the gentleman from Maryland [Mr. WYNN], the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. MORAN], and myself, that would have assured that no Federal employees would be RIF'd or furloughed. That did not happen, but we are going to monitor it very closely to make sure that they are not.

We think that this is an excellent amendment. The argument I have heard defies logic, when somebody says we are going to waste money, somebody said we are going to hold back on money that should be spent. I just do not quite understand the logic, because as far as I am concerned, this is the assurance that our civil servants need, a safety valve, the least we can do.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise to support the Gekas amendment. Many of us are saying we do not want to use any threat of shutting the Government down. Now we hear people saying, ''Oh, you have got to try to do it.'' That does not make sense.

Some of us, and I am one of them, want to reduce spending in the Federal Government. Some people want to increase the size of Government and increase the amount of spending. These are very difficult to resolve when we are tens of billions of dollars apart.

We are saying while we try to work things out, we would agree we would just freeze spending while we try to work in good faith. They say, ''No, don't, you've got to shut government down instead.'' How ridiculous. It cost taxpayers $1.5 billion the last time around, workers being paid for a month that they did not do the work. The taxpayers were hurt heavily in the process. Federal workers were in jeopardy. Why go through such a thing?

We are trying to say we do not want to have such a threat hanging over things. We want to work together in good will. Why in the world would some Members say ''No, we don't want to do it?'' Support the amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. I thank the gentleman for yielding me this time.

Mr. Chairman, we have had over 60 continuing resolutions in this body since 1981, where we have had a Congress of one party and a President of a different party and the appropriation bills have not occurred on time. What happens with a continuing resolution? For Federal employees there is anxiety. In the case of a shutdown, of which we have had over a dozen during that period of time, Federal employees are paid for not working. As we saw last time, they did not even receive their checks at Christmastime, and the American taxpayers are the losers.

For Federal contractors, they lose under a continuing resolution even if it is passed, because it is only for a given period of time. Federal agencies then do not let out contracts that were won on a competitive basis, and the business of the American people does not continue.

This is a fail-safe system, if the job does not get done here, so that the Federal Government employees and contractors will not be held hostage. This is not about leverage in the budget debate. This is simply to say that the hostages, the innocent Federal workers who are out there doing their job every day, are not going to be the hostages, are not going to be punished and will be treated fairly. I wish we had had this 2 years ago. We have a chance to change that now. I support the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the American people have car insurance, they have home insurance, they have life insurance. Now what we are offering them in this amendment is insurance against government shutdown, government shutdown insurance. This will prevent excessive politics from disrupting the lives of the citizens of the United States of America. It protects our people, our retirees, every American, when we come into disagreement for whatever the motive.

Two years ago we were new here in our roles. We had a majority of Republicans in the House and the Senate, we had a President who was a Democrat, we were getting used to our roles. Who suffered because of that while we were getting used to what we were supposed to do? The American people when the government was shut down for 28 days. There is no finger pointing in that.

If we come to some major disagreements because of a difference in philosophy in the future, let us provide a way out so our people will not be hurt while we make up our minds. We have the opportunity to prevent disagreement from hurting our people, from philosophical or political differences. I say let us protect our people, let us give them Gekas insurance.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I have here a Congressional Research report. It shows we shut the Government down 17 times since 1972. Even under the Carter administration in 1978 we shut it down three times. This was when the Congress was controlled by the Democrat Party. We need this Gekas insurance to prevent another Government shutdown.

All Members should realize that this bill sunsets in 1998. What is the big deal? We are going to try and use it as insurance to protect veterans, the elderly, military and Government employees, and others who depend on continued payment.

I would say to the gentleman from Wisconsin [Mr. OBEY] that even in the State of Wisconsin, his State has a law which automatically maintains government operations in the next fiscal year, automatically. So basically we get great ideas from the States, including the State of Wisconsin. I'm surprised he would be against this amendment.

I would say to the gentleman from Wisconsin [Mr. OBEY], the ranking member, it is good insurance. It does not cut or increase any funds. It is just insurance for the American people. It does not preclude Congress from passing additional resolutions. It has bipartisan support. Lastly, it is supported by the Citizens Against Government Waste, the Federal Managers Association, the Americans for Tax Reform, the Chamber of Commerce, and the Concord Coalition, all of these are bipartisan groups. I urge support.

Mr. GEKAS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, the Gekas amendment will insure the American people against a government shutdown in the event the President and the Congress reach an impasse on the budget. The funding level of 100 percent of last year's funding will ensure stability until a final budget is worked out.

Last year's government shutdown wasted billions of dollars. We paid thousands of Federal employees who did not work during the shutdown. I say we should keep them on the job to start with. The Gekas amendment is the only way we have to guarantee this. There is no reason, there is no commonsense reason for voting against this amendment.

Finally, some say it is not appropriate to add it to the CR for natural disaster relief. I think this is the most appropriate place. This CR will help us avoid a man-made disaster, a government shutdown on September 30 of this year.

Also, I would like to point out to my colleagues from Florida and the Gulf Coast, September is the hurricane season. The only thing worse than a hurricane is a hurricane during a government shutdown. Let us insure ourselves against a double dose of disaster. Support the Gekas amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, as ranking Democrat on the Committee on Resources, I wanted to address several important natural resource and environmental matters raised in this bill.

At the outset, I want to commend the leadership of the Appropriations Committee for providing vital funding in addition to that requested by the administration for flood-damaged national parks, wildlife refuges, BLM public lands, and national forests.

In California, the severe flood that inundated Yosemite National Park has caused extensive damage to many park facilities and resources, destroying or damaging hundreds of housing units and campsites and other infrastrucure. As a result of the extensive damage, the park was closed and visitor access curtailed.

Yosemite is one of the crown jewels of our national park system and the millions of visitors each year contribute significantly to the state and local economies. While the park service is working to conduct the most urgent repairs to roads and infrastructure using existing funds, the supplemental is urgently needed to reopen park areas in 1998. In the long run, with $186 million in restoration funds and $10 million in funds to implement the Yosemite Valley transportation plan, we have the opportunity to enhance the visitor experience and better protect park resources in what is truly a national treasure.

I also am pleased with the committee's efforts to increase funding over the administration's request for flood-related restoration on national forests. In California and other States, ill-advised logging practices and road construction have had a severe impact on watersheds and water quality, contributing to runoff which increases the severity of flooding downstream. The bill provides $37 million for fish and wildlife habitat restoration, soil stabilization, road and trail maintenance and relocation, $15 million of which is allocated to national forests in California. The committee also provides over $32 million for road and trail and facility reconstruction, $9.2 million of which goes to California forests.

Given the extensive flood-related damages to national forests in California and other States, it is vital that the forest service use these funds in a cost-effective and environmentally beneficial manner. Top priority should be given to allocating these funds for road decommissioning in watersheds and unstable areas where poorly designed and maintained roads have contributed to water runoff, stream sedimentation, and mudslides.

I would also like to comment on section 303 of the bill which is intended to allow flood control project repairs to go forward without concerns regarding consultations under the Endangered Species Act. Clearly, this is legislative language which is subject to a point of order under House rules.

However, last week the House had a vigorous debate and reached a decisive conclusion on this matter by adopting the Boehlert-Fazio substitute to H.R. 478. Substantially similar language, acceptable to the administration, has also been agreed to by the other body.

It is unfortunate that in this case we would allow procedure to obstruct the substance of legislation that is important to many members of the California delegation whose districts were affected by the flooding. It is my hope that the conferees will reject the levees without laws language contained in H.R. 478 and instead adopt the compromise approach which is clearly supported by a majority in the House.

In my view, including legislative language clarifying the application of ESA to the flood-related projects is appropriate to include in a flood supplemental. By contrast, however, the other body has included a legislative rider concerning road right of ways across public land which has absolutely no business being in this bill.

It is unfortunate that we will not have an opportunity to debate the issue of legislating on so-called RS 2477 roads at greater length in the House. Unlike ESA, the House Resources Committee has not reported any legislation on RS 2477, an anachronistic 19th century statute that—as interpreted by a slim majority of the other body—would allow States to build roads through national parks, and public lands in Alaska, Utah, and other western States. This is the mining law of 1872 give-away for roads.

Mr. Chairman, holding important legislation hostage to unrelated antienvironmental riders is deja vu all over again. Didn't we learn anything from the misguided and failed attempts from last Congress. Whether it is in California or North Dakota or Kentucky, flood affected citizens understandably have no tolerance for Congress haggling over a 19th century statute which has nothing to do with floods and everything to do with a narrow antienvironmental agenda which would go nowhere under the normal legislative process. There are too many vital and urgently needed provisions in this bill to get bogged down on a special interest rider that has not been adopted by the House and is likely to contribute additional delay in the form of a Presidential veto.

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

The CHAIRMAN. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. OBEY. Mr. Chairman, again I want to make the point that we did not have government shutdowns the last 2 years because of an unhappy accident. We had it because of this kind of a mind-set:

One of your Members last year said, ''I believe the short-term problems the shutdown caused are a worthwhile price to pay.''

Another Member said, ''The President is at our mercy. With the looming prospect of another shutdown, people might be out of work, all of whom will be in his programs. I think he's going to care more than we do.''

Another of your leaders said, ''The President can run parts of the government that are left or he can run no government. Which of the two of us do you think worries more about the government not showing up?''

Another of your leaders said, ''We should be prepared to close down the government. If we close it down, people will listen. I don't want to see government shut down, but I'm not afraid of it.'' He also then went on to say, ''I don't see the government being shut down as a negative. I see it as a positive.''

One other of your leaders said, ''If we have to temporarily shut down the government to get people's attention to show we're going to balance the budget, then so be it.''

That was the problem. It was not process. It was mind-set. All you have to do to make government work is to change that mind-set.

I want to point out to you if you pass this, it will be a special interest dream. Any group that knows its program is about to get cut in an appropriation bill will simply try to lobby to see to it that that bill never goes anywhere. If it does not, then comes October 1, bango, they are protected, they are secure. No matter how many GAO reports point out that the program is lousy, no matter how many newspaper reports or television exposes point out that it is a waste of money, you cannot stop spending it on that program under this proposal. That is not a way to save money. That is a way to make the Congress the laughingstock of the country.

You do not need to do this to keep government at work. This is like using a sledgehammer to kill an ant. If you really want to keep government workers at work, what you ought to be doing, for instance, is simply to look at ways to reverse the Civiletti ruling. That way you can keep the government at work without freezing unnecessary spending into the mix for as long as Congress cannot get together on a rational solution.

I would also say that if you pass this, it will be a clear admission that you do not think that you can get your work done and that we cannot get the work of this House done on time. That is a lousy signal to send to the country. If you want to keep the government open, keep it open. You know doggone well that after the experience we have had last year, people in both parties will be killing each other to rush to the microphones to see to it that government is open at that time. But if you do not keep the pressure on for compromise and for making hard decisions now, you assure that every potential loser because we evaluate their programs as being ones that ought to be cut, you will assure they will create mounting pressure not to pass those appropriation bills and the result will be more waste than you have today. The responsible vote on this is no.

Mr. RAMSTAD. Mr. Chairman, I rise in opposition to the Gekas amendment. I am disappointed we are considering an amendment which would further delay much-needed relief to the flood-ravaged Red River Valley.

I witnessed firsthand the incredible devastation and the thousands of hurting people in the Red River Valley who are counting on Congress and the President for help.

They need flood relief now to rebuild their homes, businesses, and communities. They don't need a Christmas tree bill with unrelated items attached to it like the Gekas amendment.

Under normal circumstances I would support the automatic continuing resolution. However, this legislation should be handled separately, and the Disaster Recovery Act passed as soon as possible without an amendment which would cause a Presidential veto.

I respectfully urge my colleagues, on behalf of thousands of food victims in the Red River Valley who want to help themselves, to vote no to the Gekas amendment. Let's get help to flood victims now without any further delay.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment to H.R. 1469, the emergency supplemental appropriations bill.

I understand the motivation for this amendment with the experience of the waning days of the last Congress fresh in our minds with the budgetary process beginning for this Congress.

The need for this Congress to remain accountable and responsive to the budget and all of the ensuring situations that might arise form disagreements with the administration is critical.

The Congress considers the President's budget proposals and approves, modifies, or disapproves them. This body can change funding levels, eliminate programs, and add programs not requested by the President. It can add or eliminate taxes and other sources of receipts, or make other changes that affect the amount of receipt collected.

All of this is accomplished under the Congressional Budget Act of 1974. The act requires each standing committee of the House and Senate to recommend budget levels and report legislative plans concerning matters within the committee's jurisdiction to the Budget Committee in each body. The Budget Committee then and only then should initiate the concurrent resolution on the budget.

The budget resolution sets appropriate levels for total receipts and for budget authority and outlays, in total and by functional category. It also sets appropriate levels for the budget deficit and debt.

Budget resolutions are not laws and therefore, do not require the President's approval. However, Congress does consider the administration's view, because legislation developed to meet congressional budget allocations does require the President's approval.

Congress does not enact a budget as such. It provides spending authority for specified purposes in several appropriations acts each year. In making appropriations, Congress does not vote on the level of outlays directly, but rather on budget authority, which is the authority to incur legally binding obligations of the Government that will result in immediate or future outlays.

Last year, I joined with many of our colleagues to address the problems of the last Congress' budget disagreements. I attempted to avoid the Government shutdowns which occurred by introducing legislation to raise the debt ceiling limit to avoid a Federal Government default of its financial obligations and insulate critical agency.

I stood with many Members on the issue of the budget crises and fought to resolve the issue.

I believe that this amendment would further complicate the budget process by attempting to meet the Government's obligations without obligating the Congress to do its job.

The reconciliation directives in a budget resolution usually require changes in permanent laws. They instruct each designated committee to make changes in the laws under the committee's jurisdiction that will change the levels of receipts and spending controlled by the laws.

However, the changes in receipt and outlay amounts are based on certain assumptions about how laws would be changed, and these assumptions may be included in the explanatory statement accompanying the budget resolution.

The 435 Members of the House who have the honor of being members of this body must and should insist on remaining accountable for all of its actions.

The constituents of the 18th Congressional District deserve no less than my best effort to participate actively and enthusiastically in all of the business of the people's House as their elected Representatives.

We should not give into the anxiety created by our experience of the last Congress. We should work with each other during the budgetary process through our management of this House to do this job well.

With over 200 years of history to support the way we have provided funds to operate the United States' Government there is no precedent for making this amendment law.

I would like to ask that my colleagues join in opposition of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Is it the intention of the Chair to try to roll this vote? We have not had votes rolled all day. Why are we rolling a vote without notice to this side?

The CHAIRMAN. Under the rule, the Chair has the option to postpone requests for recorded votes at his discretion. The Chair would indicate to the gentleman that he would have postponed the previous 5 votes had rollcall votes been requested, but the rule makes it clear that the Chair has the discretion to postpone votes on any amendment.

Mr. OBEY. We just had a rollcall vote on the Neumann amendment.

The CHAIRMAN. The gentleman is correct. That vote would have occurred in addition to 4 others had there been rollcall votes requested. Those amendments were adopted by voice vote.

Mr. OBEY. Could I ask for how long it is going to be rolled?

The CHAIRMAN. Until later in the consideration of the bill.

Mr. OBEY. So we are not going to know how we voted on this amendment when we consider other amendments?

The CHAIRMAN. The Chair would indicate that postponing a vote on an amendment that would not technically affect consideration of additional amendments that could be offered up would not be out of the ordinary.

□ 1700

Mr. OBEY. Let me simply say, Mr. Chairman, if this is being rolled simply for the purpose of the majority to whip because they do not have the votes, then it is going to be very difficult for us to reach agreement.

The CHAIRMAN. The Chair will state that the rule grants the Chair the discretion to roll votes.

Mr. OBEY. It also, as you know, usually is accompanied by a prior notice to the minority, and it is usually worked out on a bipartisan basis.

Mr. Chairman, that has not happened in this instance.

The CHAIRMAN. The Chair will indicate that the Chair was not a party to either notification or not notification and would be exercising the discretion.

Pursuant to House Resolution 149, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 8 printed in House Report 105–97.

AMENDMENT NO. 8 OFFERED BY MR. DIAZ-BALART

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DIAZ-BALART:

Page 51, after line 23, insert the following new section:

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 3303. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(ii)) is amended—

(1) in subclause (I), by striking ''the date which is 1 year after such date of enactment,'' and inserting ''September 30, 1997,''; and

(2) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting ''September 30, 1997,''.

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Florida [Mr. DIAZ-BALART] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. DIAZ-BALART].

PARLIAMENTARY INQUIRY

Mr. DIAZ-BALART. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DIAZ-BALART. Mr. Chairman, has the Chair made inquiry as to

whether or not there is a Member who will rise in opposition?

The CHAIRMAN. The Chair has not, and has given the author of the amendment the opportunity to explain the amendment and then will request if there is a Member in opposition.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which is cosponsored by my dear colleagues, the gentlewoman from Florida [Mrs. MEEK], as well as the gentleman from Florida [Mr. Shaw], the gentlewoman from Florida [Ms. Ros-Lehtinen], and the gentleman from Rhode Island [Mr. KENNEDY] obviously is a bipartisan effort which parallels very exactly the companion language that was passed in the Senate with 89 votes just a few days ago, language in the Senate that was submitted by Senators D'AMATO and CHAFEE and DEWINE and others, and it would restore vital supplemental security income, SSI, assistance to legal taxpaying immigrants for a 6-week period to allow time for details of the budget agreement to be finalized which will lead to a more long-term solution, Mr. Chairman.

That in essence is the explanation of the amendment.

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

The CHAIRMAN. Is there a Member who would rise in opposition to the amendment and seek the time?

Mr. SABO. Mr. Chairman, I do not, but I ask unanimous consent that if no one rises in opposition, then the gentlewoman from Florida [Mrs. MEEK] might have the 10 minutes as the coauthor of the amendment.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Florida [Mrs. MEEK] will control the 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Thanks to my colleague, the gentleman from Florida [Mr. DIAZ-BALART], and I want to certainly thank the Members of the Committee on Appropriations, the chairman and the ranking member who have worked so hard, and the gentleman from Minnesota [Mr. SABO] to see that we got there so far, and the chairman of the Committee on Rules as well. I feel strongly about thanking all of these people because they did, Mr. Chairman, allow us to get where we are now and to have this time divided between my good friend [Mr. DIAZ-BALART] and myself. I also want to recognize the fact that the gentleman from Rhode Island [Mr. KENNEDY] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] and many others have worked very diligently on this, and I certainly want to thank them for the time they have put on it, and I appreciate their sensitivity to this problem which we worked in a bipartisan basis to get to this far.

So I want to say to the House today that we are offering this amendment for the good of the SSI recipients throughout this country who are legal immigrants, who have been in this country, who have been responsible in terms of their taxpaying dues, who have been responsible as good and worthwhile legal immigrants and who deserve in their elderly state of mind, and who deserve, those who are disabled and who deserve, those who are young and unable to work, they deserve this kind of attention from the Congress to say that we will extend the time, give them a time to get the benefits that they so much deserve.

So what this amendment will do, will do what the Congress wants to do, is to give us time to have our colleagues vote and act on the additional moneys which has already been recommended to them to come before the end of the year.

We want to be sure that there is no cutoff of SSI and there is no cutoff of Medicaid. Many people do not realize that in many of the States, SSI and Medicaid are linked together, and many of the people in nursing homes, their benefits would be cut off if it were not for this good bipartisan amendment which our colleagues are hearing now, and because of this they will be able to remain there and receive their benefits until Congress acts upon this.

Mr. Chairman, it is not going to cost but $240 million, and that has been taken care of in terms of the offsets which the chairman and the ranking member have explained to us before. We are so pleased that these needy people, they are aged, they are frail and certainly disabled, that they will get a chance now to continue to get the food, to be sure to get the health care, to be sure and get the medical care and to be sure to get the benefits which this country has afforded them.

Mr. Chairman, I say to you that what we have done here today is an outstanding thing, and I want to thank both parties and everyone who has been in on this, and I wanted to yield some time to the other Members of the House.

First of all, Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would also like to thank the gentlewoman from Florida [Mrs. MEEK] for her leadership on this issue and my good friend and colleague, the gentleman from Florida [Mr. DIAZ-BALART]. But, Mr. Chairman, I want us to stop for a moment and not pat ourselves so much on the back because we are about to pass this amendment. Let us recall what created this problem in the first place. Let us recall that it was a discriminatory welfare reform bill that cut $24 billion out of legal immigrants' assistance, $24 billion that the legal immigrants of this country pay taxes for, far in excess of what they ever get back in human and social services, and yet this Congress felt there was no distinction to be made between illegal aliens and legal residents. They felt that the immigrants were such a dirty word amongst the American public that we could bash immigrants and scapegoat immigrants all the way through the last Congress, and that is exactly what the bill, that the welfare reform bill that passed last Congress, did. It made no distinction between legal immigrants and illegal aliens.

Let me remind my colleagues that 24,000 legal immigrants serve in our Nation's military. Imagine them on duty in Bosnia today without us passing this bill. In essence, we are going to pass a supplemental bill to fund Bosnia, but we are not going to pass a bill that would allow——

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to tell the gentleman that legal immigrants who serve in the military were never, never excluded from any welfare benefits, and they were specifically included.

Mr. KENNEDY of Rhode Island. Reclaiming my time, their parents, their cousins, what is the gentleman from Florida saying; that their aunt, and let us say they are over in Bosnia, that their mother or father, or their uncle or aunt who is back in the United States is not going to get cut off?

Mr. Chairman, I would like to ask the gentleman from Florida [Mr. SHAW] to respond to that question.

Mr. Chairman, the fact of the matter is it is absolutely a shame the gentleman has asked me that question when he was the author of last year's bill and yet he knows full well what we are talking about here, and that bill, Mr. Chairman——

Mr. SHAW. Mr. Chairman, if the gentleman will calm down, I am a cosponsor with him on this particular amendment. Now if he wants to try running off votes, then that is the way to handle it, but I will explain to the gentleman that we are packaging a deal that is going to take care of all of those that were here on August 22. So if the gentleman would calm down.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The gentleman from Rhode Island does control the time.

Mr. KENNEDY of Rhode Island. Mr, Chairman, we are so glad to have the gentleman from Florida [Mr. SHAW] finally acknowledging that these are legal immigrants who should not be cut off assistance. We are so glad that he has finally come around and supported this bill.

Mr. Chairman, in August 3,500 of the most vulnerable residents of my State of Rhode Island will be expelled from the Supplemental Security Income [SSI] program.

Mr. Chairman, these are not able bodied adults with no desire to work—these are elderly and severely disabled legal immigrants who will never be able to work. In fact, most came to the United States desiring to work hard and achieve the ''American dream'' like most citizens.

Unfortunately however, they have gotten old and become ill and can no longer contribute to the economy as they once had.

Mr. Chairman, without SSI, many of these elderly and disabled individuals will have no means of survival. Many live in nursing homes and will be put out once their assistance ceases. Many have no family members with the financial ability to care for someone in their condition.

These people are not getting rich off the system—they are barely getting by.

This is precisely why the Diaz-Balart, Meek, Shaw, Ros-Lehtinen, Kennedy amendment to extend the SSI program until the beginning of the 1998 fiscal year is so important.

An extension of the SSI cutoff date would allow Congress and the Clinton administration to finalize their agreement to restore some benefits to legal immigrants. Many of these individuals who are facing termination will qualify to continue receiving SSI under the budget agreement.

The 2 month gap between the cutoff date and the beginning of the 1998 fiscal year will create enormous difficulties for the Social Security Administration, health care providers, and hundreds of thousands of new Americans who will have no means of support for 2 months.

An extension of the program would avert this trainwreck and maintain a decent standard of living for thousands of deserving individuals.

I urge my colleagues to vote yes on this amendment and support the rights of all Americans—not just those who are native-born.

Mr. DIAZ-BALART. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SHAW], someone who has been instrumental in the area not only of welfare reform, but in precisely trying to formulate a solution to the problem that we are dealing with today and who was instrumental in making this, permitting this, amendment to come to the floor in the consensus fashion that it has. As I say, it is very much a part of the negotiations to find a humane and definitive solution to the very, very serious problem that brings us to the floor at this point.

Mr. SHAW. Mr. Chairman, I thank the gentleman from Florida for yielding me this time, and I am pleased to join with the gentleman from Florida, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and even the gentleman from Rhode Island [Mr. KENNEDY] as a cosponsor of this amendment which I think is very much needed to bridge the time from August 22 when the welfare reform bill, as it applies to legal immigrants, is going to go into effect until the first of the year to give us the time to work out a reasonable solution.

Mr. Chairman, I think a history lesson is necessary here. Right now, 51 percent of the moneys that we spend on the elderly in SSI goes to noncitizens. We have found that the payment to noncitizens is growing at 10 times the rate that it is growing for citizens. Now that is not to say that we need to pull the rug out from under people who are already here, and that message is out there, and that message has been heard, and we are going to solve that problem as part of the budget negotiations and reconciliation that we will be going through in the month of June.

There is nobody in this House that wants to see people who have absolutely no place to turn to be dumped out on the streets, and we are not going to allow that to happen. But also there is nobody in this House that I think really wants to continue to use SSI as a pension system for noncitizens. It was never designed that way, and if that is what we are going to do, then we should face that as a separate pension system that we would have to take a look at. But I do not believe that the American people would want to do that.

Mr. Chairman, this is the right solution. We are doing the right thing, and we will continue to do the right thing. We will be finetuning this legislation. I have said all along, the gentleman from Michigan [Mr. LEVIN] who is my ranking member on the Committee on Ways and Means knows that we have been working for a solution even before the White House and the budgeteers came in and tried to strike their deal in putting together a bill.

So I think we need to keep the rhetoric down, I think we need to work together to solve this problem. This is certainly the interim solution. I support this amendment, and I am very pleased to have my name associated with it.

I would also like very much to compliment my colleagues, the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentlewoman from Florida [Mrs. MEEK], and the gentleman from Rhode Island [Mr. KENNEDY] for being part of the sponsorship of this most important amendment. I think it will receive the overwhelming support of the House, and I would hope that it would pass and we can go on to the next phase of working these problems out for legal citizens, legal noncitizens, excuse me, legal noncitizens who find themselves in a tough spot here in this country and were here on August 22, 1996 when this bill was passed and signed into law by the President.

□ 1715

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

Mr. DIAZ-BALART. Mr. Chairman, I yield 3 minutes to my distinguished colleague from south Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, the Social Security Administration has informed recipients of SSI benefits, that is the elderly over 64, blind and disabled, that they will lose their benefits in August. These legal residents, who have received this notice, total 800,000 people; 800,000 elderly folks who will be left to their own resources to survive.

Out of this group of 800,000 people, Mr. Chairman, is Mary Solanes, a 72-year-old elderly woman who is a constituent of my congressional district, who not only was a victim of Hurricane Andrew that destroyed her home, but also then became a victim of building contractor fraud. To make her situation even worse, Mary Solanes will have to fend for herself without the aid of SSI benefits, even though she has custody of her two minor grandchildren after her daughter was murdered by the children's father.

We, as Representatives of the people, should not make this poor, elderly woman, who has endured the loss of her home twice over, as well as the murder of her daughter, have to survive without any help whatsoever. The SSI check that Mary Solanes receives is the only means of sustenance that she has to support herself and her grandchildren.

Add to the list another constituent of my district, Mr. Jose Jimenez, a 90-year-old man, who was the father of a Korean War veteran. Jose came from Cuba with an affidavit of support signed by his son. Unfortunately for him, shortly after he arrived, his son, the Korean War veteran died, leaving him alone without knowing where to go and without being eligible for any kind of support. If we were to cut this poor, 90-year-old man's benefit, he will surely be homeless.

Further add to the list another one of my constituents, Consuelo Brito, a 92-year-old elderly woman who is bound to a wheelchair and blind. She has attempted repeatedly to take the citizenship test, but has failed all attempts. Consuelo, again, is 92 years old, bound to a wheelchair and blind. Where should a poor, elderly lady like Consuelo go if she loses her SSI benefits? Do we honestly believe that she will be hired by someone? Obviously not.

Finally, consider the case of Onesia Bueno, an 82-year-old woman, also a constituent of my district, who has no one here to look after her. Her husband, a former political prisoner in Cuba, died in 1980, leaving her alone. Ironically enough, her husband suffered at the hands of Cuba's tyranny for his crime of helping the United States during World War II. She faces homelessness without Social Security supplemental assistance. This amendment will at least carry her over for a few more weeks.

Because of these examples and hundreds like them, just based in my own congressional district, we urge our colleagues to consider the amendment that would extend the elimination of benefit cutoff dates to Mary, to Jose, to Consuelo, to Onesia, and all of the elderly.

Folks far over the age of 64 are in desperate need of assistance. They are all individuals who unfortunately will be left to their

own resources to survive and who are far too old or disabled to work. We cannot as legislators cut aid to those who need it the most and to those who have no other option to sustain themselves because of their age or disability.

Because we cannot forsake Mary, Jose, Consuelo, Onesia and many others, I implore my colleagues, therefore, to pass this amendment, not only for the good of these elderly who are so desperately in need, but to fulfill the duty of our occupations, as members of Congress, to represent all of the people, including the elderly, the poor and the disabled.

This amendment could not have been presented here today without the support, guidance and leadership of the gentleman from Florida [Mr. SHAW], the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Mrs. MEEK], the gentleman from Rhode Island [Mr. KENNEDY], and many others who have worked on a bipartisan basis to help the elderly, the poor, and the disabled.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time. I would simply say that I think this action is responsible, it is needed, it is fair, it is overdue. These people should never have been bounced in the first place.

I would also say, as the gentleman from Rhode Island [Mr. KENNEDY] has noted, that I hope that this little patch on our consciences does not suffice to cover up all of the other changes that are needed in the welfare program to make that program in fact balanced and fair and decent to a lot of desperate human beings.

For instance, it still is grossly harsh to persons who, through no fault of their own, lose their jobs and are, therefore, deprived of long-term food stamp benefits until they can obtain another job. So while we need to do this today, I hope that this is not the full measure of the conscience of the Congress, because we would indeed be found wanting.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a distinguished member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment. It would give us the time we need to work out the details of the budget agreement and provide appropriate relief to elderly and disabled non-citizens.

In my district, many legal residents have worked hard in America, paid taxes for 10, 20, 30, 40 years, and some of those folks now depend on SSI and some of the benefits provided by this Government. I have worked hard with the Polish American Congress and other organizations in the Polish and Hispanic communities to make sure that those who want to apply for citizenship can do so promptly, get their applications processed promptly, and continue to receive their benefits as American citizens, and I would like to commend the INS office in Hartford for its tremendous cooperation at this time.

However, some of those legal residents who have worked decades in our country are unable to become citizens because their disability does not allow them to learn English or American history, or even comprehend the citizenship oath. We must not change the rules for these folks retroactively, and only after these people are unable to support themselves.

This amendment does what is necessary now, and before this amendment expires, I believe this House will have made a permanent change in the law to assure benefits to elderly and disabled legal residents in America currently receiving SSI benefits.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR], my colleague on the Committee on Appropriations.

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

Mr. PASTOR. Mr. Chairman, first of all, I want to thank the sponsors of this amendment. It is very important. As it has been said, it is responsible and it is humane.

However, Mr. Chairman, the point has been made that as we discuss the parameters of the budget and the funds that will be needed to restore some of these benefits, if we do not go to the $14 billion or higher, what is going to happen is that hundreds of thousands of elderly legal immigrants who are not disabled will not receive services in the future. This amendment is a short-term solution to a problem, but as we debate the budget we need to ensure that all the legal immigrants that deserve these services will be reinstated.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. SABO], who is a member of the Committee on Appropriations.

Mr. SABO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in strong support of this amendment which restores the eligibility of SSI until the end of this fiscal year. I want to particularly commend the gentlewoman from Florida [Mrs. MEEK], our good friend, for her persistence. We are here because of her efforts on the Committee on Appropriations to set the framework for having a floor amendment to be offered.

I just want to say a special word of thanks to her because as the son of immigrants, I especially appreciate her efforts in behalf of extending for a short period of time truly justice for many deserving Americans.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise in support of the amendment. I hope we have the political courage to make it permanent.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Diaz-Balart/Meek amendment to postpone the cutoff of SSI and Medicaid payments to legal immigrants. This is a commonsense amendment that not only addresses the inadequacies of the welfare reform law, but it gives Congress and the administration time to make good on their word to restore benefits to legal immigrants.

I think many of my colleagues would agree that the old welfare system, as structured, needed significant change and a refocus upon the basic goals of getting families back on their feet, parents back to work, and children back into more secure financial situations as soon as possible. In finally enacting welfare reform, tough and pragmatic choices had to be made in order to transform the system to one that more effectively facilitates movement from welfare to work. However some effects of the welfare law are just plain wrong. Legal immigrants have been forced to shoulder a disproportionate amount of the cuts, which amounting in a crushing burden on such individuals and families.

Passage of the Diaz-Balart/Meek amendment, and other proposals like it, has become crucially important given the potential impact of the welfare reform bill on legal immigrants. We must face the facts, welfare reform has a long way to go—it wasn't handed down to Moses on Mount Sinai. Sadly, the Republican leadership is reluctant to fully recognize the repercussions of the welfare reform legislation and shows no clear inclination to act in a timely fashion on the limited changes much less the broad problems with the legal immigrants.

In my home district of St. Paul, Minnesota, I represent a large population of Hmong from Laos, many of whom risked their lives fighting alongside U.S. soldiers in the Vietnam War. Because of the injuries many of them suffered in combat in addition to the fact that the Hmong did not have any written language until recent years, many of them are not able to pass the citizenship test. Whatever chances most Hmong who served may have had to learn a written language were disrupted by the fifteen years of war in Laos. Now the Hmong are fearing for their lives in a new war—welfare reform. It is unfair for the Federal Government to back away from its commitment to support states, such as my home state of Minnesota, which have taken in a high number of legal immigrants. Many of these residents are taxpayers who deserve to be protected by the same safety net as U.S. citizens. The Hmong would suffer greatly under the new welfare law in spite of provisions which treat them as refugees differently than other legal immigrants.

This January, I reintroduced the Hmong Veterans Naturalization Act, which would ease citizenship requirements for the Hmong who fought so vigilantly alongside the U.S. Armed Forces during the Vietnam War. The Hmong

community is a vital part of the greater Minnesota community and of our nation, contributing in all facets of our economy including education, medicine, civic leadership, and entrepreneurship. St. Paul, MN is the first city in the Nation to elect a Hmong to public office, but it will undoubtedly not be the last. In the St. Paul public schools, Southeast Asian students compose 25 percent of student body. The Hmong community in St. Paul are a part of Minnesota's future.

Much of the legislation we have been discussing over the past months since welfare reform was enacted, are quick fixes at best. Members of Congress and the administration need to come together to find workable solutions that will not be portrayed as a permanent fix while leaving individuals vulnerable. I am concerned that according to news reports, the budget agreement tries to ''fix'' the problem for legal immigrants by extending the eligibility period for refugees from 5 to 7 years. The additional 2 years is hardly an adequate approach. What Congress and the administration should do is set in place a permanent eligibility standard. Anything short of that approach will allow innocent individuals whether they be Hmong veterans, Russian-Jews, or other refugees, to fall through the cracks. They may well become non-citizens, indigent after 7 years as a refuge, but without Social Security or meeting the 15 year threshold for SSI considerations.

Mr. Chairman, I urge support for the pending amendment. I also urge our leadership to develop a comprehensive solution to the problem of all legal immigrants that have been mistreated under the current new welfare law.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the amendment, but the important point on this amendment is that it never should have been included in the welfare reform bill. It is a cruel way to attack the helpless people in this country.

When I went to South America last month, I heard plenty about this provision. The message that we are sending out about this country is that we are mean-spirited and racist. Is that the kind of message we want to send? Let us support this amendment. Let us be fair to all of the people in this country.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as she may consume to my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment to help all the grandmothers that are legal immigrants who pay taxes over the years and have committed themselves to America.

Mr. Chairman, I rise in support of the Diaz-Balart, Shaw, Meek, Ros-Lehtinen amendment to H.R. 1469, the emergency supplemental appropriation bill.

I speak on behalf of the 14,380 legal immigrants who in 1995 listed Houston, TX as their intended area of residence. It is estimated that 8 percent of the 18,724,000 residents of the State of Texas are foreign born according to the League of Women Voter's report ''Immigration an American Paradox.''

This is a nation of diverse people that has a long tradition of expanding the roles of our nation's citizens through a formal adoption program called Legal Immigration.

The actions of the last Congress in passing immigration reform which treated legal and illegal immigrants with out delineating between the two groups was wrong.

Legal immigrants to our Nation should be encouraged and fully recognized with the full protection of our Nation's laws.

In March, approximately 800,000 legal residents of the United States received letters from the Social Security Administration informing that they may lose their benefits in August unless they qualify for exemption or achieve U.S. citizenship.

Age, infirmity, and mental and physical condition were not taken into account when immigration reform was passed by this body and signed into law.

This amendment would allow us to do the right thing and provide for those who are abiding by our Nation's laws by becoming legal residents of our country.

The amendment if adopted would postpone until the end of fiscal year 1997 the scheduled cutoff in Supplemental Security Income [SSI] payments to illegal immigrants. These benefits go to needy persons who are over 64, blind, or disabled. The amendment would rescind $240 million from the Job Opportunities and Basic Skills [JOBS] program to offset the amendment's cost.

I would urge my colleagues to join in support of this very important amendment to the emergency supplemental appropriations bill.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, the legal immigrant provisions never should have been in the welfare bill. When the President signed it, he said he was going to work to take out these provisions, as did a number of us who voted for this bill. This is the first step to redeem that promise.

Welfare reform was always about moving younger people off of welfare to work, not penalizing elderly legal immigrants. We have to go further than this. This is the first step, and I congratulate all who joined in this overcoming the initial resistance to this effort.

Mr. Chairman, this has been a long haul.

When the President announced his decision to sign a welfare bill, substantially reshaped after his two earlier vetoes, he promised to work to change several parts he disliked, particularly those relating to legal immigrants.

When a number of us spoke on the Floor who voted for the bill, we made the same promise.

Today, we take the first step to redeem that promise.

Welfare reform was about moving mostly younger parents with children off welfare into work, safeguarding the health and care of their children—not about penalizing elderly, often disabled legal immigrants.

To right this wrong, we have had to overcome considerable resistance. That we are moving in this direction now is a tribute to many of those unnamed, either in the indicated sponsorship of this amendment or in membership in this Congress; to the voluntary organizations throughout this country who raised their voices, often when some of the elected officials in their own state were silent; and to the legal immigrants themselves, who came to this nation, sometimes as refugees from persecution, from a variety of nations—Iraq, the Soviet Union, Vietnam, Latin America and China, among others, and who spoke out to all of America, reminding us that we built this nation with the brains and labors of legal immigrants, and that we should not turn our backs on them in 1997.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself the balance of my time.

Two weeks ago, 5,000 Russian Jews came back to the west side of the Capitol to say they came to this country, they were promised aid when they got to this country, and I am happy that this Congress recognizes that not only those 5,000 Russian Jews who served to help us in the global economy, as well as in the wars that we have just fought to say that today we stand here for all legal immigrants and say to them, we want your time extended until the time Congress has a chance to do the right thing.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

One of the cases that has most impacted me in the last months as I have looked toward August and the impending cutoff of SSI to legal, taxpaying immigrants is the case of Guido Diaz. Guido Diaz was a political prisoner for years in Castro's gulags, beaten daily as a prisoner of conscience. Finally, he managed to get out of the totalitarian nightmare that today is Cuba and arrive in the United States.

Shortly after, apparently the cumulative effect of the daily beatings caused a stroke, a massive stroke for Guido Diaz, and he is in a wheelchair. He is incognizant, and as much as I am sure that he would love to become a citizen of this great country, he cannot do so.

What we are doing today, Mr. Chairman, is making sure that the Guido Diazes who fell through the cracks in the reform that was implemented just some months ago are saved, and that those legal immigrants in the United States who cannot become citizens will not be cut off, those who were here legally in August of 1996. I commend my colleagues for their support and urge all of my colleagues to join in supporting this bipartisan amendment.

Mr. NADLER. Mr. Chairman, today we have an opportunity to take the first step to undo some of the damage caused by the immigration and welfare reform laws passed in the last Congress. That inhumane legislation was targeted at the most vulnerable in the immigrant community, and it must be reversed. I urge my colleagues to support this amendment to delay the date of enactment of the harshest provisions of these laws. The Senate has already voted overwhelmingly in support of this measure, and I am hopeful that the House will do the same.

We must prevent the widespread human hardship that threatens our communities due to the passage of the welfare and immigration laws. In the past few months, we have begun to see the often tragic impact of these laws. We have already heard reports of many immigrants being turned out of nursing homes due to the impending cutoff of their disability payments. If this amendment does not become law, we will witness much worse. Mr. Chairman, we are in the midst of a national tragedy in the making. Widespread homelessness, poverty, and loss of life will surely result. Private charities and shelters will be unable to accommodate all those who will be cut off.

The impending crisis has also led to incredible anxiety for elderly immigrants who do not know where to turn for help. Riva Feldsher, a Russian immigrant living in Illinois who is nearly blind after suffering a stroke several years ago, recently asked a reporter ''What am I going to do? I am an old person. The only choice I have is to go on the street and die there.'' I have also heard stories of immigrants who have committed suicide due to the fear they feel about these new laws. There is a great deal of fear in our immigrant communities, and we must make every concerted effort to alleviate anxiety and restore benefits.

This is critical legislation. The measure that we are seeking to delay with this amendment targets legal immigrants—people who entered this country legally and openly, paid taxes, and contributed to our economy—who are now elderly and disabled and who deserve our support. An extension of this kind is necessary to allow time for the Congress to substantially modify the law in order to protect elderly and disabled immigrants in a more comprehensive manner. While I would prefer to see an immediate and complete restoration of benefits to legal immigrants, I support this temporary measure to maintain benefits while budget negotiations continue.

Without this delay, termination notices will begin to go out in July and we will have, at the very least, a short-term loss of benefits which would be a disaster to elderly and disabled immigrants and the communities in which they live. This amendment should alleviate some of the tension and anxiety our elder immigrants feel, and will temporarily breathe life back into the lives of legal immigrants who otherwise would be left without critical life-supporting assistance. We owe it to them to pass this amendment today and to fully restore benefits by the end of September. I strongly urge my colleagues to vote in favor of the Diaz-Balart-Meek amendment.

Mr. TOWNS. Mr. Chairman, I rise in support of the gentlewoman from Florida's amendment. This amendment correct a grievous wrong against elderly and disabled legal immigrants which was enacted by Congress as part of last year's welfare reform law. One of the reasons that I opposed that measure was the elimination of SSI and food stamp benefits to many of this Nation's legal residents. Without this amendment over 800,000 legal immigrants will lose their eligibility for SSI and food stamps, and in some cases their Medicaid benefits, in August while this body is in recess. It must be remembered that many of these immigrants were invited to this country as refugees or arrived through the family reunification provisions of our immigration law. Many worked, paid taxes and contributed to this society, as long as they were physically able to do so. Our action, last Congress, was nothing more than a punishment for them not becoming U.S. citizens, a requirement that has never been imposed on legal residents previously, and certainly a requirement that should not be imposed retroactively.

Today, we have an opportunity to right a wrong. I urge my colleagues to join in adopting the gentlelady's amendment. Let us not be guilty of inflicting needless suffering on those whose only crime is that they are not U.S. citizens.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Diaz-Balart/Meek amendment to postpone the cutoff of SSI payments to legal immigrants until the end of fiscal year 1997.

The budget agreement makes good on President Clinton's promise to restore some benefits to disabled legal immigrants. However, this restoration will not occur soon enough for nearly 800,000 elderly and disabled legal immigrants who rely to SSI benefits for basic survival needs such as food and shelter, who have received notice that they may lose their benefits beginning in August. This amendment would delay that cutoff so that we may get serious about the business of restoring benefits for these people in such desperate need.

Scores of frail and faltering immigrants have been driven to panic. A desperate few, at least five at last count, have been driven to suicide because of impending starvation and helplessness. It is shameful that a country like ours allows vulnerable people to live with that kind of fear. Legal residents who have played by the rules to get to our country, who have worked and paid taxes and who are making a good faith effort to become citizens, do not deserve the punishment this cutoff metes out. The Diaz-Balart/Meek amendment is not a permanent solution, but it will allow these vulnerable residents to continue to survive while the President and this body work to rectify the egregious and inhumane mistake that was made in first eliminating the eligibility for these people in need.

I urge my colleagues to support the Diaz-Balart/Meek amendment.

☐ 1730

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART].

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

Mrs. MEEK of Florida. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 149, further proceedings on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] will be postponed.

The point of no quorum is considered withdrawn.

Pursuant to the rule, the Clerk will read.

The Clerk read as follows:

H.R. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

CONSERVATION RESERVE PROGRAM

None of the funds made available to the Secretary of Agriculture, in this or any other Act, shall be used to enroll a total of more than 14,000,000 acres of land in the Conservation Reserve Program during fiscal year 1997: *Provided*, That the Secretary, using his authority to enroll marginal pasturelands, shall not exclude the enrollment of rangeland for purposes of restoring riparian habitat and protecting water quality.

POINT OF ORDER

Mr. SMITH of Oregon. Mr. Chairman, I rise to make a point of order against the language in H.R. 1469 appearing on page 3, lines 1 through 9.

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

Mr. SMITH of Oregon. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I will just review quickly my point. The provisions on page 3, lines 1 through 9, violate clause 2(b) of House rule XXI by legislating in an appropriation bill.

Mr. Chairman, this amendment was added in the appropriation process, reducing CRP in the United States from 19 million acres to 14 million acres. It changes the law in this country. There were never hearings held on it, and in 1996 they decided in the FAIR bill to provide for 19 million acres of CRP.

One other point, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend.

While the gentleman is suspending, the Chair would apologize to the gentleman and indicate that the gentleman cannot revise and extend on a point of order. The gentleman must state his entire point of order verbally, and the Chair does apologize, and recognizes the gentleman again.

Mr. SMITH of Oregon. I, too, apologize, Mr. Chairman. In that event, I will return to my script, here. Mr. Chairman, I was simply trying to save some time.

Mr. Chairman, I rise to make a point of order against the provisions entitled as the Conservation Reserve Program, CRP, appearing in title I, chapter 1, of H.R. 1469 at page 3, lines 1 through 9, of the emergency supplemental appropriation bill for fiscal year 1997.

The provision cited above violates clause 2(b) of rule XXI of the House in that it contains legislative or authorizing language in an appropriation bill, as noted.

The provision would place a cap on funds made available to the Secretary of Agriculture, ''in this or any other Act'', for an enrollment of not more than 14 million acres during fiscal year 1997.

The funding for the Conservation Reserve Program in 1997 appears in Public

Law 104–180, the Agriculture Appropriations act for the year 1997, that reimburses the Commodity Credit Corporation Fund for realized losses sustained, but not previously reimbursed, and general funds for the CRP program are authorized in Public Law 101–624 enacted on April 4, 1996 (16 U.S.C. 3831 (d)) that amended section 1231, as authorized under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985.

The latter provision of the Food Security Act provides a cap on the maximum enrollment for the CRP at any one time during the 1996 through 2002 calendar years of 36,400,000 acres. Accordingly, the provision that is the subject of the point of order is not confined to the funds in the bill and is not otherwise in order as an exception to clause 2(b) of House Rule XXI. See Deschler's Precedents, Chapter 26, sections 27.20 to 27.21, and the Chapter, Appropriations section 59, House Practice, 104th Congress, 2nd session (1996) and the citations noted there.

The provision in H.R. 1469 on the CRP, in the guise of a limitation, is not a retrenchment in funding and therefore does not constitute an exemption to the House Rule XXI, clause 2(b), inasmuch as the Congressional Budget Office funding estimate for H.R. 1469 reflects no reduction in direct spending for the year 1997 by reason of the imposition of the CRP ''cap'' of 14 million acres.

Mr. OBEY. Mr. Chairman, is it appropriate to ask whether or not the gentleman can stop reading if the Committee concedes the point of order?

Mr. SMITH of Oregon. I would be delighted. I was attempting to shorten this, as the gentleman understands. You may make fun of me. This is my job, please. I am going to finish it.

The CHAIRMAN. The gentleman cannot yield time. The gentleman from Oregon has time under his point of order.

Mr. SMITH of Oregon. Mr. Chairman, I will try to do this as quickly as possible for the gentleman.

Continuing, see Deschler's Precedents, Chapter 26, sections 51.12 and 52.4, House Practice, Appropriations, section 54, supra. However, such a ''cap'' would clearly appear to impose new duties and new determinations on the Secretary of Agriculture based on what would have to be reductions in an anticipated 19 million acre enrollment (out of over 25 million acres of bids submitted) contemplated in the USDA-CRP No. 15 sign-up that was completed March 28, 1997. Moreover, it would tend to have an adverse effect on the USDA-CRP No. 14 sign-up authorized by the Secretary September 13, 1996, and that is a continuing sign-up designated to enroll wildlife habitat, waterways, filter strips, and so on, to be enrolled in a special CRP program for environmental related practices. It is submitted that the thrust and the express wording of the provision is clearly legislation appearing in an appropriations bill.

The provision on page 3, lines 1 through 9, also contains legislative language directing the Secretary to include ''rangeland'' in enrolling marginal pasturelands in the Conservation Reserve Program.

The inclusion of ''rangeland'' in the CRP would add newly eligible land to the program such as that devoted to a natural vegetative cover or a condition occurring as a result of a natural vegetative process that was not heretofore eligible for enrollment in the CRP and is thus legislative language inserted in the bill in violation of clause 2(b) of House Rule XXI.

Finally, the proponent of this provision has the burden to show that such legislative language and limitations noted above, when fairly construed, do not change existing law. See House Practice, Appropriations section 50, page 118, and the citations noted therein.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, just to enthusiastically concede the point of order.

The CHAIRMAN. The gentleman enthusiastically will concede the point of order.

Does the gentleman from Washington [Mr. NETHERCUTT] wish to be heard on the point of order?

Mr. NETHERCUTT. Mr. Chairman, I am happy to join my distinguished colleague, the chairman of the Subcommittee on Agriculture, in making this point of order. It is well-taken.

Mr. Chairman, as a member of the Subcommittee on Agriculture of the Committee on Appropriations who worked very hard to make sure this cap was lifted, and worked with the chairman of the Subcommittee on Agriculture as well, I support the making of the point of order against this provision because it proposes to change existing law. It constitutes legislation in an appropriation bill. It violates clause 2(d) of rule XXI. It does not apply solely to the appropriation under consideration. It is operative beyond the fiscal year for which the appropriation applies, and it should be stricken. The CRP program should be able to go forward under the farm bill without a limitation on acreage in 1997.

The CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT NO. 16 OFFERED BY MR. GOODLING

Mr. GOODLING. Pursuant to the rule, Mr. Chairman, I offer amendment No. 16 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GOODLING:

Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading ''DEPARTMENT OF EDUCATION—Education Research, Statistics, and Improvement'' may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

Mr. GOODLING. Mr. Chairman, my amendment is simple. It prohibits the Department of Education from spending any 1997 or prior year's funding to develop the President's national tests in reading and math.

The effect of my amendment is to slow down a runaway train that gives Congress time to carefully and methodically examine an issue of enormous magnitude, the issue of national testing.

For a little bit of background, in February of this year the President first proposed that individual national tests be given to fourth and eight graders in reading and math. Since that time the Department of Education has chosen to move full speed ahead with the development of these national tests in 1997 and 1998, all without specific or explicit congressional approval.

The Department plans to administer these tests beginning in 1999. In fact, the administration is so anxious to do these tests they have already issued a request for proposal for two test development contracts. The RFP was first published on April 25, 1997, and contracts are expected to be signed after June 24, 1997.

In effect, the Department of Education is attempting to do what it wants to do without regard of Congress' role. Yet, there are a number of important questions that need to be carefully considered and fully debated.

How do these tests improve education? U.S. schoolchildren are already the most tested students in the world. We already know the academic achievement levels of students are not what they should be. We do not need another measure to tell us something that we already know.

Will these tests distort school curricula by causing teachers to teach to the test? Will these tests divert energy and resources away from other more important education reform efforts? Will national tests undermine State and local standards and assessments already underway?

It is surprising to me that anyone would try to move ahead without congressional approval in something that is as controversial as national testing. When we did NAEP, and for those Members not familiar with NAEP, NAEP tests are a national assessment, we do them in reading, we do them in math, we do them in science and several other subjects, a program where we spend $30 million a year. But we had 21 months of hearings and work by committees and on the floor of the House before NAEP was ever approved.

Here we are going to not do random sampling, but we are talking about testing all children. As I indicated, we

are the most tested Nation in the world, but what bothers me most of all is we are putting the cart before the horse. When you find you have a problem, you set standards, but after you set the standards then you have to prepare the teacher to teach to the standards. You do not test first, because how can the child do well in the test if the teacher is not prepared?

If we have this kind of money, why are we not better preparing the teacher to teach these first-grade children? For those who have never had the experience, 20 youngsters coming to a first grade teacher, or 30, God forbid, in some classrooms, come at 30 different reading readiness levels. Some may be ready to read immediately, some will not be ready to read until December, some not until January, and then, if they are socially promoted, it means they are a half year already behind.

Our money should go to all of our efforts to make sure that these children are reading-ready before they come to first grade, and then if there is additional money, preparing these teachers so that they can teach to the new standards, but, above all, so that they can improve the manner in which they teach so that we do not get the information that we already know, which is that a lot of children are not reading very well at third grade level.

□ 1745

I would hope that we consider the fact that we are moving too rapidly on something that is very, very controversial in education.

Mr. Chairman, I include the following information for the RECORD:

GROUPS THAT SUPPORT THE GOODLING AMENDMENT (AMENDMENT GIVES CONGRESS TIME TO CAREFULLY REVIEW THE PRESIDENT'S NATIONAL TESTING PROPOSAL)

FAIRTEST—National Center for Fair and Open Testing: ''Will a full range of accommodations be available to students with disabilities? . . . Will these tests divert energy and resources away from other more important education reform efforts? . . . National tests should not be established without substantial debate in Congress, in states, and in communities across the nation. . . . The issue should be carefully considered, weighed and debated before the administration is allowed to move ahead with any significant new testing plans; this amendment will slow down the process and allow for such careful consideration to occur.''

The Association of American Publishers (represents all of the major commercial and nonprofit companies that publish and score achievement tests for elementary and secondary students): ''[AAP] has concerns about certain assumptions in the proposed testing plan. . . . if we are to develop and implement such tests, it is important that there be a national consensus on the issues they pose . . . Obtaining Congressional authorization for developing and implementing such tests will assure that . . . policy implications are properly addressed.''

The California State Board of Education: ''Without a change in law, there is simply no way for us to entertain a commitment to a national standards and assessments process. Moreover, such a commitment would not be advisable. . . . until we can see exactly what the national standards and assessments system would be and how it would be aligned with our state standards and assessments system.''

The President of the Virginia State Board of Education: ''In Virginia, taxpayers have already paid once for new state tests and standards. Why should we now have to pay again for national tests which we don't want and don't need? . . . The federal Department of Education, that did such an outrageously poor job with the National History Standards, are not the folks I want in charge of national tests for our children.

The National Right to Read Foundation: ''Congress has authorized the use of the National Assessment[s] of Education Progress test, and that should be a sufficient source of data collection. . . . Certainly, such a far reaching [testing] proposal should require a Congressional investigation.''

Christian Coalition: ''While testing may be a useful tool to measure a student's academic achievement, we strongly urge the Congress to fully utilize its authority under the authorization process and carefully consider the implications of such a plan.''

Family Research Council: ''We commend Mr. Goodling for his attempt to check the Administration's plan to force a national testing agenda on the American public without approval from our elected representatives in Congress.''

American Association of Christian Schools: ''No expansion of additional national government tests should be implemented without Congressional hearings, debate and opportunities for public comment.''

Traditional Values Coalition: ''Regardless of your personal opinion regarding federal involvement in developing individualized tests, this issue is very controversial and thus should not be enacted without specific Congressional authorization.''

Eagle Forum: ''There already exists such a [national] test, the National Assessment of Educational Progress (NAEP), that came about after extensive Congressional consultation and through specific Congressional authorization. No expansion or additional national government tests should be implemented without Congressional hearings and debate, and the opportunity for concerned citizens to voice their opinions.''

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Yes, Mr. Chairman.

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

Mr. OBEY. Mr. Chairman, I rise to a point of order against the amendment. There are no funds in this act for testing.

I would make a point of order against the amendment because it proposes to change existing law, constitutes legislation in an appropriations bill, violates clause 2 of Rule XXI.

The amendment proposes to include language in the bill that would prohibit the expenditure of previously appropriated funds made available in fiscal 1997 and prior appropriation acts. The amendment clearly seeks to change existing and prior laws.

Deschler's Precedents contains the following language: ''Language in a supplemental appropriation bill which is applicable to funds appropriated in another act constitutes legislation and is not in order.''

I would urge a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GOODLING] wish to be heard on the point of order?

Mr. GOODLING. Mr. Chairman, I will not waste the time since the die was already cast in the Committee on Rules.

The CHAIRMAN. For the reasons stated, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TREE ASSISTANCE PROGRAM

For assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by weather and related conditions, $9,000,000, to remain available until expended: *Provided,* That the entire amount shall be available only to the extent an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to the waterways and watersheds resulting from flooding and other natural disasters, $150,700,000, to remain available until expended: *Provided,* That the entire amount shall be available only to the extent an official budget request for $150,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further,* That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed $10,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such cropland inundated by floods: *Provided further,* That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM

Notwithstanding Section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service.

AMENDMENT NO. 8 OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FAZIO of California:

Page 5, after line 7, insert the following:

In addition, for replacement of farm labor housing under section 514 of the Housing Act of 1949 that was lost or damaged by flooding that occurred as a result of the January 1997 floods, $1,000,000, to be derived by transfer from amounts provided in this Act for ''Federal Emergency Management Agency—Disaster Relief'': *Provided,* That, notwithstanding

any other provision of law, any county designated as a disaster area by the President shall be eligible to apply to the Secretary of Agriculture for assistance from such funds, which shall be immediately dispersed by the Secretary upon documented loss of farm labor housing units: *Provided further,* That such funds shall be used by the recipient countries to assist the purchase of farm labor housing, including (but not limited to) mobile homes, motor homes, and manufactured housing.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. A point of order has been reserved.

Mr. FAZIO of California. Mr. Chairman, it is not my intention to call for a vote. In fact, it is my intention to withdraw the amendment after my brief comments.

The purpose of the amendment is to highlight a significant problem with farm worker housing that has resulted in our January floods in California. About 300 units of housing have been destroyed in Sutter and Yuba Counties. But as a recent article in the Sacramento Bee has pointed out this past week, FEMA has refused to provide assistance for temporary emergency housing. To some of us, FEMA's reasons appear to be technicalities, and it does not change the fact that numerous farm workers have come to our area in the seasonal harvest and are now ill-housed or are being directed to rental housing that far exceeds their ability to pay.

I am hopeful that the flexibility of the Thune-Pomeroy amendment concerning community development block grants that the House adopted earlier today will permit these communities to meet this special need that has arisen.

I also want to make some brief general comments about this bill. We may have forgotten now, but California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars' worth of damage to homes, businesses and property. More than 100,000 Californians were evacuated from their homes.

We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture, and many other agencies who have provided skilled and timely assistance to many Californians. Although the flood fights that were a common occurrence in California in January are over, the corps is still working with State and local officials to repair breached levees, strengthen weak spots, and bring our flood control system back into shape before the next flood season.

A number of nonemergency provisions have been added to the bill, but there is one provision that goes hand in hand with disaster funding, the provision adopted unanimously by the Committee on Appropriations granting an emergency exemption for flood repairs until the end of 1998 from the Endangered Species Act.

This is a very valuable amendment crafted with bipartisan participation. It is based on a simple premise that emergency repairs should go forward in disaster counties nationwide. In addition, it has important preventive components that permit repairs when there is an imminent threat to lives and property. The full House endorsed this same provision last week by a vote of 227 to 196.

Although I understand some jurisdictional objections to including it in the appropriations bill exist, I believe it is necessary as a component in providing this disaster assistance. I will do everything I can to see that it is included in the final version of this bill when it emerges from conference.

I am also grateful to the Committee on Appropriations for recognizing the special need we have in California and elsewhere, providing $9 million for the Tree Assistance Program to help small orchardists. It recognizes a special problem, that in many cases orchardists may not lose just one year's crop, which would be covered by crop insurance, but may experience a loss that will take 6 to 10 years from which to recover.

This assistance is a real necessity and it is available to any State where people who own orchards have experienced losses of a significant nature. I thank my colleagues for supporting its inclusion in this bill.

I also associate myself with the remarks made by my colleague, the gentleman from New York [Mr. WALSH] earlier today during general debate regarding the Conservation Reserve Program.

I will insert a letter from USDA Secretary Dan Glickman, which endorses the goals that we were pursuing in advocating a 14 million acre cap to the CRP program.

This is a necessity for California and many areas of the country that have experienced disasters this year. This bill is a significant step in the right direction. I urge my colleagues to send it to the President as quickly as possible.

Mr. Chairman, I rise in support of H.R. 1469, the emergency supplemental appropriations bill.

As some of my colleagues choose to focus on nonemergency, extraneous amendments, I want to remind my colleagues of the enormous needs faced by my State and by others throughout the Nation. That's the purpose of this bill, and we should not forget it.

California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars worth of damages to homes, businesses, and property. Agricultural losses exceeded $150 million, and losses to our national forests exceeded $100 million.

Eight national parks in California were damaged including $176 million in damage to one of the national park system's crown jewels—Yosemite National Park.

More than 100,000 Californians were evacuated from their homes.

We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, the Department of Agriculture, and many other agencies who have provided skilled and timely assistance to many Californians.

Although the flood-fights that were a common occurrence in California in January are over, the Corps of Engineers is still working with state and local officials to repair breached levees, strengthen weak spots, and bring our flood control system back into shape before the next flood season.

So I rise in support of this disaster assistance bill and urge my colleagues to send it forward with no further delay.

Although a number of extraneous nonemergency provisions have been added to the bill, there is one provision that goes hand in hand with disaster funding—the provision adopted unanimously by the Appropriations Committee granting an emergency exemption for flood repairs until the end of 1998 from the Endangered Species Act.

This is a very valuable amendment crafted with bipartisan participation. It is based on a simple premise: That emergency repairs should go forward in disaster counties nationwide. In addition, it has an important preventive component that permits repairs when there is an imminent threat to lives and property. The full House endorsed this same provision last week by a vote of 227 to 196. Although I understand some jurisdictional objections to including it in an appropriations bill, I believe it is a necessary component of providing this disaster assistance, and I will do everything I can to see that it is included in the final version of this bill. The President has agreed to sign the provision.

I'm also grateful to the Appropriations Committee for recognizing a special need we have in California and elsewhere by providing $9 million for the Tree Assistance Program to help small orchardists. This program was first authorized in previous disaster acts in 1988 and 1989.

It recognizes a special problem—that in many cases, orchardists may not lose just 1 year's crop, which would be covered by crop insurance, but may experience a loss that will take 6 to 10 years from which to recover.

The provision is targeted at small orchardists—those who own 500 or fewer acres and whose gross income does not exceed $2,000,000, and who suffer losses in excess of 35 percent. Reimbursement cannot exceed 65 percent of the cost of replanting trees. The assistance in any calendar year is limited to $25,000, and no duplicative payments may be received under the forestry incentives program, agricultural conservation program, or other Federal program.

This assistance is a real necessity, and it is available to any State where orchardists have experienced losses of this kind. I thank my colleagues for supporting its inclusion in this bill.

I also want to highlight a significant problem with farmworker housing that has resulted from our January floods in California. About 300 units of housing have been destroyed in Sutter and Yuba Counties. But as an article in the Sacramento Bee pointed out this past week, FEMA has refused to provide assistance for temporary emergency housing. To some of us, FEMA's reasons appear to be technicalities, and it doesn't change the fact

that numerous farmworkers have come to our area to work in the seasonal harvest and are now ill-housed or are being directed to rental housing that far exceeds their ability to pay. I am hopeful that the flexibility of the amendment concerning the Community Development Block Grant that the House adopted earlier today will permit these communities to meet this special need that has arisen.

I also am supportive of the administration's $76 million request for WIC, the Women, Infants, Children's Supplemental Nutrition Program Although some have charged that this is somehow a welfare program, it is a straightforward supplemental nutrition program not unlike the school milk program and the school lunch program that kids of all income brackets across the U.S. benefit from.

Perhaps no other Federal program can boast of such a demonstrable return—for every dollar invested in improving the health of WIC recipients such as pregnant women, nursing mothers, and small children, $3.50 is saved in Federal health programs such as Medicaid. It is an enormous value and a worthwhile investment, and I was disappointed that the majority party on the Agriculture Appropriations Subcommittee and the majority on the full Appropriations Committee did not accept the President's request for this program. To may knowledge, the Republican majority did not challenge OMB's request in any other spending area, with the exception of WIC. In fact, the committee increased spending over OMB's request in a number of areas based on revised estimates stemming from the disasters. But the one program challenged by the Republican majority for supposed mismanagement and overfunding just happens to be the one that is of benefit to pregnant women and young children.

Yet the estimates of funding need are provided by individual States, many of whom are served by Republican Governors. Gov. Pete Wilson of California wrote our committee on May 9 requesting sufficient funding for the 1.25 million California women and children currently served by the WIC Program in our State. He said that California alone requires an additional $26.7 million in supplemental Federal funding. It is estimated that as many as 169,000 eligible beneficiaries in California will lose these supplemental nutrition benefits if less than the OMB request is provided.

I am pleased that the House is correcting this terrible judgment by the majority party and is voting to provide the full $76 million requested.

Finally, I want to mention one additional provision passed by the Appropriations Committee that is likely to be struck on a point of order. It affects an amendment offered by Representative JIM WALSH and myself affecting the Conservation Reserve Program [CRP].

CRP is the largest conservation program administered by the Federal Government, and the benefits of the program are essential to protecting and improving highly erodible lands, water quality, and wildlife habitat. Unfortunately, there remains a great geographic disparity in how the program is administered. The Appropriations Committee agreed with JIM WALSH and me to cap the amount of acreage that could be enrolled in 1997 by USDA at 14 million acres to help ensure that acreage remains available in the outyears when new areas of the country, primarily the Northeast and the West, are ready to offer acres for enrollment.

Another important provision of the CRP authorization in the farm bill allowed for the enrollment of riparian rangeland which has high conservation values. This would be of benefit to States like California and New Mexico, but since it is a new aspect of CRP, the Department of Agriculture needs more time to educate our farmers and ranchers of this important change. We also thought it was important to try to reserve acreage for the National Buffer Strip Initiative and the State Enhancement Program in order to further improve both the conservation practices and environmental benefits of the CRP. Buffer strips are perhaps the most effective means of controlling farm runoff. By serving as a filter for runoff from farms, buffer strips can clean from 50 to 90 percent of pollutants before they enter drainage canals, streams, and waterways. Additionally, the State Enhancement Program initiatives offer better coordination and better conservation practices by approaching soil erosion, water quality, and wildlife habitat problems on a watershed-wide basis. Today, land is enrolled in the CRP on a farm-by-farm basis, so the conservation practices on one farm may or may not be consistent or compatible with conservation practices being undertaken on a neighboring farm. The State Enhancement Program provides for watershed-based solutions that will be more effective in dealing with pressing conservation problems.

Our intention in proposing a temporary cap on acres was to direct Secretary Glickman to reserve 8 million acres for these new and worthwhile purposes, and I am glad to announce that he has committed to reserving sufficient acreage to accomplish these objectives.

In addition, one widely ignored benefit of the 14-million-acre cap is that the Congressional Budget Office would have scored a $31 million savings in our fiscal year 1998 bill and $177 million in our fiscal year 1999 bill. The regular Ag Appropriation bill will be marked up in just a few weeks, and it will be an exceedingly tight year to fund the many priorities in our bill which includes WIC, agricultural research, rural development, food safety, and the Food and Drug Administration. Our critics need to come to grips with the fact that we all support the many deserving programs in our bill and are going to have to devise ways to pay for them unless we want to make significant cuts at USDA.

I am committed to an eventual signup of the 36 million maximum acres permitted by the 1996 farm bill. The intention behind our amendment was to make this truly a nationwide program, and I hope that the debate of the last few weeks has emphasized our objectives and created the support to carry them out.

In closing, this is an emergency disaster appropriations bill and we need this assistance in California and throughout the Nation. I urge my colleagues to support it and send it to the President for signing as soon as possible.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 23, 1997.

Hon. VIC FAZIO,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR VIC: Your letter of April 17, 1997, about the limitation on the Department of Agriculture's (USDA) ability to enroll more than 14 million acres into the Conservation Reserve Program (CRP) during fiscal year (FY) 1997 that the Subcommittee on Agriculture and Related Agencies added to the FY 1997 supplemental appropriations bill raises a number of questions to which I welcome the opportunity to respond. Moreover, I hope the information in my letter does two things. First, I want to assure you we share the same objective of ensuring that the CRP enrolls only the most environmentally sensitive land. Second, I hope you reconsider the amendment to ensure that USDA has the maximum flexibility to meet that goal.

This limitation on enrollments would unduly sacrifice the program's ability to achieve immediately substantial environmental benefits by excluding a large portion of the approximately 25 million acres offered for enrollment during the recently completed fifteenth signup. The limitation would also mean that the program would no longer provide environmental benefits from the significant amount of acreage currently enrolled in the CRP with well established practices yielding desirable wildlife, water quality, and soil erosion benefits. If that acreage is not allowed to reenroll, the program will suffer a corresponding loss of environmental benefits already established.

Your letter suggests that 8 to 9 million acres of the 36.4 million acres authorized for enrollment in the CRP be set aside for the enrollment of buffers such as filter strips and riparian buffers and the Conservation Reserve Enhancement Program (CREP). I strongly support such a policy. In fact, I announced a new initiative to establish 2 million miles of conservation buffers by the year 2002. USDA is working with both public and private entities, who have committed 1 million dollars over the next 3 years to promote the benefits of installing conservation buffers. I am convinced that this initiative will greatly enhance the significant steps USDA has already taken in its own public information campaign that included a letter I sent to all current CRP contract holders. USDA projects that the conservation buffer initiative will enroll about 7 million acres, and I can assure you that USDA will reserve a sufficient amount of acreage to manage this initiative successfully.

I appreciate your comments that USDA's policy of basing CRP rental rates on the local dryland agricultural rental value of the acreage offered may be an impediment to having a nationwide program. This policy is taken from the direction the Committee wrote into House Report 104–613, the report of the Committee accompanying the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1997: The Committee also reaffirms its position that contract rates should not exceed the prevailing rental rates for comparable land in the local area.

The rental rates USDA established for the CRP are based on rates developed by the local officials in each county, in conformance with the direction in the FY 1997 and previous years' appropriations bills that USDA not offer rental rates above local, prevailing agricultural market value rental rates.

Under the CREP, USDA is examining options to deal with the effect development values have on reducing participation in the CRP and is considering whether higher incentive payments can be made to attract offers for the highest priority practices in certain areas under this program. This may provide a more viable option to use CRP in areas of high land use competition pressures. USDA is also committed to pursuing attempts to resolve problems farmers with irrigated lands face, since the CRP rental rates are based on dryland rental. I have directed the Farm Service Agency and Economic Research Service to review this matter.

The farm bill provides specific authority to enroll marginal pastureland in the CRP provided that it is devoted to riparian buffers planted to trees. For this specific purpose, USDA has broadened the definition of marginal pastureland to include grazing land along streams and rivers, even though that land may not have been previously seeded, as long as it will be devoted to riparian buffers planted to trees. This provision will provide a popular, voluntary option to western livestock ranchers and land owners to address water quality and wildlife concerns within the bounds of the law as it is currently written.

I regret that you were not informed about the criteria for enrolling land in the CRP. However, prior to publishing the final regulations, representatives of USDA conducted extensive briefings for both the House and Senate and for conservation, environmental, commodity, and farm groups.

The amount of acreage that USDA accepts in response to the fifteenth signup will be based on an evaluation of the acreage actually offered for enrollment. This evaluation is currently underway. Each offer is being evaluated individually using the Environmental Benefits Index (EBI), which measures the potential benefits that would result from enrollment of that acreage. All bids are ranked nationally; only those bids that provide the highest level of environmental benefits will be accepted. The EBI was first used for the tenth signup. USDA has made it widely available to farmers and other interested parties, including Congress, before publication of the final rule.

In closing, let me repeat that I am committed to maximizing the environmental benefits of the CRP in all areas of the country. USDA intends to reserve sufficient CRP acreage enrollment authority to ensure the success of the buffer initiative through the continuous CRP signup and the related CREP. USDA will continue to work with States to develop CREP's and with public and private groups to further the buffer initiative. We will continue to evaluate the progress of the continuous signup and have maintained the flexibility to make improvements to the program if needed. If you have further questions regarding the CRP, now or in the future, please let me know. I look forward to working with you on this important initiative.

I am sending an identical letter to Congressman Walsh.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. FAZIO of California. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

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

There was no objection.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $28,000,000, to remain available through September 30, 1998: *Provided,* That the Secretary shall allocate such funds through the existing formula or, notwithstanding section 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for ''Economic Development Assistance Programs'' for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $49,700,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for ''Salaries and Expenses'': *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for ''Construction'' for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'' for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'' for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: *Provided,* That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'' due to flooding and other natural disasters, $415,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'', $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided,* That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

SEC. 301. Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91–575), and the Delaware River Basin Compact (Public Law 87–328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

SEC. 302. Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words ''during the term of office of the President'' and inserting the words ''at the pleasure of the President''.

SEC. 303. The policy issued on February 19, 1997, by the U.S. Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I rise to a point of order.

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

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against section 303 of the bill under clause 2 of Rule XXI of the Rules of the House of Representatives.

This section applies a U.S. Fish and Wildlife Service policy of waiving certain aspects of the Endangered Species Act to the repair of flood facilities in certain Federal disaster areas. Under the existing ESA, the President may waive certain aspects of the law for rebuilding facilities after a disaster.

The U.S. Fish and Wildlife policy is the Presidential ESA waiver for 43 counties in California. Section 303 extends this policy nationwide, thus broadening the existing Presidential ESA waiver. The waiver of existing law

has been construed to mean a provision changing existing law under precedents of the House: Deschler chapter 26, sections 24.5, 34.14 and 34.15.

In addition, the amendment alters existing waiver authority of the President under the current ESA by limiting his authority to 2 years; under current law, this waiver is unlimited. Imposing a restriction on the authority of the President is also a provision changing existing law under the precedents of the House because it restricts executive discretion to such a degree as to constitute a change in policy rather than a matter of administrative detail. Deschler chapter 26, sections 64–79.

The language was reported from the Committee on Appropriations on Thursday, April 28, 1997. Therefore, this is a provision changing the existing law, which, as reported in the general appropriation bill, is in violation of clause 2, Rule XXI.

I ask the Chair to sustain my point of order.

The CHAIRMAN pro tempore (Mr. SHAW). Are there any Members present who wish to be heard on the point of order?

If not, for the reasons stated, the point of order of the gentleman from Alaska [Mr. YOUNG] is sustained.

The Clerk will read.

The Clerk read as follows:

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for construction to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $3,003,000 is to be derived by transfer from unobligated balances of funds, under the heading ''Oregon and California Grant Lands'', made available as supplemental appropriations in Public Law 104–134: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for Oregon and California grant lands to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived by transfer from unobligated balances of funds, under the heading ''Oregon and California Grant Lands'', made available as supplemental appropriations in Public Law 104–134: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for resource management, $2,250,000, to remain available until September 30, 1998, for technical assistance and fish replacement made necessary by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for construction, $81,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for land acquisition, $15,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for construction for emergency expenses resulting from flooding and other natural disasters, $186,912,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further,* That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further,* That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further,* That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further,* That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations shall be rescinded.

For an additional amount for construction, $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for surveys, investigations, and research, $4,290,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for operation of Indian programs, $11,100,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for construction, $5,554,000, to remain available until expended, to make repairs caused by floods and other natural disasters: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for National forest system for emergency expenses resulting from flooding and other natural disasters, $37,107,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for reconstruction and construction for emergency expenses resulting from flooding and other natural disasters, $32,334,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for Indian health services for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for Indian health facilities for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: *Provided,* That the entire amount is

designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, CHAPTER 4

SEC. 401. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading ''Title III—General Provisions'' amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections ''104 percent'' and inserting in lieu thereof ''100 percent''; by striking in each of those sections ''1995'' and inserting in lieu thereof ''1994''; and by striking in each of those sections ''and thereafter annually adjusted upward by 4 percent,''.

AMENDMENT NO. 14 OFFERED BY MR. SANDERS

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 Offered by Mr. SANDERS:

Page 16, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for ''National Institute of Environmental Health Sciences'', $10,000,000, for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering from Gulf War Syndrome.

Page 37, line 11, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, the amendment that I am offering is absolutely nonpartisan. There are many Republicans and Democrats who are increasingly frustrated about the lack of progress being made by the Department of Defense in solving the crisis of the Persian Gulf War syndrome.

This amendment appropriates $10 million to the National Institute of Environmental Health Sciences for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering from gulf war syndrome. This amendment offsets this appropriation by reducing the amount to be appropriated for the Department of Defense, Overseas Contingencies Operations Transfer Fund, which is presently at $1.5 billion, by $10 million.

Mr. Chairman, for over 5 years, the Department of Defense and the Veterans Administration have been studying the heartbreaking issue of Persian Gulf War syndrome. And frankly, they have not been successful. That is the issue that we have got to acknowledge today. The truth is that the DOD and the VA have made virtually no progress in understanding the cause of Persian Gulf War syndrome or developing an effective treatment for it. This is a painful truth, but we should recognize it.

Given that reality, I believe that the Department of Defense and Veterans Affairs should no longer be solely trusted with the critical task of diagnosing and treating the up to 70,000 gulf war veterans who are suffering today.

From the end of the war until this day, the Pentagon, the VA, and the CIA have not been forthright with the Congress, the public or our veterans about the causes of gulf war syndrome and how we can better treat the veterans who are suffering from it.

Over and over again there has been denial. ''Is there an illness?'' ''Well, no. In the beginning there was no illness.'' Then, after tens of thousands of veterans came forward, ''Yeah, there is an illness, but it is stress.'' ''Were our soldiers exposed to chemical warfare agents?'' Absolutely. ''No, they weren't.''

□ 1800

Five years later, oh, yes, some of them. Well, maybe 500. A few months later, well, yes, maybe 20,000. Today, we do not know how many. There may be 130,000. We do not know.

Mr. Chairman, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of the very strong pesticides, depleted uranium and the smoke from burning oil wells, and they were given a myriad of pharmaceuticals as vaccines. Further, as a result of the waiver from the FDA, they were given pyridostigmine bromide as an anti-nerve gas measure.

Now, Mr. Chairman, the good news is that a number of studies, and I have them right here, study after study from the University of Texas, from Southern Illinois University, from Duke University, from the University of Texas in Houston, what these studies are telling us is these scientists believe that there is a direct link between chemical exposure and pyridostigmine bromide that our soldiers took. In other words, they have made some real progress.

But what is the problem? The problem is that for whatever reason, and I do not want to cast aspersions today, but for whatever reasons neither the Department of Defense nor the VA has been vigilant in looking at that area. They will tell us they are, but they have not had any results, and the truth is they are not moving forward.

Very simply, Mr. Chairman, what this amendment does is take $10 million, not a lot of money within the scheme of things, and puts it into an institute, the National Institute of Environmental Health Sciences, who are interested in pursuing the link between chemical exposure and Persian Gulf illness.

I think we owe it to the 70,000 men and women who are suffering today, who put their lives on the line in the gulf, to look at this and to go into those agencies of government who want to pursue this issue.

Now, I know that my friends on the other side are not unsympathetic to this effort. I would hope that they would waive, that my friend the gentleman from Louisiana [Mr. LIVINGSTON], given the importance of this issue, would waive the point of order and allow us to proceed as rapidly as we can to address this important issue.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

POINT OF ORDER

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized on his point of order.

Mr. LIVINGSTON. Mr. Chairman, as much as I might agree with the gentleman from Vermont, and I do agree that the Pentagon and the VA have not done enough to examine the causes and effects of Desert Storm syndrome, I would point out that, actually, I have attempted to get some additional funding to address this problem and only recently, because of the Pentagon's dropping of their objections to it, have I been successful in getting some of that additional funding. I must be constrained to make a point of order against the amendment in this instance because, in effect, it calls for an en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter. Amendments to a paragraph or section are not in order until such paragraph or section has been read under Cannon's Precedents, Volume VIII, section 2354. The amendment, therefore, is not in order and I would ask for a ruling from the chair.

The CHAIRMAN. Does the gentleman from Vermont [Mr. SANDERS] wish to be heard on the point of order?

Mr. SANDERS. I do, Mr. Chairman.

Just in an informal sense, I would choose not to challenge the gentleman from Louisiana if I could have some assurances that he will work with me in trying to get some money to an agency outside of the DOD so that we can really look at the impact of chemicals on our soldiers. Is that something he would be interested in working with me on?

Mr. LIVINGSTON. Mr. Chairman, I would tell the gentleman that in the fiscal year 1998 appropriations cycle I would be delighted to work with him.

The CHAIRMAN. The gentleman from Vermont cannot yield under his point of order.

Mr. SANDERS. I thank the chairman.

The CHAIRMAN. The Chair is prepared to rule.

Did the gentleman from Vermont [Mr. SANDERS] wish to withdraw his amendment?

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

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

There was no objection.

AMENDMENT OFFERED BY MR. KOLBE

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

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Page 18, after line 4, insert the following new section:

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT

SEC. 402. (a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking ''June 30, 1997'' and inserting ''March 31, 1999''.

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

''(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.''.

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting ''Gila, Graham, Greenlee,'' after ''Maricopa,''.

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: ''The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.''.

(e) CONDITIONS.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following new subsections:

''(d) CONDITIONS.—(1) IN GENERAL.—The June 30, 1997, deadline has been extended based on the following conditions. The provisions and agreements set forth or referred to in paragraph (2), (3), and (4) below shall be enforceable against the United States, and the conditions and agreements set forth or referred to in paragraphs (3) and (4) shall be enforceable against the Tribe, in United States District Court, and the immunity of the United States and the Tribe for such purposes is hereby waived.

''(2) INTERIM PERIOD.—Prior to March 31, 1999, or the execution of a final Agreement under paragraph (3) below, whichever comes first, the following conditions shall apply:

''(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944, except as provided in subparagraph (F) and the Tribe will stay any further prosecution of any claims or suits filed by the Tribe in any court with respect to the Black River facilities or the flowage of water on Eagle Creek. The United States, with the permission of the Tribe, shall enter and operate the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

''(B) As of July 23, 1997, the United States, through the Bureau of Reclamation, shall operate and maintain the Black River facilities. The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

''(C) Notwithstanding any other provision of law, that contract referred to in subparagraph (B) between the United States and Phelps Dodge providing for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location is ratified and confirmed. The United States/Phelps Dodge contract shall have no bearing on potential claims by the United States, Phelps Dodge or the Tribe regarding any aspect of the Black River facilities in the event that a final agreement is not reached among the parties under paragraph (3) below.

''(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5000 per month, with an annual CPI adjustment.

''(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(F) If a final agreement is not reached by March 31, 1999, the terms set forth in subparagraphs (A) through (E) shall no longer apply. Under such circumstances, the occupancy of the Black River facilities shall revert to Phelps Dodge on March 31, 1999, and the Tribe and/or Phelps Dodge shall be free to prosecute litigation regarding the validity of Phelps Dodge use of the Black River facilities. In any such event, the Tribe, the United States, and Phelps Dodge shall have the same rights with respect to the Black River facilities as each had prior to the enactment of this subsection and nothing in this subsection shall be construed as altering or affecting such rights nor shall anything herein be admissible or otherwise relevant for the purpose of determining any of their respective rights.

''(3) FINAL AGREEMENT.—The United States, Phelps Dodge, and the Tribe intend to enter into a Final Agreement on or before March 31, 1999, which Agreement shall include the following terms:

''(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

''(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the Interim Period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of two conditions: (i) entry of the Final Agreement described in this subsection; and (ii) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities.

''(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right of way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Concurrently with the transfer of the power lines and the right of way, Phelps Dodge shall construct a switch station at the boundary of the reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right of way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation or maintenance of the power lines, the right of way or the switch station.

''(D) The Tribe and Phelps Dodge intend to enter into a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the terms recommended by the United States, the trustee for the Tribe. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversions for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. It is intended that the water subject to the contract shall be CAP water that is controlled by the Tribe. The Tribe and/or the United States intend to enter into an exchange agreement with the Salt River Project which will deliver CAP water to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The lease and delivery contract between Phelps Dodge and the Tribe is intended to be based on a long-term lease of CAP water at prevailing market rates for municipal and industrial uses of CAP water. The parties will discuss the potential imposition of capital costs as part of the contract. It is intended that the contract price shall include operation, maintenance and replacement (OM&R) charges associated with the leased CAP water, and it is intended that the contract will take into account reasonable charges associated with the Tribe's operations and maintenance of the Black River facilities, and a credit for power provided for such facilities. It is intended that the water delivered under this contract will be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and for no other purpose.

''(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other groundwater supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(4) EAGLE CREEK.—From the effective date of this subsection, the Tribe covenants not to impede, restrict, or sue the United States regarding, the passage of water from the Black River facilities into those portions of

the channels of Willow Creek and Eagle Creek which flow through the Tribe's lands. The Tribe covenants not to impede, restrict, or sue Phelps Dodge regarding, the passage of historic maximum flows, less transportation losses, from the existing Phelps Dodge Upper Eagle Creek Wellfield, except that (i) Phelps Dodge shall pay to the United States, for delivery to the Tribe, $5000 per month, with an annual CPI adjustment, to account the passage of such flows; and (ii) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the upper Eagle Creek wellfield, in accordance with paragraphs (2)(E) and (3)(E) above. Nothing in this subsection shall affect or be construed to affect the rights of the United States, the Tribe, or Phelps Dodge to flow water in the channel of Eagle Creek in the absence of this subsection.

''(5) RELATIONSHIP TO SETTLEMENT.—In the event that Phelps Dodge and the Tribe execute a Final Agreement pursuant to paragraph (3) on or before March 3, 1999—

''(A) effective on the date of execution of such Final Agreement, the term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge; and

''(B) section 3706(j) shall have no effect.''.

(f) REPEAL.—Subsection (f) of section 3705 of such Act is hereby repealed.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking ''qualification'' and inserting ''quantification''.

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

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

There was no objection.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment. It violates clause 2 of rule XXI. No amendment to a general appropriations bill shall be in order if it changes existing law.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would simply like to be heard on point of order.

I am very surprised at the ranking member's position here, since this had been worked out with him earlier.

Mr. OBEY. No one has ever discussed this with me.

The CHAIRMAN. The gentleman from Arizona has the time on the point of order.

Mr. KOLBE. Mr. Chairman, I would simply say it obviously does have this problem. This had been worked out with the chairman of the committee, with the ranking member; with the chairman of the Committee on Resources, the ranking member of the Committee on Resources; the chairman of the Subcommittee on the Interior of the Appropriations Committee, and the ranking member, and is supported by the Department of the Interior as an extension of an Indian water settlement that is vitally needed in order to keep the progress and the negotiations going.

If the gentleman is going to persist, he obviously would be correct in his position.

The CHAIRMAN. The point of order is conceded and sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for ''Retired Pay'', $4,200,000.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For additional necessary expenses for ''Facilities and Equipment'', $40,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That these funds shall only be available for non-competitive contracts or cooperative agreements with air carriers and airport authorities, which provide for the Federal Aviation Administration to purchase and assist in installation of advanced security equipment for the use of such entities.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am pleased to join with the gentleman from Massachusetts in time to have a colloquy regarding a question in the housing field that he is interested in.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I wanted to engage in a colloquy with my distinguished colleague from California, the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

I had filed an amendment to the supplemental appropriations bill, which I will not be offering, which gives HUD the ability to recapture appropriated but unspent budget authority for tenant-based section 8 reserves and use such authority in part to meet section 8 contract renewals which will expire next year.

My amendment also expresses the sense of the House that sufficient budget authority be provided to renew all expiring contracts to make sure that elderly, disabled and working poor living in section 8 housing will not lose their rental assistance.

Mr. Chairman, is it not true that this supplemental bill rescinds $3.8 billion in unused budget authority for tenant-based section 8 reserves?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, he is correct, the bill rescinds budget authority which has been held for reserves and which HUD says they will not need.

May I ask the gentleman if he included that amendment in the housing bill which passed yesterday?

Mr. KENNEDY of Massachusetts. Yes. I merely wanted to be clear that the gentleman is aware of the concern expressed by HUD and Members on both sides of the aisle in the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. LEWIS of California. Mr. Chairman, it was our intent, I say to the gentleman, if he will continue to yield time, that those reserve funds be used currently in a way that will assure the House that we are committed to making certain that those people currently who are receiving assistance will have a continued commitment from the committee and from the House.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman making that point very clear. There is the potential for a great deal of misunderstanding with regard to this issue, as the chairman is well aware, in that there is going to be a large requirement for budget authority requested by the Members of the House in order to maintain the exact same number of apartments for the very poor and vulnerable citizens.

We are concerned that with the rescinding of the funds in this bill that we perhaps will send a misimpression to other Members of the House that these funds are not needed. The purpose of this colloquy is to make very clear to all the Members of the House that, in fact, the chairman of the Subcommittee on VA, HUD and Independent Agencies recognizes the importance of making certain that these funds are made available and that, in fact, the President's budget that has been signed off by Members on both sides in terms of negotiations actually provided for the funding that will be necessary to maintain the number of apartments that are serving the poor through the section 8 program in the future.

Mr. LEWIS of California. The gentleman is correct, Mr. Chairman.

I think the gentleman understands that suddenly we have found that the Department of Housing and Urban Affairs does have a little problem from time to time with their accounting procedures. We suddenly found that there was a sizable amount of money in reserve which had not been discovered before.

It was very apparent to this Member that if that BA was just left out there it might very well have been scooped up by other interests around the House. It was important that we reserve that money in a way that would allow us to maintain control.

So two things occurred: First, as we recognized that some of this budget authority could very effectively be used to deal with these emergency problems across the country, that at the same time allowed us to maintain some control over that authority over time. We wanted to make certain it was not used for other purposes because we do need the long-term commitment to those tenants who are receiving these services in these housing programs.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman's recognition of that fact. I would like to make it

clear that it was only through the efforts of the current Secretary, in conjunction with the inspector general, in fulfilling the requirements to make certain that we investigated how HUD was actually utilizing these funds, that the discovery of this $3.8 billion or actually $5 billion became apparent.

So it was through the diligent effort, I think, that has been acknowledged on both sides of the aisle in terms of HUD actually beginning to do its job on some of the bureaucratic issues that the funds became available. I think we were all very concerned that the use of those funds going outside of HUD purposes, given the fact that we are going to need additional funding later this year, created kind of a perverse circumstance, which I am glad that the chairman is now pointing out.

I just want to be very clear that it was HUD's competency in terms of actually going through and finding these funds that has allowed us to provide the funding that is necessary for FEMA use as well as other uses today, but it should not be hurt on the people that need those apartments as a result of HUD doing its job and being, I think, diligent in their efforts to uncover these funds and be able to use them in the future for other purposes.

Mr. LEWIS of California. If the gentleman will continue to yield, we have worked very closely with the Department. I must say to the gentleman that it was a GAO study approximately a year ago that the committee became involved in that first began reviewing these programs. At the same time, the new Secretary was just really coming aboard, and he has done a very effective job of helping us identify some of these problems.

There is no question that the House should be committed and is committed to making sure these services continue to be received.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman for his leadership.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I ask unanimous consent to go back to line 4 to reoffer the amendment that I offered before.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Page 18, after line 4, insert the following new section:

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT

SEC. 402. (a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking ''June 30, 1997'' and inserting ''March 31, 1999''.

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

''(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.''.

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting ''Gila, Graham, Greenlee,'' after ''Maricopa,''.

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: ''The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.''.

(e) CONDITIONS.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following new subsections:

''(d) CONDITIONS.—(1) IN GENERAL.—The June 30, 1997, deadline has been extended based on the following conditions. The provisions and agreements set forth or referred to in paragraph (2), (3), and (4) below shall be enforceable against the United States, and the conditions and agreements set forth or referred to in paragraphs (3) and (4) shall be enforceable against the Tribe, in United States District Court, and the immunity of the United States and the Tribe for such purposes is hereby waived.

''(2) INTERIM PERIOD.—Prior to March 31, 1999, or the execution of a final Agreement under paragraph (3) below, whichever comes first, the following conditions shall apply:

''(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944, except as provided in subparagraph (F) and the Tribe will stay any further prosecution of any claims or suits filed by the Tribe in any court with respect to the Black River facilities or the flowage of water on Eagle Creek. The United States, with the permission of the Tribe, shall enter and operate the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

''(B) As of July 23, 1997, the United States, through the Bureau of Reclamation, shall operate and maintain the Black River facilities. The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

''(C) Notwithstanding any other provision of law, that contract referred to in subparagraph (B) between the United States and Phelps Dodge providing for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location is ratified and confirmed. The United States/Phelps Dodge contract shall have no bearing on potential claims by the United States, Phelps Dodge or the Tribe regarding any aspect of the Black River facilities in the event that a final agreement is not reached among the parties under paragraph (3) below.

''(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5000 per month, with an annual CPI adjustment.

''(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(F) If a final agreement is not reached by March 31, 1999, the terms set forth in subparagraphs (A) through (E) shall no longer apply. Under such circumstances, the occupancy of the Black River facilities shall revert to Phelps Dodge on March 31, 1999, and the Tribe and/or Phelps Dodge shall be free to prosecute litigation regarding the validity of Phelps Dodge use of the Black River facilities. In any such event, the Tribe, the United States, and Phelps Dodge shall have the same rights with respect to the Black River facilities as each had prior to the enactment of this subsection and nothing in this subsection shall be construed as altering or affecting such rights nor shall anything herein be admissible or otherwise relevant for the purpose of determining any of their respective rights.

''(3) FINAL AGREEMENT.—The United States, Phelps Dodge, and the Tribe intend to enter into a Final Agreement on or before March 31, 1999, which Agreement shall include the following terms:

''(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

''(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the Interim Period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of two conditions: (i) entry of the Final Agreement described in this subsection; and (ii) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities.

''(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right of way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Concurrently with the transfer of the power lines and the right of way, Phelps Dodge shall construct a switch station at the boundary of the reservation at which the

Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right of way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation or maintenance of the power lines, the right of way or the switch station.

''(D) The Tribe and Phelps Dodge intend to enter into a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the terms recommended by the United States, the trustee for the Tribe. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversions for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. It is intended that the water subject to the contract shall be CAP water that is controlled by the Tribe. The Tribe and/or the United States intend to enter into an exchange agreement with the Salt River Project which will deliver CAP water to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The lease and delivery contract between Phelps Dodge and the Tribe is intended to be based on a long-term lease of CAP water at prevailing market rates for municipal and industrial uses of CAP water. The parties will discuss the potential imposition of capital costs as part of the contract. It is intended that the contract price shall include operation, maintenance and replacement (OM&R) charges associated with the leased CAP water, and it is intended that the contract will take into account reasonable charges associated with the Tribe's operations and maintenance of the Black River facilities, and a credit for power provided for such facilities. It is intended that the water delivered under this contract will be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and for no other purpose.

''(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other groundwater supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

''(4) EAGLE CREEK.—From the effective date of this subsection, the Tribe covenants not to impede, restrict, or sue the United States regarding, the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Tribe's lands. The Tribe covenants not to impede, restrict, or sue Phelps Dodge regarding, the passage of historic maximum flows, less transportation losses, from the existing Phelps Dodge Upper Eagle Creek Wellfield, except that (i) Phelps Dodge shall pay to the United States, for delivery to the Tribe, $5000 per month, with an annual CPI adjustment, to account the passage of such flows; and (ii) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the upper Eagle Creek wellfield, in accordance with paragraphs (2)(E) and (3)(E) above. Nothing in this subsection shall affect or be construed to affect the rights of the United States, the Tribe, or Phelps Dodge to flow water in the channel of Eagle Creek in the absence of this subsection.

''(5) RELATIONSHIP TO SETTLEMENT.—In the event that Phelps Dodge and the Tribe execute a Final Agreement pursuant to paragraph (3) on or before March 3, 1999—

''(A) effective on the date of execution of such Final Agreement, the term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge; and

''(B) section 3706(j) shall have no effect.''.

(f) REPEAL.—Subsection (f) of section 3705 of such Act is hereby repealed.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking ''qualification'' and inserting ''quantification''.

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

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

There was no objection.

Mr. KOLBE. Mr. Chairman, I would simply say, as I did before, that this has been worked out with all the parties in question on the minority and majority side of the authorizing and Committee on Appropriations, and is supported by the Department of the Interior as an extension of this water settlement.

Mr. Chairman, I include for the RECORD a copy of my complete statement.

Mr. Chairman, I am very grateful to several of my colleagues for their assistance in ensuring that my amendment is considered today. Specifically, I want to thank Chairman LIVINGTON, Ranking Minority Member OBEY, the chairman and ranking member of the Resources Committee—Mr. YOUNG and Mr. MILLER, and the chairman and ranking member of the Interior Appropriations Subcommittee—Mr. REGULA and Mr. YATES.

The amendment that I am offering pertains to the San Carlos Apache Water Rights Settlement Act—Public Law 102–575. Simply put, the amendment extends the Settlement Act. Again, I want to make it perfectly clear that all my amendment does is extend the Act. This extension provides additional time for the implementation of many of the important provisions in the Act. Before I describe the provisions contained in my amendment, I would like to provide a few facts about the Settlement Act.

The San Carlos Apache Water Rights Settlement Act was signed into law by President Bush on October 30, 1992. The bill settled significant reserved water rights claims, and provided for expedited resolution of any Fifth Amendment taking claim against the United States by certain Arizona entities relating to one of the water sources allocated to the Tribe by the bill. In addition to preserving reserved water rights, the bill authorized a $38 million federal appropriation (which has been appropriated) and a $3 million state contribution (which has also been appropriated). The $41 million settlement is currently accruing interest and is intended to be used by the San Carlos Apache Tribe for economic development. However, the money is not currently available to the Tribe because several contingencies included in the legislation have yet to be satisfied.

I am offering this amendment because the Settlement Act is scheduled to expire on June 30, 1997. Negotiations between the Tribe, the Department of Interior, and several of the Arizona entities which are parties to the Settlement are ongoing. In fact, Mr. David Hayes, Counselor to Secretary Babbitt and the lead negotiator, met this Monday with representatives of the San Carlos Apache Tribe and Phelps Dodge Corporation. The negotiations concluded at 4:30 am, and significant progress was made in resolving outstanding issues between these two parties. But the reality is that a final Settlement agreement before the June 30, 1997 expiration date is not possible.

Mr. Chairman, my amendment extends the Settlement Act until March 31, 1999. Should a final agreement be reached prior to the March date, the Act is automatically extended until December 31, 1999. This extension is necessary because any final agreement must be submitted to the Superior Court system of Arizona for approval. The amendment also extends the Tribe's Central Arizona Project [CAP] water lease authority to three adjoining counties: Gila, Graham and Greenlee. In addition, the Gila Valley Irrigation District and the Franklin Irrigation District would be added as parties to the Act as long as none of the existing parties to the Act objects. Lastly, and perhaps most important, my amendment clarifies the right-of-way issue as it pertains to the Black River pump station and Eagle Creek—which are both located on the San Carlos Apache reservation. Specifically, section 5 of the amendment directs the United States through the Bureau of Reclamation to operate and maintain the Black River facilities and to enter into a contract with Phelps Dodge for delivery of water. In return for delivery of water, Phelps Dodge Corporation will pay $20,000 per month, in addition to the $5000 per month power line right-of-way fee they are to be assessed.

Mr. Chairman, the provisions contained in my amendment are the result of hotly debated, and at times, contentious negotiations. These have been trying times for all the parties to the Settlement. But, we have come to a point in the negotiations where we have the framework for a final agreement. Adoption of my amendment will ensure that all the parties to the Settlement Act will have 20 more months to negotiate a final agreement. Otherwise, the Act will expire, the Tribe will lose $41 million earmarked for economic development, and this issue will be mired in litigation for years.

I have letters supporting my amendment from the Tribe, Phelps Dodge Corporation, and the Department of Interior—as trustee for the Tribe. My

amendment is also supported by all the other parties to the Settlement Act and the entire Arizona Congressional delegation.

I urge my colleagues to support my amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Arizona and also the ranking member of the Committee on Appropriations for moving forward on the aforementioned amendment. It is of vital concern for jobs and for Native Americans in the State of Arizona and I thank that spirit of cooperation and comity.

Mr. Chairman, I also rise in support of this Disaster Recovery Act now under consideration by this House. There are many areas across this country that have suffered from a variety of natural disasters, and it is my hope that we can at last move this bill expeditiously. As we prepare to vote on this legislation, Mr. Chairman, I would be remiss if I did not point out to this body that there are areas in Arizona that still are damaged as a result of flooding back in 1993.

In one case, the town of Kearny, Arizona suffered significant destruction as a result of those 1993 floods, including the loss of its wastewater treatment facility, its campground, and its airport. The cost of this loss far exceeded the town's financial ability to recover from it. In response to that flooding, the Federal Emergency Management Administration, or FEMA, committed to help the community recover its losses and build dikes to prevent future flooding. Unfortunately, indeed sadly, Mr. Chairman, in this instance, FEMA has yet to live up to its commitment.

In another case, in Gila County, Arizona, FEMA agreed to reimburse the county for $665,269 the county spent on cleanup work for the town of Winkelman. Although FEMA has paid the county some $341,598 of the amount the agency promised to pay, it still has been unwilling to pay the remainder. Mr. Chairman, as my colleagues might imagine, this places financially-strapped Gila County in an extremely difficult position.

Mr. Chairman, given that it has been 4 years since these floods occurred and satisfactory resolution of these problems has not yet been achieved, I would like to ask the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations if he would be willing to offer his assistance to help me secure relief from FEMA on these issues of great concern in the 6th District of Arizona.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. I appreciate the gentleman yielding. I would first like to express my deep appreciation to the gentleman from Arizona for his bringing this matter to my attention. I have been very, very appreciative of his making certain that our committee understands just how frustrating this has been not just for him but for his constituents back home. We are more than happy to make every effort to see that FEMA is responsive to the problems of the people in and around Gila, Arizona. I agree that 4 years is too long to wait to get relief for those communities which have suffered from disasters. I would like to work with the gentleman from Arizona [Mr. HAYWORTH] in the months ahead to make certain that day in and day out we have the attention of the top leadership of FEMA, and I am happy to be a part of that effort.

Mr. HAYWORTH. Reclaiming my time, I thank the gentleman from California for his commitment to work in this area. The 6th District of Arizona in square mileage is roughly the size of the Commonwealth of Pennsylvania. There are many rural communities that are fiscally challenged, financially strapped. I appreciate the fact that the subcommittee chairman joins with me in a commitment to work with FEMA to iron out the problems in and around Kearny and also to reimburse the people, the taxpayers, of Gila County, Arizona, who in good faith worked to fulfill agreements with the Federal Emergency Management Administration. Again I am very appreciative of my colleague from California.

Mr. LEWIS of California. If the gentleman will yield further, I might say that the people ought to have a clear understanding that the gentleman from Arizona [Mr. HAYWORTH] has certainly gotten all of our attention and we appreciate that.

Mr. HAYWORTH. Reclaiming my time, I thank my colleague from California. Again I thank the spirit of cooperation that permeates this House with so many pressing questions of concern. Again I rise in support of the legislation.

The CHAIRMAN pro tempore (Mr. HANSEN). The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $374,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States: *Provided further,* That notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide which, until its destruction, has served as the only reasonable access between two cities and as the designated emergency evacuation route of one such cities shall be eligible for assistance under this head.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $318,077,043: *Provided,* That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

I am proud to serve under the leadership of the gentleman from Illinois [Mr. PORTER] as a member of the subcommittee. As our colleagues know, our chairman is a leader in advancing biomedical research and is the champion of the National Institutes of Health. His support for biomedical research has brought hope to millions of Americans with illnesses in their families. His ability to build bipartisan support for the NIH is a defining characteristic of his chairmanship.

As the chairman knows, our investment in AIDS research through the NIH has produced dramatic results. Just this week, new research findings demonstrated that triple therapy seems to kill HIV more rapidly than previously believed. HHS will soon be releasing new practice guidelines for treating HIV infection based on this important medical research.

The goal of the new combination therapies is to bring an individual's level of HIV infection down to undetectable levels. The treatments ward off further deterioration of the immune system. After 15 years of the AIDS epidemic, the new treatments bring us hope.

Would the gentleman agree that these advances in AIDS treatment are a remarkable tribute to the importance of investing in the NIH?

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

Ms. PELOSI. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the gentlewoman from California.

This is an excellent example of the importance of funding basic and applied science through the NIH. The success of the pharmaceutical companies in developing these drugs would never have occurred without the sustained research that is funded by NIH.

The many advances reported each year by the NIH are crucial to the health and well-being of the American people. I personally feel that Congress can make no better investment than increasing NIH funding.

Ms. PELOSI. As the gentleman from Illinois [Mr. PORTER] knows, the AIDS Drug Assistance Program, also known as ADAP, provides funding to States to reimburse the cost of drugs used to treat HIV infection. These new drugs are expensive, but result in decreased costs associated with treating opportunistic infections and expensive hospital stays common when uncontrolled infection results in severe damage to the immune system.

Mr. PORTER. We are very pleased with the success of these new drugs, and I can assure the gentlewoman that the AIDS Drug Assistance Program, which is part of the Ryan White program, has broad bipartisan support. As an indication of this support, I would note that the Congress provided $239 million, or more than a 30 percent increase, for all Ryan White activities in 1997. For the ADAP program specifically we provided a $115 million increase. The gentlewoman from California was instrumental in helping secure these increases.

Ms. PELOSI. I thank the chairman. The chairman is to be commended for his strong support of the Ryan White program and for providing important resources to make these new drugs available for people with HIV.

This is an emergency. Due to the great success of and demand for the new drugs, State AIDS directors are predicting a shortfall of $68 million for the remainder of this fiscal year. It is my understanding that this shortfall has also been documented by HHS.

Nationally the ADAP programs have reported a 77 percent increase in clients since January of 1996. These programs are collectively averaging approximately 1,000 new clients each month. Program costs are increasing to accommodate the reimbursement of combination drug therapies which are becoming the standard of care.

Mr. Chairman, without an additional $68 million for the remainder of this fiscal year, the AIDS drug program will not be able to respond to the immediate health threat to thousands of HIV-infected Americans. In the State of Mississippi, for example, 660 people will be cut off the program in the next week because of increased demands and the costs of providing new drugs. California is projecting a need of $6 million to continue the drug assistance program uninterrupted through the end of the fiscal year. Florida and several other States also face major problems.

Unfortunately, the rules available under the supplemental bill before us today do not provide the opportunity to respond to this emergency. However, it is my understanding that the President may seek emergency supplemental funding for this program in the very near future. In the event that the President seeks emergency supplemental funding for this program, would the chairman be willing to work with the administration to find a timely solution to this urgent situation?

Mr. PORTER. Let me assure the gentlewoman from California that should the President send the request to Congress, I would be pleased to work with the administration in assessing the need and developing an appropriate response.

Ms. PELOSI. I thank the chairman for his response and his continued leadership in responding to the many challenges posed by the AIDS epidemic.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads damaged as a result of the floods in the northern plains States in the spring of 1997, $10,000,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way owned by class I railroads, passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this section: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', for emergency expenses resulting from the crashes of TWA Flight 800 and ValuJet 592, and for assistance to families of victims of aviation accidents as authorized by Public Law 105–265, $23,300,000, of which $4,877,000 shall remain available until expended: *Provided*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, up to $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further*, That notwithstanding any other provision of law, of the amount provided $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592.

GENERAL PROVISIONS, CHAPTER 5

SEC. 501. In Title I of Public Law 104–205, under the heading ''Federal Transit Administration, Discretionary Grants'', strike $661,000,000 for the DeKalb County, Georgia light rail project;'' and insert ''$661,000 for the DeKalb County, Georgia light rail project;''.

SEC. 502. In Section 325 of Title III of Public Law 104–205, strike ''That in addition to amounts otherwise provided in this Act, not to exceed $3,100,000 in expenses of the Bureau of Transportation Statistics necessary to conduct activities related to airline statistics may be incurred, but only to the extent such expenses are offset by user fees charged for those activities and credited as offsetting collections.''.

SEC. 503. Section 410(j) of title 23, United States Code, is amended by striking the period after ''1997'' and inserting '', and an additional $500,000 for fiscal year 1997.''.

SEC. 504. Section 30308(a) of title 49, United States Code, is amended by striking ''and 1996'' and inserting '', 1996, and 1997''.

CHAPTER 6

UNITED STATES POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue foregone on free and reduced rate mail, $5,300,000.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

Page 24, after line 7, insert the following:

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $1,700,000: *Provided*, That $782,500 of these funds shall remain available until September 30, 1998.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mrs. MALONEY of New York. Mr. Chairman, my amendment restores the $1.7 million which the Federal Election Commission says it needs to investigate the high number of pending cases from the 1996 election cycle.

Last night the Republican leadership ruled the bipartisan amendment I offered with the gentleman from Connecticut [Mr. SHAYS], the gentleman from Massachusetts [Mr. MEEHAN] and the gentlewoman from New Jersey [Mrs. ROUKEMA] to restore this funding out of order because the chairman of the Committee on Rules said it was, quote, not an emergency. But let us look at some of the things that are in the bill that are recognized as emergencies.

There is $10 million to the National Park Service to implement the Yosemite Valley transportation plan. There is $37.1 million for road and trail maintenance for the National Forest Service that the committee report does not say is associated with Western flooding or disaster relief, yet this bill recognizes it as an emergency. Then there is $2.5 million to pay for digital mapping in the San Joaquin Valley.

I think that the American people believe investigating charges of corruption and abuse in our elections are just as important, much more important and much more of an emergency than some of the things that are in this bill.

The Federal Election Commission has asked for $1.7 million to conduct investigations into 1996 pending election abuses. The Committee on Appropriations granted the money but said that the Federal Election Commission could only use it for computers. In other words, they fenced it in so that they could not use it for investigators but only for computers. Then the Committee on Rules totally stripped the funding out altogether. First they gave it, then they limited it, and now they are taking it away.

Meanwhile, the Federal Election Commission's caseload has increased by one third but there is no more funding for them. With 285 cases pending, some of them the most complex cases the commission has ever seen, the Federal Election Commission will not be able to pursue all of these violations. Yet this is the same Congress that is spending $12 to $15 million for just one committee's investigations, the Committee on Government Reform and Oversight, while the only agency that can do a nonpartisan probe of the controversial problems that have been charged in election abuses, they are being shortchanged and not being given any money to conduct these investigations.

I feel that we should fund the committee. The money was in the budget, the Committee on Appropriations appropriated it, and then the Committee on Rules removed it.

□ 1830

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

Mrs. MALONEY of New York. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in agreement with the gentlewoman's premise that the $1.7 million ought to be included and frankly ought to be included without restriction. Unfortunately, of course, the Committee on Rules, as I understand the rules, by adoption of the rule struck that as the gentlewoman has observed, but in fact the FEC does in fact need additional resources in order to check what everybody in this country knows is a real problem. Both sides of the aisle are talking about how campaign funds were raised, how campaign funds are spent, and of course this is the very agency that we have asked to check on this for the American public and to disclose it.

The fact of the matter is now cutting this money undercuts what frankly an awful lot of our colleagues say they want done, and that is to see how money was raised, how it was spent and was it done pursuant to law. I thank the gentlewoman from New York for her point.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Maryland, and I appreciate the point that he made. The Federal Elections Commission is the only agency, it is nonpartisan, it is an independent agency, and it is charged to conduct investigations. They have a large surplus, a backload of charges of investigations that need to be looked into, and yet the money has not been allocated, yet this same party, the Republican leadership, allocated $12 to $15 million for a partisan probe in the Committee on Government Reform and Oversight.

Mr. Chairman, I believe this is an important amendment, and I hope that my colleagues will support it.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part no appropriations shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been assigned into law. The amendment, therefore, violates clause 2 of rule XXI, and I ask for a ruling from the chair.

The CHAIRMAN. Does the gentlewoman from New York wish to speak to the point of order?

Mrs. MALONEY of New York. The Committee on Appropriations appropriated the money, and the Committee on Rules removed it, and I disagree with the gentleman's point of order.

The CHAIRMAN. The amendment proposed is an unauthorized appropriation, and is not in order. Under clause 2 of rule XXI, the gentlewoman has the burden of proving the authorization for the amendment. The gentlewoman has failed to prove the authorization. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

GENERAL PROVISIONS, CHAPTER 6

SEC. 601. CLARIFYING CONGRESSIONAL INTENT RESPECTING PROCUREMENT OF DISTINCTIVE CURRENCY PAPER.—In fiscal year 1997 and thereafter—

(1) for the purposes of section 622(a) of Public Law 100–202, a corporation or other entity shall be not deemed to be owned or controlled by persons not citizens of the United States, if—

(A) that corporation or entity is created under the laws of the United States or any one of its States or other territories and possessions; and

(B) more than 50 percent of that corporation or entity is held by United States citizens; and

(2) the Secretary of the Treasury shall use the authority provided under Federal Acquisition Regulation, Part 45.302.1(c) and Part 45.302.1(a)(4) to induce competition, to a level the Secretary determines is appropriate, among those desiring to provide distinctive currency paper to the United States.

CHAPTER 7

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and pensions'', $753,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

POINT OF ORDER

Mr. STUMP. Mr. Chairman, I make a point of order against the bill.

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

Mr. STUMP. Mr. Chairman, I make a point of order that the language on page 26 of the bill, administrative provisions under Department of Veterans Affairs, lines 8 through 15, violates clause 2 of rule XXI, constitutes authorizing legislation in an appropriation bill.

The CHAIRMAN. Is there anyone else who would like to speak to the point of order?

If not, pursuant to clause 2 of rule XXI, the paragraph constitutes legislation on an appropriation bill authorizing certain construction.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING PROGRAMS

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for ''Preserving existing housing investment'', to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Elimination Grants for Low-Income Housing'' for activities authorized under 42 U.S.C. 11921–25, $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account.

INDEPENDENT AGENCIES FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $3,567,677,000 to remain available until expended: *Provided*, That $2,387,677,000 shall become available for obligation on September 30, 1997: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT OFFERED BY MR. BARCIA

Mr. BARCIA. Mr. Chairman, I offer an amendment and I ask unanimous consent that the amendment be considered as read.

Mr. LIVINGSTON. I object, Mr. Chairman, because I do not know what the amendment is.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. Barcia:

Page 28, after line 1, insert the following:

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

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

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

There was no objection.

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

Mr. BARCIA. Mr. Chairman, this is an amendment which has been cleared with the chairman and ranking member of the Subcommittee on VA, HUD and Independent Agencies, the distinguished gentleman from California [Mr. LEWIS] and the distinguished gentleman from Ohio [Mr. STOKES], and I want to thank them for the fine spirit of bipartisan cooperation in supporting this amendment which has also enjoyed the support of the Environmental Protection Agency and the Office of Management and Budget.

Mr. Chairman, I rise in support of my amendment to provide additional authority to the Environmental Protection Agency to grant unobligated balances from funds previously appropriated for the construction of the Center for Environmental Research and Training to the city of Bay City for EPA approved environmental remediation and rehabilitation of publicly owned property within the boundaries of the original CERT project.

This language has been agreed to by EPA and the Office of Management and Budget, and reflects the continuation of an agreement we all reached over a year ago to allow Bay City to clean up its land so that it can be put to other uses. Authority had been provided as part of the fiscal 1996 EPA appropriation, but it was after the end of that fiscal year that EPA determined that additional balances would be available after the settlement of all claims against it for expenses arising out of the CERT project.

Mr. Chairman, the city of Bay City had attempted to be the best neighbor possible for EPA while the CERT project was being designed. Community and business leaders had established a good working relationship, and even EPA Administrator Browner in a visit to Bay City acknowledged the rapport that had been established between the city and the EPA.

It is only right that the best of intentions, the vest of cooperation, be followed with the best of responsible action to allow Bay City to at least realize a portion of the dream that the CERT project had offered by cleaning up this area.

The Senate has already included virtually identical language in this bill, and I have cleared the amendment with both the Chairman of the VA–HUD Subcommittee, Mr. LEWIS, and the ranking minority Member, Mr. STOKES. I want to offer my thanks to them personally and to their staffs for the assistance they have provided to me and my office while this issue has been worked out.

I urge adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BARCIA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,000,000.

NATIONAL FLOOD INSURANCE FUND

In the case only of new contracts for flood insurance coverage under the National Flood Insurance Act of 1968 entered into during the period beginning on January 1, 1997, and ending on June 30, 1997, and any modifications to coverage under existing contracts made during such period, section 1306(c)(1) of such Act (42 U.S.C. 4013(c)(1)) shall be applied by substituting ''15-day period'' for ''30-day period''.

AMENDMENT NO. 19 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KENNEDY of Massachusetts:

CHAPTER 7A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''National Institute on Alcohol Abuse and Alcoholism'', $2,000,000, to be derived by transfer from the amount provided in this Act for ''Federal Emergency Management Agency—Disaster Relief''.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment is really very simple. It asks for $2 million for the National Institute of Alcohol Abuse and Alcoholism to fund studies to examine the effects of the electronic media advertising of all forms of alcohol, including beer, wine and distilled spirits, on underage persons.

The truth of the matter is that we now have a situation in America where the No. 1 killer of people under the age of 24 in the United States today is alcohol abuse. It kills 5 times as many people as all other illegal drugs combined.

We have a war on drugs in America where we spend $15 billion a year of taxpayers' moneys in order to fight a war on drugs, and yet at the same time we allow billions of dollars to be spent

advertising the most abused drug in America.

Now some people do not consider alcohol a drug, but the truth of the fact is that it kills more people, it puts more people into situations where they are completely disoriented, and we see now new studies that show us that 80 or 90 percent of all assaults in universities, 80 or 90 percent of all rapes at universities are all committed when people are, in fact, completely drunk.

Mr. Chairman, what we are trying to do is recognize that as we have held a 48-year ban, one of the, I think, most greatest demonstrations of corporate responsibility in America, a 48-year ban on hard liquor advertising that has been kept in place on a voluntary basis by the alcohol hard liquor industry, broken in these last few months; that it is important for us to understand the implications of that. I think the hard liquor industry has a very legitimate point in that while they have held this ban up, we have seen the beer and wine industry grow substantially in terms of the amount that they are advertising on television and in terms of the market share that they have captured.

But I do not believe the answer, because of this particular issue, is to therefore lower the bar on advertising, so to speak, and have everybody out there advertising, particularly on shows that we have seen, as I saw just a few weeks ago, on cartoons on Saturday morning that my children were watching as beer ads starting coming on the television set.

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

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I would tell the gentleman from Massachusetts that I am constrained to press the point of order. However, I understand the gentleman has had discussions with the chairman of the Subcommittee on Labor, Health and Human Services, and Education, the gentleman from Illinois [Mr. PORTER], and I would advise the gentleman that should he withdraw his amendment at this time, Mr. PORTER has advised that he would entertain further action on this matter in the 1998 appropriations supplement.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman's willingness to work with us, and the gentleman from Illinois [Mr. PORTER] has been one of the great leaders on this issue over the years and has worked in the House, and I very much appreciate the process by which this on a technical basis might have been ruled out of order this evening, but because of the leadership that the chairman has shown, and I hope his support for this issue, and the leadership that Chairman PORTER has shown, that we will in fact get the funding necessary to achieve this study in the coming fiscal year.

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

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Massachusetts is withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 8

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available: *Provided*, That in addition to activities described in subsections (c)(1) and (c)(2) of section 793, the Secretary may use these funds for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

NATURAL RESOURCES CONSERVATION SERVICE

WETLANDS RESERVE PROGRAM

Of the funds made available in Public Law 104–37 for the Wetlands Reserve Program, $19,000,000 may not be obligated: *Provided*, That none of the funds made available in Public Law 104–37 for this account may be obligated after September 30, 1997.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

(RESCISSION)

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded,

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $22,532,000 are rescinded.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $750,000,000 are rescinded.

POINT OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

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

Mr. BACHUS. Mr. Chairman, I raise a point of order against the paragraph on page 33 lines 14 through 21. I also want to advise the Chair I will be raising points of order, three more points of order, against the paragraphs which follow this paragraph.

Mr. Chairman, I raise a point of order against this paragraph in that this provision violates clause 2 of rule XXI because it rescinds $750 million in airport and airway trust fund contract authority, not general fund appropriations for aviation projects.

Airport and airway trust fund contract authority, as with highway authority, which my next three points of order will deal with, while a form of direct spending, is legislative in nature, and rescinding such authority is not within the jurisdiction of the Committee on Appropriations but of the Committee on Transportation and Infrastructure.

This rescission constitutes legislation on an appropriation bill and clearly violates House rule XXI.

□ 1845

This rescission constitutes legislation on an appropriations bill and clearly violates House rules.

The CHAIRMAN. Does the chairman of the committee wish to be heard on the point of order?

Mr. LIVINGSTON. I would, Mr. Chairman.

I would concede the point of order. The gentleman is well within his rights to assert the point of order. I only would say in addition, though, that I regret that he sees fit to assert this point of order, because in fact what it does is to strike $1.7 billion in the rescissions in this bill, which leaves the bill exposed.

We have made it a point since January 1, 1994 to offset all increases in appropriations with rescissions. This $1.7 billion was part of the total package that offset the additional spending in this bill, and I know that this will lead to additional amendments to strike provisions of this bill, which could lead to reductions in disaster relief. I regret that. I think that is unfortunate.

Frankly, I had hoped that this point of order would not be lodged, but it has been lodged and there is nothing I can do about it.

The CHAIRMAN. The point of order is conceded and sustained. The paragraph is stricken.

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, I raise a point of order against page 34, lines 1 through 6.

The provision violates rule XXI in that it is an appropriation and should be under the purview of the authorization committee, the Committee on Transportation and Infrastructure.

The CHAIRMAN. The gentleman is a little ahead of the Reading Clerk. The gentleman will withdraw until the Clerk reads.

Mr. BACHUS. Mr. Chairman, if we have raised a point of order against the first paragraph, does it have to be read anyway?

The CHAIRMAN. The lines the gentleman is raising a point of order against have not been read. If the gentleman would withhold, the gentleman's right would certainly be protected.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $13,000,000 are rescinded.

POINT OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] will state his point of order.

Mr. BACHUS. Mr. Chairman, this provision violates rule XXI, and I would raise a point of order in that it deals with the Highway Trust Fund, whose jurisdiction to rescind contract authority is clearly within the Committee on Transportation and Infrastructure, not the Committee on Appropriations.

I will say, as to this point of order and to the next two which I will raise, that the Committee on Transportation and Infrastructure would be glad to work with the Committee on Appropriations at a future date.

I renew my point of order.

The CHAIRMAN. The gentleman's point of order has been insisted on.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. LIVINGSTON] wish to be heard on the point of order?

Mr. LIVINGSTON. Mr. Chairman, I would make the same comments to all of the gentleman's points of order.

THE CHAIRMAN. The gentleman's point of order is conceded and sustained.

Mr. LIVINGSTON. Mr. Chairman, I understand it is a package deal, and I ask unanimous consent that the remaining points of order all be considered en bloc.

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

There was no objection.

The Clerk will read the next 2 paragraphs.

The Clerk read as follows:

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m) (A) and (C), $588,000,000 are rescinded.

POINTS OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] has raised a point of order against both paragraphs.

The points of order are conceded and sustained.

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, I have a point of order before the committee.

The CHAIRMAN. The point of order of the gentleman from Alabama was conceded and sustained.

Mr. BACHUS. On all four points?

The CHAIRMAN. On all four paragraphs, that is correct.

Mr. BACHUS. All right. I thank the Chairman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which proceedings were postponed in the following order:

Amendment No. 8 offered by the gentleman from Florida [Mr. DIAZ-BALART]; Amendment No. 7 offered by the gentleman from Pennsylvania [Mr. GEKAS].

AMENDMENT NO. 8 OFFERED BY MR. DIAZ-BALART

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 74, not voting 14, as follows:

[Roll No. 133]

AYES—345

Abercrombie	Callahan	Diaz-Balart
Ackerman	Calvert	Dicks
Allen	Camp	Dingell
Archer	Campbell	Dixon
Baesler	Canady	Doggett
Baker	Capps	Dooley
Baldacci	Cardin	Doolittle
Ballenger	Carson	Doyle
Barcia	Castle	Dreier
Barrett (NE)	Chenoweth	Duncan
Barrett (WI)	Clay	Dunn
Bartlett	Clayton	Edwards
Bateman	Clement	Ehlers
Becerra	Clyburn	Ehrlich
Bentsen	Conyers	Engel
Berman	Cook	English
Berry	Cooksey	Ensign
Bilbray	Costello	Eshoo
Bilirakis	Cox	Etheridge
Bishop	Coyne	Evans
Blagojevich	Cramer	Ewing
Bliley	Crane	Farr
Blumenauer	Cubin	Fattah
Boehlert	Cummings	Fawell
Bonilla	Cunningham	Fazio
Bonior	Danner	Filner
Bono	Davis (FL)	Flake
Borski	Davis (IL)	Foglietta
Boswell	Davis (VA)	Foley
Boucher	DeFazio	Forbes
Boyd	DeGette	Ford
Brown (CA)	Delahunt	Fowler
Brown (FL)	DeLauro	Fox
Brown (OH)	Dellums	Frank (MA)
Bunning	Deutsch	Franks (NJ)

Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—74

Aderholt
Armey
Bachus
Barr
Barton
Bass
Bereuter
Blunt
Boehner
Brady
Bryant
Burr
Burton
Buyer
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Deal
DeLay
Dickey
Emerson
Everett
Ganske
Goode
Graham
Gutknecht
Hall (TX)
Hansen
Hefley
Herger
Hilleary
Hostettler
Hulshof
Hutchinson
Inglis
Johnson, Sam
Jones
Kingston
Largent
Latham
Miller (FL)
Norwood
Nussle
Packard
Parker
Paul
Paxon
Petri
Pickering
Riley
Rogers
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Stump
Sununu
Taylor (MS)
Thune
Tiahrt

NOT VOTING—14

Andrews
Condit
Crapo
Hefner
Istook
Jefferson
Manton
Molinari
Mollohan
Schiff
Skelton
Smith (MI)
Velazquez
Watkins

□ 1909

Mr. COMBEST changed his vote from ''aye'' to ''no.''

Mrs. KENNELLY and Messrs. GALLEGLY, SOUDER, and GOODLATTE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 133, I was unavoidably detained. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. Velázquez. Mr. Chairman, I was unavoidably detained during rollcall vote No. 133, the Diaz-Balart/Meek amendment.

Had I been present, I would have voted ''yes.''

□ 2030

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was absent at rollcall vote 133. Had I been present, I would have voted ''no.''

AMENDMENT NO. 7 OFFERED BY MR. GEKAS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 10, as follows:

[Roll No. 134]

AYES—227

Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Aderholt
Allen
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hooley
Houghton
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan

Meek	Poshard	Stabenow
Menendez	Price (NC)	Stark
Millender-McDonald	Rahall	Stokes
Miller (CA)	Ramstad	Strickland
Minge	Rangel	Stupak
Mink	Reyes	Tanner
Moakley	Rivers	Tauscher
Murtha	Rodriguez	Thompson
Nadler	Roemer	Thune
Neal	Rogers	Thurman
Nethercutt	Rothman	Tierney
Oberstar	Roybal-Allard	Torres
Obey	Rush	Towns
Olver	Sabo	Turner
Ortiz	Sanchez	Velazquez
Owens	Sanders	Vento
Packard	Sandlin	Visclosky
Pallone	Sawyer	Wamp
Pascrell	Schumer	Waters
Pastor	Scott	Watt (NC)
Paul	Serrano	Waxman
Payne	Sisisky	Wexler
Pelosi	Skaggs	Weygand
Peterson (MN)	Slaughter	Wise
Pickett	Smith, Adam	Woolsey
Pomeroy	Snyder	Yates
	Spratt	

NOT VOTING—10

Andrews	Manton	Skelton
Hefner	Molinari	Watkins
Hinojosa	Mollohan	
Jefferson	Schiff	

□ 1928

Mr. CONDIT changed his vote from ''aye'' to ''no.''

Mr. FAWELL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, earlier I was in the Chamber and cast my vote. I inserted my card and thought my vote had been recorded. I have been informed that it did not take. Had it been taken on rollcall vote 134, it would have been ''no.''

□ 1930

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RECESSION)

Of the funds made available under this heading for ''Repairs and Alterations, Basic Repairs and Alterations,'' in Public Law 104–208, $1,400,000 is rescinded: *Provided*, That these funds shall be reduced from the amounts made available for the renovation of the Agricultural Research Service Laboratory in Ames, Iowa.

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, with the exception of the recaptures specified in section 214 of Public Law 104–204, $3,823,440,000 are rescinded: *Provided*, That of this amount, the Secretary of Housing and Urban Development shall recapture $3,573,440,000 in amounts heretofore made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs (42 U.S.C. 1437f and 1437f(o) respectively): *Provided further*, That the foregoing recaptures shall be from amounts in the annual contributions contract (ACC) reserve accounts established and maintained by HUD.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARR of Georgia:

Page 35, after line 25, insert the following:

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

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

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

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, this amendment would simply restore $2 million to the Law Enforcement Commission, which was created in section 806 of the Effective Death Penalty and Anti-terrorism Act of 1986.

Last fall in the Omnibus Consolidated Appropriations Act of 1996, the House passed and approved the $2 million in funding for this bipartisan commission, which already has three of its five members appointed. At the last minute, however, Mr. Chairman, this funding was stripped out of the omnibus bill by the Senate. Therefore, the commission has not yet been able to begin its important work.

I would urge we seize the moment afforded by this supplemental appropriations bill to restore this funding immediately. The commission has bipartisan support in the House. The sole purpose of this commission is to put forth recommendations to the Congress to make Federal law enforcement better and more accountable.

The public safety is law enforcement's top priority and this commission would find ways to make us more successful in achieving this mutual priority. Mr. Chairman, I urge my colleagues on both sides to support my amendment in order that this commission may begin its important work.

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

Mr. BARR of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I support the gentleman's amendment to provide $2 million for the establishment of the Commission on the Advancement of Federal Law Enforcement. The House-passed Commerce-Justice-State appropriations bill for this year included $2 million, and I regret that the funding was dropped in our conference with the Senate last fall.

The commission was authorized as a part of the Anti-terrorism and Effective Death Penalty Act of 1996 which was signed into law by the President on April 24 of last year. I think this is a good amendment, and I urge its adoption.

Mr. BARR of Georgia. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUMANN

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

The Clerk read as follows:

Amendment offered by Mr. NEUMANN:

Page 35, after line 25, insert the following new chapter:

CHAPTER 9

FURTHER SPENDING REDUCTIONS

SEC. 901. The amount otherwise provided by this title for ''Federal Emergency Management Agency—Disaster Relief'' (and the portion of such amount that is specified to become available for obligation on September 30, 1997) are hereby reduced by $1,700,000,000.

Mr. NEUMANN. Mr. Chairman, earlier this evening, on a point of order on page 33 of the bill, lines 14 through 21, through page 34, lines 1 through 19, were stricken from the bill. That effectively removed $1.622 billion of rescissions.

Earlier this evening the chairman and I had a discussion about whether the bill was paid for in BA or outlays, and we have a difference of opinion over that. But there is no question at this point that it is no longer paid for even in budget authority. As that point of order was raised, they lost $1.622 billion of rescission, so the bill is no longer paid for in outlays either.

What our amendment does is it simply reaches back to page 28 in the bill. And let me be very, very clear about this, because our rescission deals with money that could not be spent prior to September 30 of this year. On page 28 in this amendment, and I read, quote, ''That $2.387 billion shall become available for obligation on September 30, 1997.''

What we have done is removed $1.7 of this $2.4, roughly, billion to put the bill back in balance so that at least in budget authority the bill is paid for.

Once again, I would point out that our amendment is very straightforward. It simply reaches back in the bill, removes $1.7 billion of advance funding for FEMA. Advance funding does not affect any of the flood spending going on around the country today and in no way affects defense in this bill. It does not affect any of the flood victims today, but rather it only goes in and takes out some money that could not be spent until after September 30 when the normal appropriation process would have completed itself anyway.

So, simply put, this bill puts the bill back to a point where it is at least paid for in budget authority. I will restate that the bill is no longer paid for even in budget authority.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, it is very important that Members focus upon this amendment for it goes right to the heart of why we have an emergency supplemental. If this amendment were to be successful, it would interrupt FEMA's ability to go forward consistently without having to close back their operations at a very critical time.

Remember that the time when these funds will be most needed takes us directly into the heart of the hurricane season, which has been predicted to be among the worst on record.

There is little question that if Members at this time vote in a fashion that would undermine FEMA funding, an agency that among all the agencies has begun to do things right, we will be in a position of having stood on this floor and essentially voted against those people facing very difficult times at this critical moment.

I urge the Members to be very cautious about this vote. I also urge the Members to vote no on this amendment.

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

First of all, let me say that the gentleman from Wisconsin is absolutely right in his assessment of the budgetary impact of this bill. As the bill was reported from the committee to the House, it was in balance. It included spending for Bosnia and for disaster relief roughly $8 billion, and it provided offsets, roughly $8 billion. It was paid for in budget authority.

The gentleman from Wisconsin offered an amendment because he felt that it was not paid for if we considered just outlays. But as we have pointed out, all supplemental appropriations bills have been paid for in budget authority, and that was a practice that was never adopted by the Congress until January 3, 1995. So we thought we had accomplished a great deal.

Now along comes one of the committees, and it has invoked a point of order to eliminate some of the payfors, some of the rescissions, in the amount of $1.6 plus billion. That was the transportation trust fund rescissions which were deleted. That is unfortunate because, as the gentleman from Wisconsin has pointed out, by taking those rescissions out on a point of order, however meritorious, the fact is this bill is not paid for anymore. We appropriate about $8 billion and we have paid for it with about $1.6 billion less than that total amount.

□ 1945

Mr. Chairman, the Committee on Appropriations in bipartisan fashion felt it very necessary to provide offsets and report a bill that was paid for. With the point of order that has been raised, we acknowledge it is $1.6 billion short of being paid for. Let me say that I do regret that, because I believe very strongly that all of this money is needed.

Mr. Chairman, we have had any number of speakers who have gone before the House, came today and pointed to pictures and talked about devastation throughout this country, various locations that have been wreaked by damage from floods, tornadoes, and other disasters. People in 35 States are affected by the contents of this bill and are looking forward to being able to be assisted with the Federal moneys available in this bill. I think that it would be nonsense to reduce the moneys in this bill simply because we have not applied all of the nuances that some people might consider their proper rights to issue on points of order.

The fact is that the Federal Emergency Management Administration funding is needed, and I do not believe that this is the way, as the gentleman points out in his amendment, to get the bill back in balance. I do not think we should just arbitrarily say, well, it is not in balance and therefore let us cut the amount of money. The money was recommended appropriated by the committee, and a like amount of money in the other body was to be appropriated, because it is needed by the American people.

Mr. Chairman, let me conclude by saying that making up that $1.6 billion that was struck on a point of order will be very difficult. The budget neutrality for this bill has been carefully confected because, in fact, outlays are difficult to come by this late in the fiscal year so we paid for this bill in budget authority. By asserting a point of order, the fact is it is now short $1.6 billion. I would hope that the Members would understand that the American people who are devastated by floods and tornadoes and other disasters need this money.

Therefore, this amendment should be defeated. If it is defeated and if this bill is passed, I guarantee that I will do everything in my power as chairman of this committee to make sure that when this bill returns from conference, it will be fully paid for regardless of whatever points of order may have been asserted. And I would hope that the members of the committee that asserted those points of order would join with me and vote to get this bill out of the House and over to the other body where we can meet, confer, and make sure that the conference is completed and that the work is done and that the bill comes back, so that we can send the entire bill to the President of the United States for his signature, and that those people who have been afflicted so adversely by disaster get the money that they deserve.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I thank the gentleman for yielding. I know everyone is ready to get going this evening. I have got a few points that I think should be made as we consider this.

It comes down to the responsibility of the people in this institution. There are people that send us here to act responsibly for the future of this great Nation we live in. I think that as we start thinking about doing things like helping flood disaster victims around the United States of America, I think we have a responsibility to help these people and I think this bill should move forward.

But I think we have a responsibility to future generations of Americans, too. I think it is our responsibility in our generation that if we are going to send money to help flood victims, at least we should take the money out of our generation's pockets, not put it on the burden of our children.

That is what this debate is about. Is it fair for us in this Congress to take credit for sending this funny money from Washington, because that is how we are treating it, is it fair for us to take credit for sending flood disaster relief to victims all over America and then add the debt to our children's burden? That is not right. Our generation has a responsibility to pay for the flood disaster relief money that is going elsewhere.

I would like to clear up a couple of other points. Number one, none of the money that we are talking about could possibly be used in any way, shape or form for a hurricane that hit next month or the month after, nor could it be used for any of the current flood disaster victims we are talking about. In fact, page 28 of this bill says for an additional amount of disaster relief, $3.5 billion to remain available until expended, provided, $2.4 billion shall become available for obligation on September 30, 1997.

What that means in English is that none of the money we are talking about could have been spent before September 30, anyway. September 30 is the last day of this fiscal year. On October 1, we have normal appropriation bills in place. So there is absolutely no impact in any way, shape or form on any of the hurricane victims or any of the current flood victims that are being affected by this money.

Further, and I think this is very important, I think we have to look at this advanced funding and understand why the advanced funding is in the bill. The advanced funding is in this bill, and let everyone understand this, it is in this bill so it can be called emergency spending, even though it is not going to be spent on any of the disasters around America today or any of the disasters that have occurred; but disasters that occur after September 30 when it gets classified as emergency spending, we no longer have to count it toward spending caps. So by putting it in this bill, classified as emergency spending, instead of in an appropriation bill, we do not have to count it toward the spending caps.

What that means in plain, simple English is that we get to spend another $2 billion or $1.7 billion later this year. This is really not about flood disaster relief and the victims out there today. This is about getting to spend another $1.7 billion later this year in the appropriations process without counting it toward the caps that are in place.

Let me just conclude by saying, I think we of our generation have a responsibility to help the flood victims, and I think we also have a responsibility to pay the bill out of our pocket, not put it on the backs and the burdens that are going to be passed on to our children in this great Nation.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. I appreciate the gentleman yielding. I asked the gentleman to yield simply because I did enjoy the gentleman's speech but he just happens to be wrong. The fact is that FEMA moneys, advance payments of FEMA moneys are making up for funding of floods and disasters that have taken place in the past. We have got to continue that funding forward. If we do not continue that funding forward, there could be a gap in FEMA's services. The last thing we need to do as a result of this bill is to allow any gap to occur in those fundings for those disasters that are so important to the American people.

Mr. NEUMANN. Just to make the record 100 percent clear, if this amendment is passed, there is still $700 million of unexpended FEMA money in here. So the gap that the gentleman is talking about and, by the way, I very much respect the chairman of our subcommittee, but the gap he is talking about is more than covered by the $700 million of unobligated and unallocated funds that are still in here. So make no mistake, this does not wipe out all the money like it should. It only wipes out $1.7 billion of it, leaving $700 million still available to cover what the gentleman is referring to.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to put this in the context of either being for or against the Neumann amendment. I would simply like to make some observations about where I am concerned we are going to be.

Right now, FEMA tells us that if we proceed as the House would proceed under this amendment, that come the middle of September, they expect to have less than $200 million available to meet all problems that they are required to deal with, funds that would be unallocated at that point.

I would simply make the observation, this is May 14 or 15, if my calendar is right. This is a month after the budget resolution is supposed to be finished. We have yet to pass all of our regular appropriation bills for this year. What we need to be able to focus on in this House is the passage of all of those appropriation bills if we are to be anywhere near finished by the end of the fiscal year. The last thing we are going to need to do is to have to deal again and again with more emergency supplementals because God has deigned to ignore the budget resolution and has caused natural disasters, or allowed them to happen, in any part of the country.

The real fix, I would submit, is not the Neumann amendment or anything else that has been offered tonight. If my colleagues really want to get the government out of this constant hole of having to find how to finance disasters, what we really need to do is to bring to the floor of this House a new way of dealing with disasters. What we really need to do in my view is to have an insurance fund into which each of the States pay on an experience-rated basis so that if they have disasters, we do not have to go through this month after month and year after year, that there will already be an insurance fund created for the purpose of funding those disasters on a regular basis. Otherwise, no matter what budgets we adopt on an annual basis, we will constantly be jerking them around to make up for the fact that we cannot predict acts of God.

Mr. Chairman, I would simply urge every Member of this House to remember, it is not an easy thing to chair the Committee on Appropriations or each of the 13 subcommittees. Most of the time, all of the choices that you have to make are bad ones. No matter what choice you make, somebody is going to be unhappy, somebody is going to be sore and somebody is going to insist that you have not made a pluperfect decision. It seems to me that the committee has made the best decision it could under the circumstances, and I would simply urge my colleagues to recognize that as we consider this and any other amendment before the House tonight.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to if I could, comment briefly on this because I happen to be from a State that is affected by this disaster. I can tell my colleagues one thing. The people in the Dakotas and Minnesota do not understand what a CR is. A lot of them do not even understand exactly what this whole process is all about, about trying to adopt a supplemental appropriation. But they do know that there are a lot of them who are displaced from their homes, there are a lot of them who have lost property, and I have been in those Red Cross relief shelters, I have seen some, not all of them, but we have got 200,000 dead cattle in South Dakota. In the State of North Dakota I have flown over and looked at the damage. Those people have been decimated. We have an entire community in Grand Forks, North Dakota, in East Grand Forks, Minnesota, that has been entirely decimated by this. They have people out there who are outside of their homes, who have not had utility service and they are waiting for this assistance to be delivered.

We have been talking about this for the last 2 or 3 weeks and every time it is something else that bogs down the discussion, it goes on longer and longer and longer. I am probably as fiscally conservative as anybody in this body and I happen to believe that the chairman of the Committee on Appropriations is also very fiscally conservative. When he gives me his assurance that when we go to conference with this bill that they are going to come out with a bill that is paid for, I believe that. I believe that we have to as a body rally around the people who have been damaged and afflicted by these flooding conditions and many other disasters around this country and do what needs to be done here. We will see that these things are taken care of.

I do not have any intention at all of having a conference report come out that is not paid for. But we desperately need assistance. We have critical needs in our State, in the State of North Dakota, in the State of Minnesota and many others who are affected by disasters in this country and who are going to benefit from the assistance that is provided in this supplemental appropriation bill, and I think that it is high time we get on with it and take care of the business at hand and vote down all these ancillary amendments and get the bill passed, get it conferenced and get the assistance to the American people and the people in our States who really need it.

□ 2000

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think what my colleagues have heard here today are some brilliant theorisms; we have heard some brilliant theories, but there is no time for theories now. We have heard from every side of this House, people who want to predict what is going to happen in 1998 and what is going to happen in 1999, and my colleagues are thinking about some other brilliant nomenclature with whom each of my colleagues is familiar.

But I am standing here to ask my colleagues to get real, to get real and pass the good budget that the appropriations chairman has come out with. He has had to work very, very hard; so has the Committee on Appropriations; so has the ranking member and everyone on this floor.

I am not against theory, but it is just not time for theory. We have people who are covered with mud out there after this particular flooding season.

I come from an area that in 1992 was overcome by hurricane, and had it not been for this Congress acting and acting with dispatch, we would have still had people with an aftermath, and I want to say to my colleagues there is going to be an aftermath to the flood and to the disasters. It cannot be cured

in one small sweep of our hand here on this floor.

So I stand to say to my colleagues let us pass this good bill. Nothing has been perfect in this Congress since the very beginning, and I say to you, Mr. Chairman, that this one will not be perfect, but the people who have been overcome by this disaster need us to act.

What the people who are bringing in theory would like for us to do is to dig a big hole in the 1998–99 VA HUD appropriation, but they just cannot do it by blinking an eye. They have got to prepare for this.

So let us not take this good bill and get it out so that people who have been devastated by the flood can be helped, just as we were helped in 1992 in south Florida.

Mr. Chairman, I appeal to the House to vote yes on this bill.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not consume 5 minutes. I do think it is worth noting to people that not only is this a matter of saying that no relief money is stricken by the Neumann amendment, but because of the language adopted previously in the Gekas amendment, as of October 1 there will be further funding available for FEMA that is guaranteed to make sure that at that time, if there are further disasters occurring, there is money available to FEMA.

So advanced funding for disasters that have not happened yet is not necessary because of the Gekas amendment which we already adopted that guarantees funds will be available October 1.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes either, and the last speaker did not, but I move for us tonight to support the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], and oppose the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The fact is that States like Pennsylvania and States in the Far West have been devastated by the flooding. This legislation moves that forward for the Federal emergencies while still doing right by the budget, and therefore I would ask that we vote no on the amendment.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Pennsylvania for his statement.

Mr. Chairman, I would just point out that these arguments that we can have our cake and eat it too, that one can vote in this particular instance to in fact cut out the $1.6 billion and somehow that FEMA is going to be funded on a forward basis, I think what is being pointed out here is that there are going to be a series of events that occur this summer across this country and where FEMA is going to be called to be active. We are not going to be able to come up here in every instance with another supplemental appropriation bill, and I think we ought to give the benefit of the doubt to the chairman in this instance, and others that have worked on it.

There are people in the State that I represent, in the western part of the State, that have suffered greatly under this particular process, and they need to have a positive answer. I think they deserve a positive answer from this House as we have responded to other natural disasters across this country in the many years I have served in this House.

So I think that this amendment, while well intentioned, I think offers false hope as to what the consequence of it will be. It will hurt, it will hurt the people that we are supposed to and holding ourself up to help, not really representing.

We need our colleagues' help in this instance, and I implore them to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 305, not voting 13, as follows:

[Roll No. 135]

AYES—115

Aderholt
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Blunt
Brady
Bryant
Bunning
Burr
Burton
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Deal
Doggett
Doolittle
Duncan
Ehlers
Ehrlich
Ensign
Ewing
Fawell
Foley
Franks (NJ)
Ganske
Goode
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Linder
Manzullo
McCollum
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Neumann
Norwood
Nussle
Pappas
Paul
Petri
Pombo
Porter
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Snowbarger
Solomon
Souder
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thornberry
Tiahrt
Upton
Watt (NC)
Watts (OK)
Weldon (FL)
White

NOES—305

Abercrombie
Ackerman
Allen
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wise	Woolsey	Young (AK)
Wolf	Wynn	Young (FL)

NOT VOTING—13

Andrews	Manton	Smith (OR)
Berman	Molinari	Watkins
Conyers	Radanovich	Yates
Hefner	Schiff	
Jefferson	Skelton	

□ 2023

Mrs. CHENOWETH and Mr. LEACH changed their vote from ''aye'' to ''no''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LIVINGSTON. Mr. Chairman, we are currently on page 35 of the bill, and in order to expedite the process, I ask unanimous consent that the bill, through page 51, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 51, line 23 is as follows:

TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR PEACEKEEPING

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $306,800,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $7,900,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $29,100,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,566,300,000: *Provided,* That the Secretary of Defense may transfer these funds only to operation and maintenance and DoD working capital fund accounts: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the Reserve Mobilization Income Insurance Fund, $72,000,000, to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

SEC. 2101. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

(TRANSFER OF FUNDS)

SEC. 2102. The Secretary of the Navy shall transfer up to $23,000,000 to ''Operation and Maintenance, Marine Corps'' from the following accounts in the specified amounts, to be available only for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California):

''Military Personnel, Marine Corps'', $4,000,000;

''Operation and Maintenance, Marine Corps'', $11,000,000;

''Procurement of Ammunition, Navy and Marine Corps, 1996/1998'', $4,000,000; and

''Procurement, Marine Corps, 1996/1998'', $4,000,000.

SEC. 2103. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading ''Defense Health Program'', $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 2104. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading ''Operation and Maintenance, Defense-Wide'', $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 2105. Without prior and specific written approval from the Appropriations Committees of Congress, none of the funds appropriated in this or any other Act for any fiscal year may be used to compensate military personnel or civilian employees who (1) are newly assigned to or newly employed by the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller) on or after May 1, 1997, (2) occupy positions in the Department of the Navy's Financial Management/Comptroller organization on May 1, 1997 and who are subsequently reassigned to another organization in the Navy for the purpose of compensation yet who otherwise continue to be directed by or report to the Department of the Navy Financial Management/Comptroller organization, or (3) are temporarily assigned from other Department of Defense organizations to the Department of the Navy Financial Management/Comptroller organization on or after May 1, 1997: *Provided,* That the preceding limitations shall also apply to funds for compensation of military personnel or civilian employees in the organization of the Deputy Chief of Naval Operations (Resources, Warfare Requirements, and Assessments) whose primary function is budgeting or financial management: *Provided further,* That none of the funds in this or any other Act for any fiscal year may be used to reprogram funds within any Navy appropriation (other than Military Construction and Military Family Housing) under the authority of Department of Defense Financial Management Regulation without prior written approval from the Appropriations Committees of Congress.

CHAPTER 2

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 2201. Of the funds provided in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), amounts are hereby rescinded from the following accounts in the specified amounts to reflect savings from revised economic assumptions (with each such reduction to be applied proportionally to each budget activity, activity group, and subactivity group within each such account):

''Operation and Maintenance, Army'', $19,000,000;

''Operation and Maintenance, Navy'', $24,000,000;

''Operation and Maintenance, Air Force'', $18,000,000;

''Operation and Maintenance, Defense-Wide'', $8,000,000;

''Operation and Maintenance, Army Reserve'', $1,000,000;

''Operation and Maintenance, Navy Reserve'', $1,000,000;

''Operation and Maintenance, Air Force Reserve'', $1,000,000;

''Operation and Maintenance, Army National Guard'', $2,000,000;

''Operation and Maintenance, Air National Guard'', $3,000,000;

''Drug Interdiction and Counter-Drug Activities, Defense'', $2,000,000;

''Environmental Restoration, Army'', $250,000;

''Environmental Restoration, Navy'', $250,000;

''Environmental Restoration, Air Force'', $250,000;

''Environmental Restoration, Formerly Used Defense Sites'', $250,000;

''Former Soviet Union Threat Reduction'', $2,000,000;

''Defense Health Program'', $10,000,000;

''Aircraft Procurement, Army'', $8,000,000;

''Missile Procurement, Army'', $2,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,000,000;

''Procurement of Ammunition, Army'', $1,000,000;

''Other Procurement, Army'', $15,000,000;

''Aircraft Procurement, Navy'', $28,000,000;

''Weapons Procurement, Navy'', $6,000,000;

''Shipbuilding and Conversion, Navy'', $33,000,000;

''Other Procurement, Navy'', $8,000,000;

''Aircraft Procurement, Air Force'', $20,000,000;

''Missile Procurement, Air Force'', $11,000,000;

''Other Procurement, Air Force'', $7,000,000;

''Procurement, Defense-Wide'', $5,000,000;

''National Guard and Reserve Equipment'', $8,000,000;

''Chemical Agents and Munitions Destruction, Defense'', $2,000,000;

''Research, Development, Test and Evaluation, Army'', $10,000,000;

''Research, Development, Test and Evaluation, Navy'', $9,000,000;

''Research, Development, Test and Evaluation, Air Force'', $22,000,000;

''Research, Development, Test and Evaluation, Defense-Wide'', $15,000,000.

(RESCISSIONS)

SEC. 2202. Of the funds provided in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), amounts related to foreign currency are hereby rescinded from the following accounts in the specified amounts, except as otherwise provided by law, to reflect savings from revised foreign currency exchange rates:

''Military Personnel, Army'', $37,000,000;

''Military Personnel, Navy'', $9,000,000;

''Military Personnel, Air Force'', $12,000,000;

''Operation and Maintenance, Army'', $124,000,000;

''Operation and Maintenance, Navy'', $22,000,000;

''Operation and Maintenance, Air Force'', $79,000,000;

''Operation and Maintenance, Defense-Wide'', $14,000,000;

''Defense Health Program'', $11,000,000.

(RESCISSIONS)

SEC. 2203. Of the funds provided in previous Department of Defense Appropriations Acts, amounts only associated with unobligated balances expected to expire at the end of the current fiscal year are hereby rescinded from the following accounts in the specified amounts:

''Aircraft Procurement, Army, 1995/1997'', $1,085,000;

''Missile Procurement, Army, 1995/1997'', $2,707,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 1995/1997'', $2,296,000;

''Procurement of Ammunition, Army, 1995/1997'', $3,236,000;

''Other Procurement, Army, 1995/1997'', $2,502,000;

''Aircraft Procurement, Navy, 1995/1997'', $34,000,000;

''Weapons Procurement, Navy, 1995/1997'', $16,000,000;

''Procurement of Ammunition, Navy and Marine Corps, 1995/1997'', $812,000;

''Shipbuilding and Conversion, Navy, 1993/1997'', $10,000,000;

''Other Procurement, Navy, 1995/1997'', $4,237,000;

''Procurement, Marine Corps, 1995/1997'', $1,207,000;

''Aircraft Procurement, Air Force, 1995/1997'', $33,650,000;

''Missile Procurement, Air Force, 1995/1997'', $7,195,000;

''Other Procurement, Air Force, 1995/1997'', $3,659,000;

''Procurement, Defense-Wide, 1995/1997'', $12,881,000;

''National Guard and Reserve Equipment, 1995/1997'', $5,029,000;

''Chemical Agents and Munitions Destruction, Defense, 1995/1997'', $456,000;

''Chemical Agents and Munitions Destruction, Defense, 1996/1997'', $652,000;

''Research, Development, Test and Evaluation, Army, 1996/1997'', $4,366,000;

''Research, Development, Test and Evaluation, Navy, 1996/1997'', $14,978,000;

''Research, Development, Test and Evaluation, Air Force, 1996/1997'', $28,396,000;

''Research, Development, Test and Evaluation, Defense-Wide, 1996/1997'', $55,973,000;

''Developmental Test and Evaluation, Defense, 1996/1997'', $890,000;

''Operational Test and Evaluation, Defense, 1996/1997'', $160,000.

(RESCISSIONS)

SEC. 2204. Of the funds provided in previous Department of Defense Appropriations Acts, funds are hereby rescinded from the following accounts in the specified amounts:

''Shipbuilding and Conversion, Navy, 1994/1998'', $28,700,000;

''Aircraft Procurement, Air Force, 1995/1997'', $14,400,000;

''Missile Procurement, Air Force, 1995/1997'', $4,000,000;

''Aircraft Procurement, Army, 1996/1998'', $18,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 1996/1998'', $26,000,000;

''Procurement of Ammunition, Army, 1996/1998'', $34,000,000;

''Other Procurement, Navy, 1996/1998'', $3,000,000;

''Aircraft Procurement, Air Force, 1996/1998'', $52,000,000;

''Other Procurement, Air Force, 1996/1998'', $10,000,000;

''Procurement of Ammunition, Air Force, 1996/1998'', $21,100,000;

''Procurement, Defense-Wide, 1996/1998'', $34,800,000;

''Research, Development, Test and Evaluation, Navy, 1996/1997'', $4,500,000;

''Research, Development, Test and Evaluation, Air Force, 1996/1997'', $2,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 1996/1997'', $71,200,000;

''Developmental Test and Evaluation, Defense, 1996/1997'', $12,200,000;

''Chemical Agents and Munitions Destruction, Defense, 1996/1998'', $22,000,000;

''National Guard Personnel, Air Force'', $7,600,000;

''Operation and Maintenance, Army'', $17,000,000;

''Operation and Maintenance, Defense-Wide'', $10,000,000;

''Procurement of Ammunition, Army, 1997/1999'', $10,000,000;

''Other Procurement, Army, 1997/1999'', $6,000,000;

''Aircraft Procurement, Navy, 1997/1999'', $48,000,000;

''Aircraft Procurement, Air Force, 1997/1999'', $35,000,000;

''Missile Procurement, Air Force, 1997/1999'', $120,000,000;

''Research, Development, Test and Evaluation, Army, 1997/1998'', $15,000,000;

''Research, Development, Test and Evaluation, Navy, 1997/1998'', $28,500,000;

''Research, Development, Test and Evaluation, Air Force, 1997/1998'', $237,500,000;

''Research, Development, Test and Evaluation, Defense-Wide, 1997/1998'', $100,000,000.

MILITARY CONSTRUCTION

(RESCISSIONS)

SEC. 2205. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

''Military Construction, Air Force Reserve'', $5,000,000;

''Military Construction, Defense-wide'', $41,000,000;

''Base Realignment and Closure Account, Part II'', $35,391,000;

''Base Realignment and Closure Account, Part III'', $75,638,000; and

''Base Realignment and Closure Account, Part IV'', $22,971,000.

CHAPTER 3

GENERAL PROVISIONS

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

SEC. 2301. Of the funds appropriated for ''Military Construction, Navy'' under Public Law 103–307, $6,480,000 is hereby rescinded.

FAMILY HOUSING, NAVY AND MARINE CORPS

SEC. 2302. For an additional amount for ''Family Housing, Navy and Marine Corps'' to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

ASSISTANCE TO UKRAINE

SEC. 3002. (a) The President may waive any of the earmarks contained in subsections (k) and (l) under the heading ''Assistance for the New Independent States of the Former Soviet Union'' contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104–208, if he determines, and so reports to the Committees on Appropriations that the Government of Ukraine—

(1) is not making significant progress toward economic reform and the elimination of corruption;

(2) is not permitting American firms and individuals to operate in Ukraine according to generally accepted business principles; or

(3) is not effectively assisting American firms and individuals in their efforts to enforce commercial contracts and resist extortion and other corrupt demands.

AMENDMENT OFFERED BY MR. VENTO

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

The Clerk read as follows:

Amendment offered by Mr. VENTO:

Page 51, after line 23, insert the following new title:

TITLE III—ADDITIONAL DISASTER RELIEF PROVISIONS

Subtitle A—Depository Institution Disaster Relief

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the ''Depository Institutions Disaster Relief Act of 1997''.

SEC. 4002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can

reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 4003. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term ''leverage limit'' has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term ''qualifying amount attributable to insurance proceeds'' means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 4004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term ''qualifying regulatory agency'' means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 4005. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

SEC. 4006. OTHER AUTHORITY NOT AFFECTED.

No provision of this Act shall be construed as limiting the authority of any department or agency under any other provision of law.

Subtitle B—HUD Disaster Waver Provision

SEC. 4011. DISASTER WAIVER AUTHORITY.

To address the damage resulting from the consequences of the natural disasters occurring in the winter of 1996 and 1997 and the spring of 1997 (including severe weather in the Western United States, damaging tornadoes, and the March 1997 flooding in the Midwest), upon the request of a recipient of assistance the Secretary of Housing and Urban Development may, on a case-by-case basis and upon such other terms as the Secretary may specify—

(1) in applying section 122 of the Housing and Community Development Act of 1974, waive (in whole or in part) the requirements that activities benefit persons of low- and moderate-income; and

(2) in applying section 290 of the HOME Investment Partnerships Act, waive (in whole or in part) the requirements that housing qualify as affordable housing.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

Mr. VENTO. Mr. Chairman, this is an amendment that I have worked out with the acceptance of the majority and the minority. It provides regulatory relief for banking activities in the Minnesota and Dakota area where we have been hit by the floods and some relief in terms of the use of CDBG and home funds. It is a noncontroversial amendment. There are similar provisions like it in the Senate, and I appreciate the support of the manager of the bill and the ranking member.

Mr. Chairman, I have an unfiled amendment at the desk.

This Vento amendment is basically legislation I have introduced, H.R. 1461, the Depository institutions Disaster Relief Act [DIDRA] of 1997. The bill is modeled on a DIDRA enacted into law in 1993. I introduced H.R. 1461 on April 24 and it is supported by the delegations of the affected Midwestern States and key Members of the Banking Committee. I have been working with the Chairman of the Banking Committee to attempt to pass this noncontroversial legislation on the Suspension Calendar. These attempts to move the bill on the Suspension Calendar have been stalled by the supplemental appropriations bill because the version of this legislation in the other body contains similar DIDRA provisions.

As an amendment to the supplemental or as a separate bill, this legislation will help make credit available faster to those in need in the disaster areas, especially those in Minnesota, South Dakota, and North Dakota, and will reduce some of the administrative burdens faced by banks in reacting to this crisis.

Specifically, the amendment gives time-limited authority to the Federal Reserve Board to make exceptions to the Truth in Lending Act [TILA] and the Expedited Funds Availability Act [EFAA] for disaster areas declared so after February 28, 1997, when the board makes the determination that such an exception will alleviate hardships to the degree that it outweighs possible adverse effects. This will have the effect of expediting the availability of loan funds to the community and will provide flexibility to grant exceptions from the availability of funds schedules.

This amendment authorizes the Federal banking agencies to subtract insurance proceeds from qualified institutions total assets. This will have the effect of not limiting institutions to regulatory capital rules when they receive large amounts of insurance proceeds which they subsequently disburse to help rebuild local communities faced by the disasters.

This will allow the regulators to relieve institutions of the restrictive capital rules in a manner consistent with safety and soundness through February 28, 1999.

Further this amendment authorizes banking regulators to expedite regulatory actions which otherwise would be delayed by Federal notice, comment and hearing requirements for depository institutions or other regulated entities whose principal place of business is within a disaster area if the agency determines the action would facilitate recovery from the major disaster. This authority would extend through February 28, 1998.

My amendment includes a sense of Congress that the financial institution regulators should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the north, the Minnesota River and their tributaries.

At the suggestion of the gentleman from New York [Mr. LAZIO], I included additional waiver authority for current funds administered by the Department of Housing and Urban Development for the HOME and CBBG programs. This language will apply a waiver of low- to moderate-income benefit requirements under CDBG and would apply a waiver of the requirement that housing qualifies as affordable housing for HOME funds. These waivers would apply to regular, as in not supplemental, funds available to the recipients that they chose to use to alleviate the effects of the disaster.

Mr. Chairman, I am seeking to move this legislation via the most expeditious route or routes. At this time, the supplemental appropriations bill seems to be the appropriate avenue. Because the bill with which we will conference on the supplemental has slightly more restrictive DIDRA provisions, I ask for my colleagues support in adding this legislation to the supplemental to represent a strong House position on these needed exemptions. Midwestern flood victims, other disaster victims and financial institutions struggling to bring essential credit and normalcy to the communities need this strong waiver authority as soon as possible. Support the Vento amendment to provide additional disaster relief through financial institutions and through CDBG and HOME waivers.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, we have seen the amendment, we agree with the amendment and accept it.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, the majority has no objection to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, I appreciate the support of the Chairman of the Committee on Appropriations [Mr. LIVINGSTON], and the gentleman from Iowa [Mr. LEACH] and others that have worked with us on this, and cosponsors, and the gentlewoman from New Jersey [Mrs. ROUKEMA].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, I am happy to.

Mr. ADERHOLT. Mr. Chairman, given that both the House and the Senate have provided funds to the Federal Emergency Management Agency and the community development block grant to help affected communities rebuild natural disasters, I ask the Chairman's commitment to work in conference on an issue regarding a community in my district that was recently struck by natural disaster.

On April 22, the town of Rainsville, Alabama, in my district was severely damaged by a tornado. The town's fire department, police department and municipal buildings, as well as numerous homes and businesses were destroyed. Fortunately, there was no loss of life. However, the town of Rainsville only has a population of 3,800 and there are very limited local resources to help rebuild the municipal infrastructure.

Although the State of Alabama has provided resources to rebuild the city, there is a small shortfall needed to reconstruct the city hall building. I am asking that the gentleman consider allocating funds to be administered by the Alabama Department of Economic and Community Affairs to assist Rainsville in rebuilding the city hall. I would hope that the gentleman would consider this urgent request as H.R. 1469 moves to conference committee with the Senate.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman from Alabama bringing this important matter to my attention. We certainly will be working with the gentleman as we go towards final passage of the bill. We will do everything we can to work with the gentleman, and I appreciate his attention.

Mr. ADERHOLT. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. Are there additional amendments?

□ 2030

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman, the gentleman from California [Mr. LEWIS] in a colloquy about the availability of emergency funds for communities that have been devastated by catastrophic snowstorms.

As I am sure the gentleman is aware, the past two winters brought record-breaking snowfalls across the United States. In my district, which includes the Upper Peninsula and the upper section of the Lower Peninsula of Michigan, there were areas that received a total snow accumulation of 367 inches, or 31 feet. Records that were set last year were broken only this winter. Even this past Monday parts of my district received over 14 inches of snow, resulting in school closings and further financial strain on communities.

My northern Michigan communities were unable to deal with this onslaught of continuous snow. Yet, it is absolutely necessary for the road commissions to keep roads open to ensure that emergency vehicles can pass. The financial havoc these storms wreaked on the people and local governments of my district will be felt long after the next set of winter storms arrive. The storms caused snow and flooding damage to roads and structures, curtailed agricultural planting, delayed home building and tourism, and induced other personal and financial effects. The true impact of these past two winter storms will be felt for years to come.

It is my understanding that the Federal Government already has provisions in place that would help communities that have been devastated by these natural disasters. As a result of this past January's storms, North Dakota, South Dakota, and Minnesota will receive Federal aid this year for snow removal assistance. In each State the Governor of that State issued a major disaster declaration.

I would just like to clarify with the gentleman that under present law a declaration must be made by the Governor of that State within 30 days of the event, followed by a declaration by the President, in order for local communities to receive Federal aid, and if such declaration was made, the affected communities would be eligible for aid under this bill, as in my case, where communities have been financially devastated by the costs of emergency snow removal.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, the gentleman from Michigan is correct, a disaster declaration by the Governor must be made first.

Mr. STUPAK. Mr. Chairman, reclaiming my time, to clarify further, we would have to change current law in order for these communities to receive Federal assistance without a declaration from the Governor. But due to House rules, such an amendment would not be in order on this bill.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, again, the gentleman from Michigan is correct. Without a disaster assistance declaration from the Governor, followed by a similar declaration from the President, Michigan or any other State cannot access funds under this supplemental appropriations bill.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, the Stafford Act requires that a major disaster request

must be based on a situation of such severity and magnitude that effective response is ''beyond the capabilities of State and local governments and supplemental Federal assistance is required.''

What about those situations where it is beyond the capabilities of local governments, but the State refuses to act? I would hope that politics do not become a factor when our citizens cry out for help, but unfortunately, that seems to be the case sometimes.

Mr. Chairman, currently our system of Federal assistance is like a chain, with each link dependent upon the other. When a disaster strikes, our citizens desperately cling to the bottom of this chain, or lifeline, if you will, while waiting for help from above. If one link in the chain fails, however, our citizens' needs fall by the wayside.

I do not believe that the well-being of our citizens should rest solely with a chain that could contain a faulty link. I believe there needs to be a safety line, one that you hope will never have to be used, but that exists should the current system fail to ensure that we do not drop our citizens that are desperately seeking help.

In an attempt to exhaust every possibility to help my citizens, I offered an amendment before the Committee on Rules that sought to address this matter. However, it was not made in order. I realize that this bill is not a proper vehicle for this legislation. Therefore, I hope to work with the committee to address this situation in a more appropriate manner in the future.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I believe the gentleman understands that the committee makes every effort to work with Members of the body who have problems of this kind.

There must be interaction between the States that are involved with the committee, but, indeed, I agree with the gentleman from Michigan's concerns. I appreciate his leadership on behalf of his constituents, and I look forward to working with him in the future in this matter. There must be, however, cooperation that is more than just a one-way street.

Mr. STUPAK. Mr. Chairman, reclaiming my time, again, I thank my distinguished colleague from California for his leadership.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the Subcommittee on National Security in a colloquy.

Mr. Chairman, I would ask the chairman of the subcommittee, in order to pay for the many unforeseen costs in this bill while meeting our fiscal responsibilities, the committee was forced to offset funding with corresponding cuts in programs throughout the Government.

In the case of the Department of Defense, that resulted in a $40 million rescission for the THAAD program, a centerpiece for our theater missile defense effort that enjoys broad bipartisan support in this body. It is my understanding that this rescission only affects a portion of fiscal year 1996 program funds which could not be obligated before they expire on September 30 of this year due to an in-depth program review.

I also understand that the committee supports efforts to resume testing as soon as feasible after completion of the review, and that there are adequate program funds remaining to accomplish that goal in 1997.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond that the subcommittee made every effort to offset all of the defense supplementals for the Bosnian deployment from funds from the Department of Defense. We did that successfully. We were extremely careful to look at programs where the funding would have expired because the programs had been delayed.

I would say to the gentleman that he is absolutely correct. Missile defense systems to protect our troops is one of our highest priorities. THAAD remains one of the highest priorities in the missile defense program. We are committed to providing adequate funds to keep the program on track.

Our recommendation to rescind a portion of 1996 funds was strictly one of timing. Due to the ongoing program review and resulting schedule changes, all of the fiscal year 1996 funds could not have been executed by September 30, the date when they would expire. However, there are still sufficient 1996 funds remaining, as well as fiscal year 1997 funds, to carry the program forward. The department assures us that there are adequate funds to resume testing later this year upon completion of the review.

Mr. WELDON of Pennsylvania. Reclaiming my time, Mr. Chairman, I appreciate the chairman's assurances that this rescission will not hamper the fiscal year 1997 THAAD effort, and of the committee's continued commitment to the program. As chairman of the Subcommittee on Military Research and Development, I will work with the gentleman to ensure there are no program setbacks after 1997 due to inadequate funding.

It has been 6 years, Mr. Chairman, since we lost 28 service members to a Scud attack in Dhahran, and there is still no system in place to prevent a similar attack in theater. It is absolutely essential that we provide the funding to get this system in the field for our troops at the earliest possible date, especially with North Korea's deployment of the No Dong missile. I am confident that nothing we are doing in this bill will prevent us from moving forward at this time. We will have opportunities in fiscal year 1998 and in future years to restore funds, if necessary, to keep the program on track.

I am, however, concerned that the committee's actions may be interpreted outside Congress as a sign that support for the program is waning, or that we are no longer supporting an aggressive schedule. I say that because I am told the administration may propose reducing THAAD over future year defense plans by as much as $2 billion. Such a move would kill the program, and is unacceptable.

Mr. YOUNG of Florida. If the gentleman will continue to yield, Mr. Chairman, as I stated earlier, the committee only approved this rescission after it was determined there would be no impact on planned fiscal year 1997 testing efforts. The committee did not and would not approve any action which would delay program development.

In the early stages of the THAAD program success was all over the place, but recent tests have been not quite as successful, so the review is necessary. But this rescission should have no impact on the ability to deploy a user operational evaluation system by 1999. We are committed to getting this system and other critical theater missile defense systems into the field to protect our troops at the earliest possible date.

Mr. WELDON of Pennsylvania. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification. I thank the committee and the full committee chairman.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 21 OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer amendment No. 21. The name of the gentlewoman from the District of Columbia [Ms. NORTON] is on it.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HOYER:

Page 51, after line 23, insert the following:

SEC. 3003. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

''§ 6391. Authority for leave transfer program in disasters and emergencies

''(a) For the purpose of this section—

''(1) 'employee' means an employee as defined in section 6331(a); and

''(2) 'agency' means an Executive agency

''(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

''(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave

under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

''(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

''(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

''(f) The Office shall prescribe regulations necessary for the administration of this section.''.

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

''6391. Authority for leave transfer program in disasters and emergencies.''.

Mr. HOYER. Mr. Chairman, this amendment is an amendment that has passed the House, has passed the Senate. I believe there is agreement on both sides of the aisle, and it deals with emergency leave for Federal employees adversely affected by a disaster such as we are dealing with in this bill, and any time that the President declares a disaster.

Mr. Chairman, on behalf of Ms. NORTON, I am pleased to offer an amendment to set up a leave bank for Federal employees affected by the recent flood disasters in the Midwest.

This amendment would allow the Office of Personnel Management to establish a leave transfer program whenever the President declares a major disaster or emergency.

No one can question the need to help the men and women who are affected by these disasters.

They may have injuries or illnesses that require extensive recovery periods.

Or they may simply need additional annual leave to rebuild their home, help neighbors replant crops, or stay with children while damaged schools are repaired.

It makes sense to let other Federal employees help those who are in need. There would be no cost to the Government under the amendment.

Federal employees are generous people.

They contribute millions each year to the Combined Federal Campaign. In fact, since 1964 CFC has collected almost $3 billion in voluntary contributions for a wide range of charities.

They volunteer in their communities—such as Treasury's program to help provide mentors for the D.C. public schools.

And it might surprise a few of my colleagues who love to denigrate Federal workers, that many actually give back annual leave at the end of each year—voluntarily working days they don't have to because of their dedication to their jobs.

It makes sense to allow such employees to share that leave with others who need it.

This leave bank is a great idea and I urge adoption of the amendment.

TALKING POINTS ON NORTON AMENDMENT TO THE SUPPLEMENTAL APPROPRIATIONS BILL

1. This amendment would simply allow the President to direct the Office of Personnel Management to set up a special leave transfer program to assist Federal employees adversely affected by a major disaster or emergency. It would allow individual employees and agency leave banks to donate leave which could be reallocated to those in need within the same or other agencies.

2. This amendment is noncontroversial. It is based upon a proposal sent to the Congress by OPM on behalf of the Clinton Administration. Its provisions are identical to legislation introduced in 1995 by Senate Appropriations Chairman Ted Stevens which passed both the Senate and the House during the 104th Congress. Senator Stevens' bill was not enacted because unrelated legislation (Rep. Mica's veterans preference bill) was attached to it on the House floor and the Senate failed to take up the amended bill before adjournment.

3. The Congressional Budget Office prepared an estimate of this legislation prior to its consideration by the House last September. CBO determined that it would not affect direct spending or receipts and would otherwise have no significant budgetary impact. Mr. Chairman, I ask unanimous consent that CBO's letter be made a part of this hearing record.

4. Civil Service Subcommittee Chairman John Mica supports this legislation and is for it being attached to the Supplemental Appropriations bill.

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

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

Mr. LIVINGSTON. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, the majority has reviewed the amendment. We think it is in the interests of good government. We would accept it, and certainly we have no objection.

Mr. HOYER. Mr. Chairman, it is my understanding that the ranking Member also agrees with the Norton amendment, is that correct?

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

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if it is Norton, I am for it.

Mr. HOYER. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was my original intention to offer an amendment tonight that would rescind $689 million from Air Force procurement accounts and direct that these savings go to debt retirement. This figure represents the amount of money that currently is being wasted by the United States Air Force, according to its own reporting, by not implementing the dictates of the 1995 BRAC commission. During the BRACC process in 1995, the five Air Force depots were thoroughly reviewed by the BRAC commission. The BRAC commission directed that two of those depots, namely Kelly Air Force Base in Texas, McClellan Air Force Base in California, be closed because they were creating an inefficiency problem within the five Air Force depots.

I have in my hand a GAO report dated December 19, 1996, from which I wish to quote. This report said as follows: ''Air Force Materiel Command analyzed potential savings from workload consolidation, including how increasing the efficiency of underused military depots would lower fixed overhead rates. This analysis showed that annual savings of $367 million can be achieved through consolidation of workloads and remaining DOD depots. Further, an additional $322 million can also be saved by relocating workload to depots that already have lower hourly rates.''

Instead of following the directives of the BRAC commission, the President moved to privatize these depots in place, thereby, simply stated, wasting taxpayers' money.

There are things that we should and could do to encourage public-private partnerships in order to increase efficiency of our maintenance structure, but privatization for the sake of politics is not the answer. In the next several days the Secretary of Defense will be putting out the Quadrennial Defense Review. He will recommend further base closings and reforms in our maintenance system in an effort to fund badly-needed modernization. Meanwhile, past savings from these initiatives are unknown in many cases, and in many cases, overstated.

Mr. Chairman, we simply cannot proceed with further base closings until the BRACC process of 1995 is completed. We must not further waste taxpayer money by continuing these bases to remain open.

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

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

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding to me. I certainly support his statement.

I might ask, does the gentleman intend to withdraw his amendment?

Mr. CHAMBLISS. Mr. Chairman, I do intend to withdraw my amendment.

□ 2045

AMENDMENT OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAM JOHNSON of Texas:

Page 51, after line 23, insert the following:

APPROVAL OF CERTAIN PLANS FOR INTEGRATED ENROLLMENT SERVICES

SEC. 3003. (a) Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides

for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

Mr. SAM JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. SAM JOHNSON of Texas. Mr. Chairman, this amendment simply tries to rectify an injustice against the State of Texas, who has been trying to resolve a welfare problem for some time and getting no response out of the administration.

Texas, Florida, Arizona, Wisconsin have all worked to meet the challenge that Congress and the President issued in last year's welfare bill to design innovative welfare systems. Specifically, Texas has designed a system that accomplishes two important things:

First, it consolidates 21 existing programs into one, making it much simpler for welfare recipients to receive and collect benefits.

Second, it saves the taxpayers $10 million a month or about $120 million a year. Those savings, put back into the welfare system, could provide health coverage for an additional 150,000 children a year. But it has been 10 months since Texas submitted its proposal, and to this day they still have not received a satisfactory answer from the Federal Government.

The administration will not approve the proposal because of pressure from the unions, and they will not deny the proposal because it would contradict everything that this administration, the President, has said about ending welfare as we know it. So the result is that the citizens of Texas and every other State needlessly suffer.

This amendment is necessary because we do not want any other State to have to battle and fight like Texas has for the ability to do what is best for its citizens.

Mr. Chairman, Texas and the rest of the Nation's Governors deserve an answer from the administration.

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

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Texas.

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

I rise in support of the amendment and would say one of the key features of the welfare reform legislation that we passed last year was the principle that States should be allowed to try innovative approaches to improve the welfare system. I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to explore the possibility of contracting out part of the welfare eligibility system.

The Texas integrated enrollment system would allow private vendors to compete with a public agency for a contract to develop and operate an integrated enrollment system. The Texas legislature determined that a private contractor working in partnership with the public agency might be able to make the transition to an integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I do not know if that assumption is correct or not. Some of my colleagues have raised valid concerns about the impact that privatization would have on the welfare system. But we are not debating whether or not privatization is a good idea. All we are debating or at least all we should be debating is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system.

It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support it, let us wait and see what proposals are made for privatization before we jump to a conclusion either way.

I regret this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share.

I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution and believe that the administration is willing to work with them as well. I hope they will continue their dialogue to find a solution that will allow Texas to move forward with this proposal.

One of the key features of the welfare reform legislation that we passed last year was the principle that States should be allowed to try innovative approaches to improve the welfare system. I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to explore the possibility of contracting out part of the welfare eligibility system.

The Texas integrated enrollment system would allow private vendors to compete with public agencies for a contract to develop and operate an integrated enrollment system. The Texas Legislature determined that a private contractor, working in partnership with a public agency, might be able to make the transition to an integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I don't know if that assumption is correct. Some of my colleagues have raised valid concerns about the impact that privatization could have on the welfare system. But we are not debating whether or not privatization is a good idea. All we are debating—or at least all we should be debating—is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system. It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support privatization: Let's wait and see what proposals are made for privatization before we jump to a conclusion either way.

Injecting some competition into this process may produce a welfare system that is better for welfare recipients and taxpayers. I would hope that those who oppose privatization will put their energy into improving the current system instead of trying to prevent any competition.

Approving the Texas waiver request does not necessarily mean that Texas will privatize any part of the welfare system. The Federal Government still must approve any contract with a private company before any privatization can become final. We should wait until we see the proposals from private companies before we decide whether or not privatization makes sense. We can't honestly debate the merits of privatization until we know the facts about what privatization will mean.

If the bids by private contractors don't adequately address the concerns that have been raised about the impact that privatization will have on individuals applying for assistance and on the current employees, or if the public sector can demonstrate that they can administer welfare programs more efficiently and effectively than any of the private contractors, I will be the first to argue that we shouldn't go forward with privatization.

I regret that this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share. I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution, and believe that the administration is willing to work with them as well. I hope that they will continue their dialog to find a solution that will allow Texas to move forward with this proposal.

Mr. SAM JOHNSON of Texas. Mr. Chairman, this issue is of great importance to the entire country. When we have the chance to help those less fortunate, especially their children, nothing, including political interests, should stand in our way.

Let me tell the gentleman that tomorrow Mr. Erskine Bowles has agreed to meet with some of us and try to resolve this question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would yield—I oppose the gentleman's amendment that relates to seeking a waiver for the Texas welfare plan allowing for the computerization and privatization of determining eligibility for benefits under the plan.

First it is a violation to take eligibility determination away from the government process. Second, Representatives of the Texas legislature feel this plan as proposed is wrong-headed; and if we act on this amendment we would be interfering with the legal position that State employees should determine eligibility. Third, I will not tolerate the dehumanizing of my most needy constituents—mothers, children, and the elderly in the 18th Congressional District by taking away the ''reasonable human factor'' in determining eligibility. Last week the chief of staff for the President agreed to my request to hold a meeting on the issue to hear from those of us in the Texas Congressional Delegation who oppose this computerization plan. The President should disallow this untenable plan.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

Mr. GREEN. Mr. Chairman, reserving the right to object, we have heard this last colloquy between my colleagues from Texas. Let me give you, as Paul Harvey would say, the rest of the story.

This is not as easy as they would say because the White House has given a response. It is not a response that maybe the gentleman from Texas, Mr. SAM JOHNSON, wants or my good friend, the gentleman from Texas, Mr. STENHOLM. But it is a response that is reasoned and it will work and it is also a response that I hope the Texas legislature is dealing with right now.

The concern some of us have on this side of the aisle is that we do not particularly want a blanket waiver, which is what is being requested. We want to have the competition and also what the private business can do without determining the eligibility.

Let me tell my colleagues what this blanket waiver request would do.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, are we not debating the issue of whether or not the gentleman is entitled to withdraw his amendment?

The CHAIRMAN. That unanimous-consent request is pending. The gentleman is correct. The gentleman from Texas is reserving the right to object.

Mr. LIVINGSTON. The gentleman from Texas offered a request to withdraw his own amendment, and we are now debating that?

The CHAIRMAN. The gentleman from Texas is reserving the right to object to the unanimous-consent request of the gentleman from Texas, Mr. SAM JOHNSON, to withdraw the amendment.

Mr. LIVINGSTON. I thank the Chair. I just wanted to be sure.

The CHAIRMAN. The gentleman from Texas could withdraw his objection and strike the last word.

Mr. GREEN. Mr. Chairman, continuing my reservation of objection, I was not going to take the time of the Congress tonight except my colleagues brought a local issue of Texas to the floor of this House. That is why I think we should be concerned, because this battle is being fought in the Texas legislature right now. And if we believe in local control, then let us let that happen.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia''.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARR of Georgia:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act or any other Act shall be used now or hereafter in any fiscal year for any study of the medicinal use of marijuana.

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

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

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

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

Mr. BARR of Georgia. Mr. Chairman, this amendment would prohibit the Director of the Office of National Drug Control Policy, the so-called drug czar, from using any money under this legislation to study the legalization for so-called medicinal uses of marijuana.

With the efforts being made to balance the budget, it seems entirely appropriate, Mr. Chairman, that we prohibit the administration from spending $1 million, which it proposes to do, on a study to evaluate the so-called medicinal uses of marijuana. We should not do this at any time, but especially not when we have many truly pressing law enforcement needs.

This amendment, Mr. Chairman, would strictly restrict the drug czar from using any money on a study of this kind. This amendment is consistent with the professed explicit policy of the administration to oppose the legalization of marijuana or any other controlled substances.

I quote from the testimony of General McCaffrey. ''We are unalterably opposed to the legalization of drugs or the surreptitious legalization of drugs under the guise of medicinal uses.''

Therefore, Mr. Chairman, this amendment I believe is in keeping with the professed policy of this administration to continue its efforts to oppose the legalization of marijuana, including so-called legalization purporting to have so-called medicinal uses. I urge the adoption of this amendment. It simply restricts funding and is in order at this time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment. It proposes to change existing law, constitutes legislation on our appropriation bill, violates clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BARR] wish to be heard on the point of order?

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent to withdraw that amendment, and I have another one at the desk.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. BARR of Georgia:

Page 51, after line 23, insert the following:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act shall be used for any study of the medicinal use of marijuana.

Mr. BARR of Georgia. Mr. Chairman, I would simply direct my colleague's attention to my remarks previously and note that this amendment does essentially the same thing as the previous one, which the language was not quite in keeping. This simply provides that none of the funds appropriated by this act shall be used for any study of the medicinal uses of marijuana.

As I stated previously, and I would respectfully direct the attention of my

colleagues on both sides of the aisle to my previous remarks, that this is in keeping with the professed explicit policy of the administration that they are unalterably opposed to the legalization of any drugs including for surreptitious purposes under the guise of medicinal use.

This is an effort, Mr. Chairman, to make sure that $1 million, which they may want to use, at least the funds for that purpose, do not come out of this legislation.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

I would simply say there are no moneys in this legislation for any studies of the medicinal use of marijuana. Therefore, the amendment has absolutely no effect and it is immaterial whether it is adopted or not.

The CHAIRMAN. Is there further discussion?

The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this bill came to the floor, it was in shape to be supported on a bipartisan basis and it was in shape that was going to be signed by the President. At least that was my understanding. Now, with the adoption of the Gekas amendment tonight, it is pretty apparent that this bill is on a collision course with the President.

□ 2100

I would simply observe that this body appears to be in such a hurry to get in yet another conflict with the White House that it is willing to leave the House in a State of total confusion, and the Nation as well.

Three years ago, I remember being told by many Members on the other side of the aisle that the Mississippi flood should not be funded until every dollar that was expended for that flood was offset in both budget authority and outlays. Then the rule seemed to change over the past year and a half. Then the rule seemed to be, well, at least it ought to be offset only with respect to budget authority. Now, given the action which struck some $1.6 billion on a point of order tonight, this bill now has a $1.6 billion hole.

So it seems to me that in addition to putting this bill on a track for a veto, which will mean the needed disaster assistance will not be delivered, it also leaves us in a total state of confusion about what the policy of this House is supposed to be with respect to whether or not disasters are supposed to be offset or not. I would simply suggest that that gives us two good reasons to vote against this bill.

I do not understand how we can have a changing standard depending upon which natural disaster we are faced with. So it seems to me that this bill is in far worse shape than it was when it left here in several respects, most certainly because it is not now in balance.

I did not support the Neumann amendment because I did not want to see FEMA funds reduced, but I certainly am in a massive state of confusion about what the policy of this House is supposed to be with respect to offsets.

I do know this bill is not going anywhere, but if it does in its present form, it would simply mean we will have a significant addition to the deficit, and I do not think that is what Members wanted to do when they started out today.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we brought to the floor today a very good bill. It was paid for, and it provided very necessary and needed relief to the citizens of some 35 States that have been devastated by natural disasters.

The gentleman from Wisconsin has said that we have a confused situation. Well, I want to clear up the confusion. I want to take this bill, as it has been amended by the body, to conference; and I can assure Members on both sides of the aisle we will clear up the confusion, and when the bill comes back from conference it will be paid for, and it will provide the necessary relief for our citizens.

So, notwithstanding any partisan differences we may have had on the floor on one issue or another today, give us the opportunity to go to conference and bring the bill back. Members will have a good bill. It will be paid for, and before we go off on recess the American people will have some relief for the natural disasters that they have faced.

Mr. Chairman, I urge the adoption of this bill.

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LAHOOD] having assumed the chair, Mr. COMBEST, 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. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 149, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 244, nays 178, answered ''present'' 1, not voting 10, as follows:

[Roll No. 136]

YEAS—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Chabot
Chambliss
Christensen
Clayton
Clement
Combest
Condit
Cook
Cooksey
Crane
Crapo
Cummings
Cunningham
Danner
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kleczka
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntyre
McKeon
Meek
Metcalf
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Sabo
Sanchez
Saxton
Schaefer, Dan
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Spence
Spratt
Stabenow
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Traficant
Vento
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—178

Ackerman
Allen
Baldacci
Barrett (WI)
Bass
Becerra

Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Burton
Campbell
Carson
Castle
Chenoweth
Clay
Clyburn
Coble
Coburn
Collins
Conyers
Costello
Cox
Coyne
Cramer
Cubin
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Graham
Green
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Klug
Kucinich
LaFalce
Lampson
Largent
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McInnis
McIntosh
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Neal
Neumann
Norwood
Nussle
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Poshard
Rangel
Rivers
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Skaggs
Slaughter
Smith (MI)
Snyder
Solomon
Stark
Stearns
Stenholm
Stokes
Stupak
Thompson
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velazquez
Visclosky
Waters
Waxman
Wexler
Weygand

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—10

Andrews
Boehlert
Hefner
Jefferson
Manton
Molinari
Schiff
Skelton
Watkins
Yates

□ 2125

Mrs. CHENOWETH changed her vote from ''yea'' to ''nay.''

Mr. RAHALL and Ms. HARMAN changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1469, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, I am reserving the right to object, I could not hear the gentleman and I was wondering, what is the nature of the corrections?

Mr. LIVINGSTON. If the gentleman will yield, I am advised that the enrolling clerk has asked for the authorization to correct section numbers, punctuation, cross references and other conforming changes, but there would be no substantive changes to the bill, I would advise the gentleman.

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

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–98) on the resolution (H. Res. 150) providing for consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. GILMAN of New York, vice chairman;

Mr. DREIER of California;

Mr. BARTON of Texas;

Mr. CAMPBELL of California;

Mr. MANZULLO of Illinois;

Mr. GEJDENSON of Connecticut;

Mr. LANTOS of California;

Mr. FILNER of California;

Mr. UNDERWOOD of Guam; and

Mr. REYES of Texas.

There was no objection.

THE FAA AND AIRLINE SAFETY

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

Mr. WOLF. Mr. Speaker, this past Sunday was Mother's Day and it was a day to give thanks for our mothers and praise them and honor them. But this past Sunday also was an important day to many in this Nation, but for a more sinister reason. It was the one-year anniversary of the ValuJet crash.

It was a crash that could have been avoided, Mr. Speaker, with either smoke detectors and fire suppression systems or by prohibiting armed oxygen canisters in some cargo holds. Transporting armed oxygen canisters in unreachable holds is unlawful today, but as the recent Continental Airlines incident indicates, the FAA's enforcement of these regulations is weak.

The NTSB has recommended after the ValuJet crash that the FAA promulgate rules requiring the installation of smoke detectors and fire suppression systems. Similarly, NTSB made an urgent recommendation in December following the TWA Flight 800 crash.

Today I am calling on the FAA to quickly, quickly promulgate and implement regulations regarding the use of smoke detectors and fire suppression systems in all passenger aircraft, as well as fuel tank recommendations of the NTSB. Every Member of Congress who flies an airplane or who represents anybody who flies an airplane ought to be putting pressure on the FAA.

[From the LA Times, May 6, 1997]

SNAIL'S PACE IN AIRLINER SAFETY

FBI Director Louis J. Freeh has reiterated an idea expressed by some federal officials since late last year: that it was a catastrophic mechanical failure that brought down TWA Flight 800 last July, killing all 230 aboard.

''The evidence is certainly not leading in the direction of a terrorist act, It is in fact moving in the other direction,'' Freeh said on a television news show Sunday. But he stressed that no official conclusion on the cause of the TWA disaster has been reached.

Such a slow pace is not unusual in these matters. It took two years, for example, to officially rule that a bomb had caused the explosion of Pan Am 103 over Lockerbie, Scotland, in 1988.

Even without a final report, you might think that corrective action would occur quickly. After all, the National Transportation Safety Board, and now Freeh, has emphasized the possibility that Flight 800 disintegrated because a spark ignited a volatile air-fuel mixture in its central fuel tank.

Well, here's the snail's-pace chronology that followed the ''urgent'' NTSB recommendations on Dee. 13 for changes that it said could prevent an explosion of this kind: The Federal Aviation Administration had 90 days to respond and announced in February that it would issue a notice for public comment in the Federal Register within 30 days. The notice finally appeared in April, at which point another 90-day period commenced. This means that the recommendations cannot be acted on until July.

The Clinton administration and Congress ought to find a way to shorten this process. If a streamlined process had been mandatory, the implementation of one or more of the changes to prevent central fuel tank explosions in more than 1,000 active U.S. commercial jets might already be underway.