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House of Representatives

The House met at 9 a.m.

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

May the grandeur of Your creation, O God, and the opportunities available to every person spark a new commitment in our own hearts and souls to become involved in good works in our communities and in our neighborhoods. If we use a hammer, let us build. If we can sing, let us join the chorus. If we can share our dollars, let us give generously. If we can be a mentor, let us lead and guide. So bless us each one, whatever our tasks, as we light our candle of hope in our communities and so witness to Your love for all humankind. This is our earnest prayer. Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida [Mrs. MEEK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1266. An act to interpret the term ''kidnaping'' in extradition treaties to which the United States is a party.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 830) ''An Act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, and Ms. MIKULSKI, be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair will recognize five 1-minutes on each side.

RADICAL REPUBLICANS USHER IN AN AMERICA OF MORE CHOICE, FREEDOM, AND LIBERTY

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

Mr. TIAHRT. Mr. Speaker, the 13th amendment of our Constitution says, ''Neither slavery nor involuntary servitude shall exist within the United States.'' Today we take that for granted, and for that I am thankful. It is still our standard, our ideal. But the 13th amendment only came to be the law of the land because of the insistence and persistence of a group of Republicans that were called radical. Radical Republicans.

Well, Mr. Speaker, today those who are protectors of big government and big unions are criticizing new ideas by calling the Republicans radical, extreme, mean-spirited, in hopes of swinging public opinion in their favor.

They do not trust people to choose their own schools. That threatens the big teachers unions, so they call school vouchers radical. They oppose IRS reform because they believe taxpayers should be automatically guilty in an IRS tax audit because big government must be funded, so IRS reform is extreme.

Mr. Speaker, remember, when we hear ''radical,'' ''extreme'' or ''mean-spirited,'' it is not new. Radical Republicans insisted on abolishing slavery and today these derogatory words are just ushering in a better America of more choice, more freedom, and more liberty.

DEMOCRATS WANT MEANINGFUL CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, today Democrats are lining up for reform. We have had enough. We have had enough delay. We have had enough Republican excuses. We have had enough hiding behind investigations. We want a real, meaningful cleanup of the campaign finance system.

Therefore, we are here lined up to sign a discharge petition to discharge

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all the proposals on campaign finance reform, some authored by Republicans, some authored by Democrats. Some I am for, some I am against, but we need a meaningful debate on this floor and only one thing has stopped that in this House, and that is the Speaker of the House, who refuses to bring it to the floor.

Mr. Speaker, we say to the American people that we believe the only way to discharge our responsibilities as representatives seeking a cleanup of the corrupting special interests' influence peddling that goes on here in Washington is to put our names right here on a discharge petition forcing a debate so that reform can be effected by the next election.

Mr. Speaker, if the Republicans are ready to join in that effort, it will be a reality. Investigate and prosecute any existing violations, but reform the law.

PAULDING COUNTY APPRENTICESHIP PROGRAM

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

Mr. BARR of Georgia. Mr. Speaker, as we in the Congress continue to grapple with the problem of making sure Americans have the skills they need to work productively in today's society, I am pleased to report that the school system in my district has found a successful way to approach this perennial problem without Federal mandates, without government interference, without tax increases, without national standards.

The Paulding County School System in Georgia's Seventh District, under Superintendent Ray Parren and Apprenticeship Coordinator Nick Pedro, has developed a youth apprenticeship initiative that places high school students in meaningful work experiences during their junior and senior years. It provides them with a broad range of on-the-job experience with an employer of their choosing that is compatible with their career goals, even allowing them to begin college work while enrolled in high school.

Mr. Speaker, my office is a proud participant in this program. Nichole Robinson and Julie Turner have greatly assisted our staff and acquired valuable work experience along the way.

I encourage all schools to begin actively searching for ways to partner with local businesses and government agencies. By preparing students to compete in an increasingly specialized and complex economy, we can help ensure continued national economic growth, prosperity, and academic excellence.

CAMPAIGN FINANCE REFORM SHOULD BE DEBATED NOW

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

Mr. LUTHER. Mr. Speaker, earlier this year we passed a balanced budget plan and a tax cut for the American people. We did it by working together. But today we are in danger of having that accomplishment marred by the refusal to clean up our political system.

Mr. Speaker, today the target date for adjournment is less than three weeks away and the prospect for bringing this critical issue to the floor diminishes each day. Even the other body, with all of its outdated procedures, has managed a handful of votes. Here in the House we have not even been able to debate the issue.

Mr. Speaker, that is wrong and that is why so many of us have lined up to sign this discharge petition to force debate on this issue. That includes many Democrats and a few Republicans signing that this morning.

Mr. Speaker, let us debate this issue and let us debate it now.

PRESIDENT SHOULD NOT PANDER TO COMMUNIST CHINESE LEADERS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as we know, the Chinese Government leaders are coming to America and President Clinton is welcoming them with open arms. I want to ask the President why these Chinese Communists can do no wrong? Is this not the same Chinese Government who illegally donated funds to the Clinton campaign? The same one that uses slave labor, that imprisons political dissidents, and now has leased up our former naval base in Long Beach; a Communist encroachment right here in the United States?

Mr. Speaker, instead of taking money and wrapping his arms around the Chinese leader, the President should be rapping them on the knuckles for their horrific record of religious persecution and human rights violations.

Mr. Speaker, I say to the President, ''Mr. President, stop pandering to a corrupt government that tortures its people and thumbs its nose to a free world.''

DEMOCRATS AND REPUBLICANS MUST ADDRESS DRUG PROBLEM AT OUR BORDERS

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

Mr. TRAFICANT. Mr. Speaker, the Democrats have claimed another victory. The Democrats were successful in stripping the Traficant amendment that would allow troops on the border from the defense bill, and all the Democrats are excited about it, even though our troops are vaccinating dogs in Haiti, they are building homes in Italy, they are guarding the borders in the Mideast, and they are filming political parties at the White House.

Mr. Speaker, a new report that just came out states that the use of heroin by 12- to 17-year-olds in America is at historic levels and our borders are wide open.

The Democrat Party did not kill the Traficant amendment. The Democrat Party is killing the Democrat Party. There is no program. And if the Republicans do not step up and protect our borders, then both the Democrat and Republican Parties should be thrown the hell out and this country needs a third, new independent party.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT] should avoid profanity in his remarks.

INDEPENDENT COUNSEL NEEDED TO INVESTIGATE WHITE HOUSE FUNDRAISING PRACTICES

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

Mr. CHABOT. Mr. Speaker, remember what President Clinton said when he first took office? He was going to have the most ethical administration in history. This is the same administration that held fundraisers in the White House and called them coffees. The same administration that held fundraisers in Buddhist temples and called them finance-related events. The same administration whose ethical standards led them to have sleepovers in the Lincoln bedroom so that the people's house could be turned to fundraising purposes. The same administration that dialed for dollars from the White House and then could not remember doing it.

The same administration that denied the existence of videotapes of White House fundraising coffees and then discovered them in the same uncanny manner that subpoenaed documents in the White House Book Room were found, by the same people who could not remember hiring Craig Livingstone. The same administration that puts Dick Morris in charge of their family values charade and the same administration who hired the same Dick Morris to circumvent the campaign reform laws.

Mr. Speaker, it is the same business as usual at the White House. I would ask my colleagues on the other side of the aisle to line up to ask the Attorney General, Janet Reno, to hire an independent counsel so we can investigate this mess.

□ 0915

THE MARRIAGE OF KEVIN McCARTHY AND LESLIE NOLAN

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today to acknowledge a very special occasion, the marriage today of Kevin McCarthy of Long Island and Leslie Nolan.

Many of my colleagues know the tragic event which compelled Kevin's mother, the gentlewoman from New York [Mrs. MCCARTHY], to seek congressional office, the reckless act of violence on the Long Island railroad that fatally injured her husband and left her son critically injured.

It is often impossible for a family to get through such a devastating experience. Yet the gentlewoman from New York [Mrs. MCCARTHY] and her son Kevin focused their energies on making a difference and ensuring that such a heinous crime could not so easily happen to another American family.

They are courageous people who refused to give up in the face of tragedy.

Kevin and Leslie met during his mother's successful 1996 congressional campaign. The positive energy surrounding that race must have worn off on these two, for by spring they were engaged. It is rare that we have the opportunity in the well of the House to celebrate the momentous events in people's personal lives and to recognize the silver lining which life offers us.

Mr. Speaker, we wish Kevin and Leslie all the best as they enter this exciting time in their lives. May they accept our sincere congratulations and remember that our thoughts will always be with them.

MORE ON THE IRS

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

Mr. ROGAN. Mr. Speaker, if a child molester, a bank robber or a mass murderer is hauled before the bar of justice, they are afforded the procedural presumption of ''innocent until proven guilty.'' It is painfully ironic that when an honest American taxpayer is hauled before the IRS for an audit, the presumption often works in just the opposite fashion: presumed guilty until proven innocent.

Recently, the Republican chairman of the House Committee on Ways and Means, the distinguished gentleman from Texas, offered a proposal that would end this injustice: he proposed that taxpayers be given the same presumption the law affords criminals charged with a public offense. Unbelievably, White House spokesman responded to this proposal by saying it would undermine the ability of the IRS to collect all taxes that are legitimately owed.

In response, columnist Joseph Sobran today hit the nail on the head. He wrote, ''the IRS is the last bastion of law and order, if you equate law and order with government vigilantism.''

IN SUPPORT OF CAMPAIGN FINANCE REFORM

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

Ms. WOOLSEY. Mr. Speaker, over 200 years ago John Hancock and dozens of other patriots signed the Declaration of Independence to proclaim their independence from England.

Well, today, Mr. Speaker, my colleagues from both sides of the aisle and I are putting our John Hancock on a discharge petition on campaign finance reform. We are doing this to declare this Government's independence from big money and special interests. Just as King George refused the American Colonies the representation they deserve, so has the Republican leadership continued to refuse the American people the debate on campaign finance reform that they want and that they deserve. The colonists declared no taxation without representation. It is time for us to say, no adjournment without a debate on campaign finance reform.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. WISE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 56, not voting 59, as follows:

[Roll No. 526]

AYES—318

Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Wolf
Woolsey
Wynn
Yates

NOES—56

Abercrombie
Baldacci
Becerra
Bonior
Borski
Clay
Clyburn
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Everett
Fazio
Filner
Fox
Gephardt
Gibbons
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Hulshof
Jefferson
Johnson (WI)
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McDermott
McGovern
McNulty
Meek
Menendez
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Ramstad
Sabo
Schaffer, Bob
Sessions
Stupak
Tauscher
Taylor (MS)
Thompson
Velazquez
Visclosky
Weller
Wicker
Wise

NOT VOTING—59

Archer
Ballenger
Bereuter
Bono
Brown (CA)
Brown (OH)
Chenoweth
Cooksey
Crane
Cubin
Dellums
Dickey

Dixon	McCrery	Sanders
Doolittle	McDade	Scarborough
Fawell	McIntosh	Schiff
Foglietta	Mollohan	Sisisky
Gekas	Moran (VA)	Smith (OR)
Gillmor	Morella	Souder
Gonzalez	Nadler	Stearns
Houghton	Owens	Stokes
Hunter	Payne	Torres
Kasich	Pombo	Towns
Kleczka	Porter	Waters
Kolbe	Rangel	Weldon (PA)
Leach	Riggs	Whitfield
Markey	Rohrabacher	Young (AK)
Martinez	Roybal-Allard	Young (FL)
McCarthy (NY)	Ryun	

□ 0939

So the Journal was approved.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, is it not customary for lines forming to sign discharge petitions, that they do so along the side, so that they are not in the middle of the gentlewoman from New York who is trying to present a rule?

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair is advised the last several times discharge petitions were filed, the line of Members proceeded from the far right-hand aisle so as not to interfere with debate of the House.

The Chair will insist that Members not stand between the Chair and the Members speaking and that Members not congregate in the well during the debate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 277 waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read. The conference report for the Department of the Interior and related agencies appropriations bill for fiscal year 1998 incorporates a total of $13.8 billion for the fiscal year 1998.

□ 0945

Mr. Speaker, the agenda of the majority has been misrepresented on a number of issues in the past, one of those issues being our commitment to preserving our natural treasures and the environment. In the 104th Congress, we passed a very proenvironment farm bill, a safe drinking water bill, and nine other major bills that had the support of countless environmental groups. Today we have before us a funding bill that takes care of our national parks and protects our environmental resources by providing funding increases for the national parks, the National Forest System, national wildlife operations, and Everglades restoration.

I am also very pleased that the Interior bill amends the recreational fee demonstration program that will now allow parks, forests, and other public lands to keep all the fees that are collected. This initiative, when combined with the $362 million remaining from the $699 million appropriation for the Land and Water Conservation Fund, will help address the backlog in maintenance on public lands.

We all want our children and grandchildren to enjoy the natural beauty of our Nation's treasures, and I believe that this effort will ensure a better maintained and operated parks system for future generations. Mr. Speaker, I am also pleased that the Interior bill includes funding increases for some quality museums and artistic institutions, including the Smithsonian Institution, the National Gallery of Art, the Holocaust Memorial Council, and the Kennedy Center.

I am not, however, supportive of the funding for the National Endowment for the Arts, which receives a $1.5 million cut in this bill below last year's level. While I am disappointed that we were unable to hold the House position that I strongly supported, I am pleased that this bill contains some major oversight reforms of this agency. We all know that private donations and corporate sponsors provide billions of dollars to encourage an appreciation of the arts, and I simply do not believe we need to fund the NEA when these funds could be put to better use. I urge my colleagues to support this rule so we may proceed with the general debate and consideration of the merits of this very important bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

This conference report has taken a long time to complete, Mr. Speaker, because the Interior appropriations bill encompasses a number of controversial issues, including the arts and the environment. However, I would like to praise the conferees for their hard work in reaching agreement on the report language.

In particular, I am pleased that they ultimately saw fit to include in the report $98 million for the National Endowment for the Arts, a funding level which more accurately reflects America's support for the arts than did the original House bill from which all NEA funding was struck on a point of order. It is essential that we continue Federal support for the arts because the arts enhance so many facets of our lives. From the educational development of our children to the economic growth of our towns and cities, we learn more every day about the ways in which the arts contribute to our children's learning.

One recent study showed that students with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math section of the SAT's than did students with no art classes. New research in the area of brain development shows a strong link between the arts and early childhood development. At the University of California in Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing a child's abstract reasoning skills, which are necessary for the learning of math and science. Another recent study showed that doctors with music instruction had greater diagnostic abilities in using stethoscopes than did doctors without music training, and we were all quite surprised to find that the skill of listening and diagnosing with a stethoscope was missing in far too many of our physicians.

Obviously, arts education pays great dividends in a wide range of fields. No other Federal program yields such great rewards on so small an investment. The arts are also an integral driving force behind the economic growth of our Nation. The small investment that we make this year, $98 million, will contribute to a return of $3.4 billion or more to the Federal treasury.

The arts support at least 1.3 million jobs, not only in New York City or Los Angeles or Chicago, but in smaller cities like Providence, RI; Rock Hill, SC; and Peekskill, NY. These are just a few of the many towns and cities across our Nation whose economies have flourished, largely as a direct result of investments that have been made in the arts.

This is not a parochial issue. Members of the House received a letter earlier this year from Americans United to Save the Arts and Humanities, an organization of business leaders, expressing their strong support for NEA. In that letter the CEO of Xerox Corp., the chairman and CEO of Sun America, Inc., the chairman and CEO of Sara Lee

Corp. and over 100 other business leaders endorsed continued Federal funding for the NEA as well as the National Endowment for the Humanities.

While I support the funding for the NEA provided in this conference report, I must express concern over some of the report's other provisions that I believe will have detrimental effects on our environment. For example, the conference report includes a provision to remove the current cap on the use of purchaser road credits in the national forest system. This will encourage excessive road building in our national forests and will allow timber companies to log in remote areas. In addition, the national forest planning provision will interfere with the Forest Service's process of updating and revising its forest management plans, which is required by the National Forest Management Act. Furthermore, the log export rider will drastically reduce the effectiveness of the law that bans the export of logs from our national forests as well as from State-owned lands in the Pacific Northwest.

Another provision in the report allows money from the Land and Water Conservation Fund to be used by Federal land management agencies for the maintenance of existing holdings. The use of LWCF money to meet ongoing maintenance needs is inconsistent with the purpose of the law and would rob the LWCF of funds needed for new acquisitions, without crafting a lasting solution to the ongoing maintenance shortfalls.

Other language in the conference report sets out numerous requirements before the New World Mine and Headwaters acquisitions can move forward, and allows the authorizing committees to stipulate additional requirements for these projects. Given that general authorization already exists for these two acquisitions, any additional requirements are unnecessary and set a dangerous precedent for future acquisitions.

With those reservations, Mr. Speaker, I would like to thank my colleagues on the conference committee for their hard work in coming to an agreement on the report language and in particular for their efforts in regard to the NEA.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. This is the rule on the conference report on the Interior bill. I would urge all Members before we vote on the rule to take a good look at this bill. A lot of groups have worked on it, the White House, the staff from the authorizing committees of both Houses and the Committee on Appropriations and Members from both sides of the aisle, have had input in this piece of legislation.

Obviously, there are things in here that people do not like. There are a few things I do not support. But this is the product of compromise. In a democracy we have to arrive at an agreement on legislation that we find is in the best interests of the United States of America. I think this bill very well qualifies.

I would point out also the breadth of the bill, that over three-quarters of the districts of the 435 congressional districts are impacted by provisions in this bill. I would urge Members to be sure that they understand the impact that this has on their own district.

I call this the ''take pride in America'' bill. There is so much in here that gives us a reason to take pride in our country. Last night the new concert hall, not the new concert hall but the refurbished concert hall in the Kennedy Center was opened. It was a magnificent evening, and a magnificent facility. It is there because of this bill in the past providing part of the money and also money coming from the private sector by way of contributions, a tremendous partnership of the people of this Nation to put together a concert hall we can all look to with pride and point to with pride.

They did something that I want to compliment them for doing. This was the opening night of the new hall or the refurbished hall, and they invited the people who did the work and their families to share the evening. What a great idea. Think of the pride those people felt that did all of the different things that made this concert hall, I think, the finest in the world today. They were there with their children, with their families. What a wonderful idea. We should do more of that.

I think it is ''take pride in America'' as you listened to that great symphony play and perform and to listen to Vernon Jordan recite the quotations from Martin Luther King with a background of the National Symphony, a very moving evening. We can take pride in America in this bill because we address diabetes problems in our Indian population. It is a care bill. We have extra money in here because this is a problem for our friends in the Indian population.

It is a take-pride bill because I noted this morning in the news that we have the highest percentage of home ownership ever in the history of this country, over 66 percent. That is one of the great American traditions, to own your own home. Part of that is trees, not a lot, but some of the trees that come out of our national forests, another great asset of America that is used to help build those homes.

It is a ''take pride in America'' because it provides for Indian hospitals, for Indian schools. It means that the native Americans have a chance to break out, to get an education, to get their health needs met.

I could go on at great length about this, but I think also it is something we can point to with pride that this bill emphasizes maintenance. We recognize that we have to take care of what we have. So we do not try to buy up everything in sight, but rather to say not only selectively buy land or build facilities, but also let us maintain what is already in place. We have added money for maintenance. We have added money for improvements, such as we had noted last night in the Kennedy Center.

I want to address a couple of issues that are of concern to many members, because I think it is very important that we support the rule on this. First of all, the National Endowment for the Arts. I know this has been controversial. A little bit of history. In 1995, we did not have enough votes to pass the rule, so on the Republican side we made an agreement that we would provide 2 years of funding and then eliminate all funding.

Let me point out again, the bill that left the House did not have any money for the National Endowment for the Arts. I would also point out, that in every bill since 1995, the other body has said clearly, we do not agree with this, we are not going to be bound by anything the House does, and we are going to continue to put in funding for the National Endowment for the Arts. When we got into conference, the Members from the other body insisted on their numbers.

I would also point out at this juncture that the total amount of money here is far less than it has been historically. I think at one point we were up around $170 million or more for the NEA. This bill has about $98 million. If we take into account inflation, it is about half of what it used to be. It is almost $40 million less than the President requested. But, also, in view of the Senate's insistence on their position, we put in conditions restricting the way this money would be expended.

□ 1000

First of all, we provide, and this is a suggestion from the gentleman from Illinois [Mr. YATES], and I think a good one, that there be three Members of each House on the board. We reduce the number of public Members from 26 to 14, add 6 Members of the House and Senate, just as we do with the Kennedy Center and with the Smithsonian. I think that is a very important element. It gives us oversight on a daily basis of the NEA.

We also recognize that the States have done an outstanding job, so we provide that instead of the States getting only 34 percent of the money, they will now get 40 percent of the money.

We also provide that no State can get more than 15 percent of the total available to the States. We want to spread this across the Nation. We provide that grants have to be made to companies that are not professional. Under the rules of the NEA, historically only professional companies could get grants. We said let's make these small communities across the United States, where

they have a volunteer ballet or a volunteer opera company, eligible for a little bit of help. So we have done that.

We have put in a strong educational component. We say we want these grants to have an educational impact. I thought, as I listened to the National symphony last night, I just wonder if one of those people performing as part of the symphony might have been inspired by an ensemble that went out from a local community, as they did in ours, and visited the schools. They got a small grant and went out with the small grant, the financing, with an ensemble, to tell students what a symphony is all about. Maybe one of those people last night had that kind of an impact.

We also eliminate seasonal grants and subgranting, because a lot of problems NEA has suffered was a result of their giving a grant which was then subgranted to another group or individual. For example, the experience in Milwaukee, that was a lump sum grant to the institution, and they in turn made a subgrant that we found objectionable. That cannot happen anymore, because we have addressed that problem.

I could mention a number of other things, but I think those are the important ones. More money to the States, spread this over the Nation, get the education component in, and limit what any one State can get, plus, of course, having the oversight of Members of Congress.

I might also add, we have reduced the overhead. We reduced the amount that can be spent on people downtown by $566,000, and there is another feature in here, many of my colleagues who object to NEA say privatize it. Well, we start that. We have a beginning. We give the NEA authority to seek private funds. I think this could lead to an evolution of private financing for the National Endowment for the Arts.

I hope that in making decisions on this, that people will consider what we have done by way of restrictions to ensure that the NEA is focused on the cultural heritage of this Nation; that the NEA is focused on inspiring people to do things that are worthwhile, such as what we saw last night with the National symphony. The other area of contention is in the Forest Service area. I want to point out a few things here.

First of all, we have one of the lowest allowable cuts we have ever had. Just for example, about 10 years ago, we provided for 11 board feet to be cut. This bill limits it to 3.8 billion, a very substantial reduction. I think this should make those of you who are concerned about the environment very happy with this in the bill.

We also provide money to close more roads than we build. That is another very proenvironmental feature of the bill. We provide for forest health. We recognize that we need to have healthy forests for those that want to recreate in our forest, for those who want to enjoy the out of doors.

As a footnote, I might say that twice as many people use the National Forests for recreation as use the national parks, and that is one of the reasons that good roads are very important, because we do not want a family going out there with their kids to camp or to hunt or to fish, going off the road. We do not want these roads pushed through by a bulldozer so when you get the first rain the road goes down in the local creek. So we want them built to certain standards. That is the reason there is an element of Federal control.

We also want roads that when we have insect problems, disease prevention, fire suppression, that our people can get in in a safe way.

So I hope Members will give some thought to that as you make a decision on whether or not to support the rule and support the bill.

We also provide significant withdrawal funds for refuge maintenance. This does not get a lot of attention. But we provide money that they can build dikes, that they can make these facilities more accessible. I know that the Ducks Unlimited people are very supportive of the bill for the reason that we do that, and we are going to have the 100th anniversary of the Fish and Wildlife Service in the year 2003 and we are doing everything we can to make sure that the facilities are in first class condition.

I think there are a lot of positive things in this bill that I would recommend to Members.

One last comment. We have heard a lot about global warming in the last few days, and I think this is another very, very proenvironmental feature of this bill. People are talking about global warming.

How do you address global warming? By reducing emissions. What do we do in this bill? Under the energy section, we have a $42 million increase for conservation programs. Conservation, burn less and do it more efficiently. Part of that is clean coal, part of it is the way we use natural gas and many other things.

But that is the real world of global warming, and that is conservation. We do it. We have increased by $42 million the amount we can allocate to that.

Alternate fuels, new ways. Fuel cells, for example, new technology. Again, this bill provides funding for a number of critical programs, but I want to point out again one feature throughout the bill, and that is we want matching funds. On our energy programs, on the technological developments, we require a match from the private sector, so they, too, have a stake in what is done, and the same thing is true in other parts of the bill.

I think that this partnership approach is an important element in everything we do in terms of research.

There are a lot of other technological items in here, weatherization, which again is designed to conserve fuel to impact on the problem of global warming.

Just let me close by saying to all of my colleagues I am sure that you will find things you do not like about this bill. We all can find things. But we are one Nation, and, on balance, this bill I think overall is good for the United States of America. It is good for the environment. It is fair, it tries to address the problems that we have out there in a way, and we try to do it in a very economical way. That is the reason we were able to reduce the cost $400 million under last year, while at the same time increasing the parks by $79 million, increasing the forest by $42 million, and I could go on.

One last feature I would mention is that we provide 100 percent of the fees collected at the parks, at the forests, in the Fish and Wildlife Service, at the BLM facilities, 100 percent stays in the service. It does not go to the Treasury. It used to go to the Treasury so there was no incentive.

Now, when the management of the parks collect a very modest fee from those parks or forests or any of those facilities, they get to keep it. If you do not think it is great, just talk to a park superintendent about how they have been able to do things that otherwise they were not able to do because of this.

I found one little interesting thing. I visited one of the parks out in California, and the people there told me that since they have had the fee program, vandalism has gone down. Why? Because the individual has got a stake in it.

When they are paying something, they realize that there is value to this. They take better care of it, and at the same time visitation was going up.

So this is a great policy issue that is part of this program, and this is a good bill. This is a good bill. Members should vote for it. It is important to all of us. It is important to the environmental future. It is important to the recreation future. It is important to the conservation, global warming, all of these things. This bill tries to address them in the best possible way.

Mr. Speaker, I urge Members to vote for the rule and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and the conference report. Those who were here who remember the timber salvage rider, or those who were here in support of the timber salvage rider, one of the worse environmental votes of recent Congresses, and in fact something that was even disastrous for the industry that promoted it because of the backlash, will love this bill. Because this bill is rife with special interest, antienvironment riders, in addition to a rider which effectively repeals the ban on the export of Federal logs.

That is right, we are now going to supply the Japanese with logs from our

Federal lands. There is deep denial on the part of a few who promoted this amendment, particularly our colleague from Washington State, but that is true. I will read later from a report which documents that.

It has a provision that would prevent the Forest Service from updating and revising its forest management plans. No matter which side of the forest debate you are on, you should be opposed to that provision. Even if you want higher harvest on the Federal lands, you would freeze in place the current regime. You will not update the plans. You will fall in conflict with other Federal laws.

It overturns a court injunction against the Forest Service on one-half of the grazing leases on 11 southwestern national forests. It has a provision delaying the completion of the Pacific Northwest interior Columbia ecosystem management process, which may well put us again in conflict with the Endangered Species Act and bring more court injunctions against activities in the Pacific Northwest. It has a provision preventing the reintroduction of grizzly bears into the Bitterroot ecosystem and on and on.

Also, for the first time, it takes land and water conservation funds and not acquiring lands that we need to protect the wildlife of this country, sensitive wetlands and others that are threatened with development, taking things from the huge list of backlogs and land and water conservation funds. No. It gives $10 million to Humboldt County in the district of the gentleman from California [Mr. RIGGS], and $12 million for a road maintenance fund in Montana for the gentleman from Montana [Mr. HILL], and $10 million to the State of Montana in terms of Federal mineral holdings. Why? To offset the impact of actual land water conservation purchases promoted by the administration for the headwaters area and in the new world mine.

These are payoffs, these are unprecedented, and a very, very bad use, and an unauthorized use of land and water conservation funds, but they are protected by the rule, as are these other unauthorized provisions in this bill.

But the worst and least understood provision is one that the Department of Agriculture's own inspector general, despite what some here will protest, who are apologists for the log exporters, say, and I quote, ''They will effectively gut the 1990 law banning the export of unprocessed logs from National Forests in the West.''

Let me repeat that. Effectively gut the 1990 law. She goes on to say? Her opinion, it would basically make enforcement dependent upon voluntary compliance, voluntary compliance, when there are millions of dollars to be made by diverting these scarce Federal resources into export to the Japanese, who do not harvest a single log. Fifteen thousand mills operating in Japan, 350 struggling to operate in the Pacific Northwest.

And, guess what? They do not cut any trees. Why? Because we give them the logs. And under this bill we will give them more logs and they will come off of our Federal lands. It will increase pressure on those Federal lands.

This is a horrible provision, a horrible precedent. Again, the apologists will say, no, we are just fussing it up a little bit. These 12 pages that we put in there, these provisions that the inspector general says will gut the law, they will not really gut the law; do not worry about it, or we will fix the problems later. Not a single hearing was held in the House or Senate by the authorizing committees. Not a single hearing. No discussion on things previously stuck in by the Senate. We are being told we cannot control the Senate.

□ 1015

Two Senators from Washington State and one Representative from Washington State are particularly promoting this provision. Again, they are denying the reality of it. We have the opposition of 60 national and local environmental groups to the provisions of this bill; we have the opposition of the National Carpenter's Union to this bill.

Mr. Speaker, I include for the RECORD these statements in opposition.

The material referred to is as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, September 4, 1997.

Representative PETER A. DEFAZIO,
U.S. House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DEFAZIO. The United Brotherhood of Carpenters and Joiners has always supported a ban on the export of raw, unprocessed timber from public lands. In response to our calls and those of American workers across the country, Congress approved a ban in 1990. Recently, language was inserted into the Senate FY 1998 Interior Appropriations bill that weakens this bill.

Through the practice of substitution, log exporters can export private, unprocessed timber while buying public timber to make up for the shortfall caused by their own exports. This practice was restricted in the 1990 legislation and any attempts to weaken it should be opposed.

The current Senate rider impacts the anti-substitution aspects of the law. These substitution limitations were included to prevent companies from circumventing the intent of the law by exporting private raw logs and then buying public timber to substitute for the exported logs. This policy was set to encourage companies to make a choice, within any given ''sourcing area,'' between supplying their mills with federal timber or exporting private, unprocessed timber, not both.

The rider would alter the definition of these geographic sourcing areas and render the anti-substitution rules ineffective. The high economic value of these logs and the growing practice of transporting them long distances, between sourcing areas, have diluted the sourcing area limitations. This, along with the Senate rider will make it possible for companies to more easily export raw logs and purchase and process public timber.

Workers suffer when raw logs are exported. Not only do we lose the commodity itself, we lose the manufacturing jobs that turn the raw logs into lumber used for construction and other value-added activities like furniture making.

Representative Peter DeFazio is circulating a letter to President Clinton and the Interior Appropriations Conferees urging them to oppose this weakening of the 1990 log export ban. On behalf of the 500,000 members of the Carpenters Union, I ask you to add your signature to this very worthwhile request.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

SEPTEMBER 5, 1997.

President BILL CLINTON,
The White House, Pennsylvania Avenue NW, Washington, DC.

DEAR MR. PRESIDENT: We urge you to oppose any amendments that may be included in the fiscal year 1998 Interior and Related Agencies Appropriations bill that would weaken the 1990 law banning log exports from federal and state lands in the West, or otherwise prevent the Forest Service from property enforcing the export ban.

As you know, in 1990 Congress overwhelmingly approved a permanent ban on the export of unprocessed timber from National Forests, Bureau of Land Management and state-owned lands in the Western United States. An important part of that law prohibits a log exporting company from purchasing federal timber for its mills as a replacement for private timber the company is exporting. This practice, known as ''substitution,'' is little more than the backdoor export of federal timber.

A Washington State trade group representing the interests of large exporting firms is attempting to significantly weaken the 1990 law. The group has asked members of the House and Senate Appropriations Committees to support an amendment that would make it legal for a company to purchase federal timber as a direct substitute for private timber the company is exporting. Apparently, the Forest Service has drafted an amendment aimed at satisfying the log export lobby's concerns.

Every log exported from the Pacific Northwest increases the economic and political pressure to log the region's federal forests. The Northwest Forest Plan is already under severe stresses and strains from attacks from the timber industry and the 104th Congress. Overcutting federal lands resulted in wild salmon and ancient forest dependent wildlife headed for extinction. Now is not the time to allow for a backdoor to open for cutting down the forests owned by U.S. citizens.

The ban on log exports from public lands enjoys overwhelming support in the Pacific Northwest. Not only is export ban hugely popular, it is critical to the health of the Northwest's forest ecosystems. We urge you to defend the integrity of the 1990 log export ban by insisting that the total prohibition on federal and state log exports continue and that the Forest Service property implement the ban on substitution.

Sincerely,

Steve Thompson (Box 4471, Whitefish, MT 59937) on behalf of, Bonnie Joyce, Friends of the Coquille River (OR); Adrienne Dorf, Gifford Pinchot Task Force (WA); Ellen M. Bishop, Grande Ronde Resource Council (OR); Bill Hallstrom, Green Rock Audubon Society; Julie Norman, Headwaters (OR); Rick Johnson, Idaho Conservation League; John Osborn and Steve Thompson, Inland Empire Public lands Council; David Orr, John Muir Project of Earth Island Institute; Jim Britell, Kalmiopsis Audubon Society (OR); Tim Coleman, Kettle Range Conservation

Group (WA); Chris Magill, Kitsap Audubon Society (WA); Felice Pace, Klamath Forest Alliance (CA); Dave Stone, Lane County Audubon (OR); Amy Schlachtenhaufen, Lighthawk; Susan Crampton, Methow Forest Watch (WA); Alexandra Bradley, Quilcene Ancient Forest Coalition (WA); David Dilworth, Responsible Consumers of Monterey Peninsula; Cynthia Wilkerson and Owen Reese, Student Environmental Action Coalition; Bill Arthur, Sierra Club, Northwest Regional Office; Steve Marsden, Siskiyou Regional Education Project (OR); Cheryll Blevins, Southern New Mexico Group of the Sierra Club; David Biser, SouthWest Center for Biological Diversity (NM); David C. James, Spokane Chapter of Trout Unlimited (WA); Robert M. Freimark, The Wilderness Society; Ken Carloni, Umpqua Watersheds, Inc (OR); Stephen I. Rothstein, Univ. of California, Santa Barbara, Dept. of Ecology, Evolution and Marine Biology; Ben Watkins and Mary Schanz, Voices for Animals (AZ); Martin C. Loesch, Washington Wilderness Coalition; Steve Phillips, Washington Wildlife Federation; and Jeff Stewart, Washington's Eighth District Conservation Coalition.

Mr. Speaker, there are also a number of mills in the Pacific Northwest, including Boise Cascade, and 20 small independent companies in Oregon and Washington, who oppose the log export provisions.

Again, who supports it? Five very powerful large log exporting companies led by Weyerhauser in Washington State, two U.S. Senators from the State of Washington, and our colleague, the gentleman from Washington. That is about it. Those are the people who are promoting this, overturning the intent of Congress, a longstanding Federal law that says we are not going to take our logs and export them from Federal lands to a country, Japan, which does not harvest any trees of its own, and does not allow freely our finished products into its markets; no tariffs on our logs, but big tariffs and barriers on our finished wood products.

This is not a minor technical revision in the law. Again, according to the Department of Agriculture's inspector general, it will force the forests to rely on the voluntary compliance of timber exporters in order to enforce the ban. The ban will still stand, but they will not be able to enforce it. In fact, the IG's office states that this provision would allow exporters to directly export Federal timber, in the full knowledge that their chances of getting caught are near zero.

Mr. Speaker, I include for the RECORD the opinion of the inspector general from the Department of Agriculture into the RECORD, Ms. Rebecca Batts, director of the Rural Development and Natural Resources Division of the Department of Agriculture's IG office.

The material referred to is as follows:

REVIEW OF THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1997

As requested by Jim Lyons, I have reviewed Title VI, H.R. 2107. I was requested to provide the quickest possible assessment, as the bill is currently in conference. Therefore, this evaluation reflects my preliminary conclusions only and does not reflect an ''in-depth'' assessment of the myriad factors that could affect implementation.

Implementation of the proposed bill will effectively gut the ''Forst Resources Conservation and Shortage Relief Act of 1990.'' In essence, that act prohibited export of unprocessed logs harvested on Federal land and established limitations on the ability of an exporter to substitute unprocessed Federal timber for unprocessed timber exported from private lands. The amendments currently under consideration allow some direct substitution in Washington State, west of the Colville National Forest, the area where we have been told that most of the exports originate. A person could acquire federal timber, and, in the same area, export private timber if the timber originates from land he does not own or have an exclusive right to harvest timber for more than seven years. The Act also would allow a purchaser of federal timber to export private timber immediately after disposal of federal timber, without regard to the calendar year restriction currently in place. Under current law, this would have been deemed substitution. Further, the Act subjects certain basic internal controls (e.g., log branding and record keeping) to a cost-benefit test that may make restrictions difficult or impossible to enforce. Without these basic internal controls, the risk of commingling federal and non-federal timber escalates dramatically. With comingling comes an increased opportunity to divert non-export logs into the export market.

Enforcement of proposed bill will be so difficult that the Department will be dependent on the voluntary compliance of timber purchasers, exporters, and mills. Regulations developed to implement the current law were suspended by Congress, in part because of the perceived adverse effect on the Western Forests Products industry. The suspended regulations included key internal controls to enable the Department to enforce the ban on export or substitution. The controls were not significantly different than many currently in place as part of Forest timber theft prevention plans. For example, the suspended regulations required branding and painting of federal timber and reporting information about transactions involving federal timber.

The proposed law subjects the key controls of timber marking and reporting to a cost/benefit analysis—perhaps making it more difficult for the Forest Service to establish these controls which are specifically aimed at the detection of non-compliance. In essence, it will be necessary to demonstrate the existence of violations to obtain support for implementation of the controls. However, demonstrating violation will be nearly impossible, as the controls to allow detection of violations will not be in place. An additional, unintended effect of the requirement could result in Forest Service inability to enforce extant marking requirements aimed at ensuring compliance with domestic timber measurement issues (i.e., branding to ensure proper scaling and payment for federal timber.)

Current requirements mandate reporting of all federal timber acquired and each subsequent transaction involving that timber. The proposed bill would subject the requirement to a cost/benefit analysis and, if the requirement is imposed, allow for waivers in instances where audits have demonstrated substantial compliance during the preceding year or where the tranferor and the transferee enter into an advance agreement to comply with domestic processing requirements.

It will be extremely difficult for an audit to demonstrate that an entity had complied with domestic processing requirements in the absence of an effective system of internal control. Further, the conditions for a waiver will be almost impossible to assess in the subsequent years, when transaction reporting is no longer required, based on demonstrated compliance in the initial year. As a ''worst case scenario'' a purchaser could determine to strictly comply with domestic processing requirements for one year, carefully document compliance for that year, obtain a waiver for the subsequent year, and intentionally fail to document subsequent transactions. Without documentation and concomitant branding, it will be nearly impossible to identify noncompliance, and a purchaser may be able to violate the act with a reasonable certainty that he cannot be caught and prosecuted.

The second basis for a waiver is also problematic—an agreement between the transferor and the transferee to comply with domestic processing requirements. In essence, the Secretary will be saying ''You do not have to report if you agree beforehand to obey the law.'' It would be an unusual timber purchaser or processor who would not be willing to state an intention to comply with federal law, regardless of actions the individual planned to take.

An additional area of concern is the definition of a violation to mean ''with regard to a course of action.'' This could be interpreted to mean that enforcement official must demonstrate a pattern of behavior before taking action. As a result, even egregious ''one-time'' offenses very difficult to address.

A new category of violation is created in the proposed bill. A ''minor violation'' involving less than 25 logs and a total value of less than $10,000 is to be redressed through the contract. In effect, this allows for lower fines to be assessed. It is unclear what effect ''minor violations'' would have on demonstrating a ''course of action.'' If a pattern of minor violations was not sufficient to demonstrate a ''course of action,'' then enforcement officials could be put in the very difficult position of documenting a series of events, each one individually exceeding 25 logs and $10,000 in value, before prosecution.

The proposed bill requires a hearing prior to debarment—even in cases where a criminal conviction has been obtained (e.g., timber theft) or where a civil judgement has been obtained and no material facts are in dispute. Current debarment regulations permit debarment in these situations based on the administrative record. By changing this provision, the Act will allow a person convicted of timber theft, with outstanding civil judgements, to continue to bid on and be awarded federal timber contracts during the period of the proposed debarment. This course of actions seems unwise, at best.

Mr. Speaker, the radical overhaul of the law banning log exports from our public lands could never stand the light of day. That is why it is stuck into this bill with no hearings, no deliberation, and it was only done by a couple of Senators who we cannot control, along with the other antienvironment riders in this bill.

This is a bad precedent for the U.S. House of Representatives. Are we going to allow the Senate to do these sorts of things repeatedly on these bills, or are

we just going to let this cruise by by protecting those things in this rule? I hope not. Future conference reports will be even worse, more rife with special interest riders, if we in the House do not stand up for our prerogatives and oppose this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado, Mr. DAN SCHAEFER.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I want to talk about another point which is not brought up here today. I want to say that I am very personally disappointed that we now have a chance to stop another sale of our strategic petroleum reserve.

I understand when the Committee on Appropriations, over the objection of the Committee on Commerce, proposed a one-time sale, just a one-time sale of SPR oil to pay for the decommissioning of Week's Island in Louisiana. I remember at the time, I said, if you open the door, everybody is going to look at this as a giant piggy bank. All of a sudden, if you need some more money, let us sell some more SPR oil.

This is getting to be the fourth time now that we have gone into this oil reserve. It is about time we make a stop. This is emergency energy for this country, and here we are, dipping back into the oil reserve one more time. Mr. Speaker, I think the taxpayers in this country ought to know this. The oil that we have down there is about $35- or $36-a-barrel oil and we are turning around and selling it for about $22.

This is not a good deal for the American taxpayer. This should be stopped as soon as we possibly can. Mr. Speaker, I am in a position here where I think we have some really good things in this bill, but when we look at the possibility of taxpayers in this country getting ripped off, I think this is a good illustration of it. They are getting ripped off.

So therefore, I think what we have to do is go back and review this again. We had a tremendous discussion prior to this bill going to conference, so I would just say now that this rule should not allow the sale of SPR oil. It should not allow it. It is a ripoff to the taxpayers.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am supporting this rule, and I am going to support this bill. If the administration vetoes it, I will speak to override the veto. I do not want to do so because I think that this bill is perfect. It is not. There are many items in this bill that I believe should not be here. I agree with the gentleman from Oregon [Mr. DEFAZIO] on the log export question. I think that is outrageous. I also think there are a number of other giveaways in this bill.

But I have to say that I honestly believe that on this side of the aisle we did the best job we could negotiating on this bill, given the fact that the people who are quarterbacking the congressional lobbying for the administration are Little Leaguers. I cannot help that. All I can do is work with what God gives me. So we are doing the best we can under the circumstances.

There is no question, in my view, that the administration gave away far more than they should have, both to some interests in this country and to some individual Members of Congress. We hear a lot of talk from the White House about the money that they are going to save on the line-item veto, for instance.

This bill is a classic example of how the executive branch of Government, regardless of party, will, in the present and in the future, use the line-item veto and use their other powers in order to leverage more spending in a bill, because this bill contains at least three items which are out-and-out gifts to individual Members of Congress in order to facilitate the ability of the administration to spend almost $700 million in additional money.

Mr. Speaker, I will support this bill, because in the public interest it is the best we can do under the circumstances. But I for 1 minute do not want to leave the impression that I in any way am thrilled by the content of much of it. I am not. I think on balance it deserves to be supported because the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] have done the best job they could under the circumstances, but I cannot help the fact that we have had a sometimes pitiful approach from the other end of the avenue.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. I thank the distinguished gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise to support this rule, this bill, and engage in a brief colloquy with my friend, the gentleman from California, Chairman YOUNG, on a matter involving Outer Continental Shelf drilling.

Mr. Speaker, I have long been interested in the question of oil and natural gas drilling off the coast of the State of Florida. Each year for well over a decade Congress has adopted a moratorium on oil and gas activities in some of our Nation's sensitive waters, and this year's moratorium is included in the conference report before us. We all agree, this is not the best way to do this.

The moratorium does not provide a long-term solution to the principal problem affecting the OCS program. Notably, the current OCS regime does not provide States and localities with sufficient involvement in decisions that can greatly affect them, in the minds of many.

I have introduced legislation which would establish a joint Federal-State task force to resolve this issue. The task force would be charged with reviewing the scientific and environmental data available, commissioning further studies if necessary, and then making a permanent policy recommendation based on sound science.

Others have other views. I would yield to the distinguished chairman for his comments on that.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman's concerns in OCS matters, particularly with respect to the Gulf of Mexico bordering his State of Florida. I agree that leasing moratoria, such as in this conference report, are not a fully satisfactory way to address our policy for oil and natural gas exploration and development in the OCS.

As chairman of the authorizing committee of jurisdiction, I would like to remind my colleagues of the considerable contribution that oil and gas from the OCS makes toward meeting our Nation's energy needs. Therefore, I am interested in a thorough review of the provisions of H.R. 180, and other bills which would authorize permanent closures of portions of the Outer Continental Shelf, in order to weigh the benefits of oil and gas development versus the potential risks to coastal and shelf resources.

I assure the gentleman that the Committee on Resources will hold a hearing on this issue during the next session of Congress.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman profusely for all of those interested in this issue.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I would like to say that I rise in support of this rule and this bill. This is of great interest to the gentleman from Wisconsin [Mr. OBEY]. There is a lot in this bill I do not necessarily agree with, either, but this is the work of what I call compromise and working with different factions. I believe this is the best we can do.

There are some parts of it in which I may not agree with the gentleman from Illinois [Mr. YATES], who has done a yeoman's job, but he also has some parts that he does not agree with me. However, this is a good piece of legislation that should be passed.

I urge our colleagues to understand one thing. If this does not pass, a lot of things that are in there will not be available when we go back to the table. I think it is the right thing to do. We should do it. I compliment the gentleman working on it.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I would like to echo the sentiments, and congratulate the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] for

good work under very difficult circumstances. I urge passage of the bill when it comes time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I rise in support of this rule, but the comments that I have have absolutely nothing to do with this rule.

Back in May of this year, my brother's wife passed away after a long bout with cancer. I asked for and received permission to be out to attend the funeral. The gentleman from Georgia, at the onset of this debate, said that it had been misrepresented, that the minority had misrepresented so many things around here. I thought this would be a good time to talk about misrepresentation.

There was a press release sent to the newspapers in my district that said that BILL HEFNER had voted against a bill that would cause a train wreck, and would have corrected that. I was not here. I had an excused absence. When I called the NRC, they said they would probably issue an apology or a correction. I approached the gentleman from Georgia and I was told, grow up, this is my job.

If that is the procedure we are going to use in this House, if we talk about comity, it was a very serious thing for me, for a death in my family, as it would be for anybody in this House. And if that is the way politics is going to be played around this place, I think it is a real tragedy for comity in this House.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. DICKS. Mr. Speaker, I want to rise in strong support of the Interior appropriations bill and this rule. We have had a very difficult conference, but we came out of it with $98 million for the National Endowment for the Arts. I think that is a tremendous accomplishment, and something that we could very well lose if we go back into conference.

Second, we came out with $699 million for the Land and Water Conservation Fund, to take care of some very important national priorities. That money could also be lost, and I think probably will be lost, if this conference report is defeated. The other body, people in the other body, senior Members, say they will not put that money in again if this bill does not go through.

To my colleagues, on the question of substitution in the West and on the question of log exports, I believe what we did in this bill is actually going to strengthen the ability to keep public timber at home.

□ 1030

Also, it will allow the free movement of private timber in the Northwest, which will allow more of it to be domestically processed.

Mr. Speaker, let me point out the bottom line is that under the law that was passed in 1990, at the end of last year the State of Washington would have been able to export 25 percent of its State's logs. What this ban does is say, no, we are going to keep public timber, State and Federal, at home. We are not going to allow it to be exported. Fifty-three percent of those sales of State timber in Washington State go down to Oregon, 53 percent.

Mr. Speaker, we did not hear our former colleague, Mr. Wyden, or we have not heard the gentleman from Oregon [Mr. SMITH] or anybody else from Oregon up here denouncing this bill, because they recognize it will mean more timber for small businesspeople in the State of Oregon.

Mr. Speaker, I frankly am outraged by the deceit that has been put in and surrounded on this particular provision. This is a good provision.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes 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. Speaker, I rise to say, ''Thank you, Honorable Congressman SIDNEY YATES.'' I rise today to applaud the inclusion and protection in this legislation of the National Endowment for the Arts. For anyone to think this was an easy fight, they were not here. For anyone to think that this is not an important fight, they do not know the arts.

Mr. Speaker, everywhere I go in the 18th Congressional District there are people who are saying thank goodness for the gentleman from Illinois [Mr. YATES] and the effort to retain the $98 million in this provision.

Mr. Speaker, the fight will continue, but at least we have made the stand. This is an important part of this conference report. The most important part, however, should be that the fight must continue to not undermine the National Endowment for the Arts as it is being directed to be done.

Let me also acknowledge the Honorable Jane Alexander for her continued strength to interact with legislators and to press the point that the National Endowment for the Arts is not special interests, it is not arts for the big cities, it is art for the rural communities and centers around this Nation which provide the access to arts in school, to give exposure to young artists, to provide the legacy and the continuation of our culture.

Mr. Speaker, this bill does raise some concerns for me, great concerns, environmental concerns. But I do believe that there has been such a strong commitment and effort to preserve and protect the National Endowment for the Arts that preserves and protects our culture, that I would argue that this is an important rule and that we must move forward.

Mr. Speaker, the National Endowment for the Arts has been under attack for a number of years. I hope this legislation will get us reformulated in our strategy to increase its funds, to recognize its stand for the preservation of our culture and legacy and fight against the radical right that want to destroy the arts of this Nation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes 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. Speaker, I rise in opposition to the rule and to the conference report because, as has been the case with past appropriations bills, this report is riddled with indefensible and unsound and undebated provisions that represent a direct assault on the environment and the resources of this country.

Mr. Speaker, I want to concur in the statements of the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations, that the negotiations on behalf of the White House have been completely bungled and mishandled and the result is a bill that is very, very damaging to America's environment.

Mr. Speaker, I appreciate all of the work that has been done on the arts, and the arts has become the compelling reason to vote for this legislation. But the arts should not be allowed to destroy the environment in that same legislation.

In fact, Mr. Speaker, what we have here is a piece of legislation that is terribly detrimental to the environment. It completely destroys the $700 million in ''priority Federal land acquisitions'' because of the conditions placed on those acquisitions. The report inappropriately delays these important acquisitions, even though the Land and Water Conservation Fund already provides the ample authority for these acquisitions. Moreover, the use of any of the remaining funds of the $700 million can easily be blocked by the actions of a small number of Members.

I also object to the outright political payoffs included in this bill to benefit local Members of Congress in the areas of the acquisition. Humboldt County, where the headwaters of the beautiful ancient rain forest is located, is given $10 million even though there is no concrete evidence that this amount had any relationship to any projected economic losses or that this money will be used to compensate any injury in timbering as a result of the acquisition of these lands.

But even more egregious is in the case of Montana, where $12 million is

earmarked for highway funds as the result of the acquisition of the New World Mine and then another $10 million is promised to that State. But understand this, that if the Governor does not act on that $10 million and does not accept it, he is then offered some coal deposits that may have a value to the taxpayers of this country of $226 million in royalties and bonus bids. So if the Governor sits on his hands, the taxpayers lose $220 million. No hearings, no discussions. That is what is going on in this legislation.

Mr. Speaker, we have also embarked on a new approach here that we now have Federal acquisitions that are expensive enough, of major environmental assets in this country, that now we are going to start compensating people for imagined loss even though the track record is in most instances where we acquire lands for national parks and monuments and wilderness areas, the fact is that the local economy is dramatically stimulated because visitors from throughout America and throughout the world come there to visit these newly designated sites. As we see in the case of Death Valley and the parks and monuments in California, in southern Utah, the economy is springing forth because of that. But now we are going to compensate these economies with a gift of tens of millions of dollars because we imagine that they might suffer some losses.

Mr. Speaker, I am also terribly disturbed about what this does in terms of the timber programs and the timber management of our national forests and lands. We had very close votes in this House on stopping the construction of new timber roads, and yet what we see when they went to the conference committee, they just disregarded the votes in this House and now we have gone beyond the President's budget. The tragedy is that we will see more destruction of more lands in the Nation's timberlands.

The administration had proposed eliminating the road credits, but in fact we did not do that in this legislation. We headed in the opposite direction. This report, as pointed out by the gentleman from Oregon, makes it easier to export logs off of Federal lands, as the Inspector General report tells this Congress. But, again, this step was taken with no hearings, no public review, no discussion about the ramifications of this.

This report also obstructs the efforts for ecosystem planning in the Columbia River Basin. It interferes with the implementation of the grizzly bear program in Idaho under the Endangered Species Act, and it overturns court injunctions helping grazers in the Southwest.

Mr. Speaker, that is the problem with this legislation, that once they got it out of the House, once they got it out of the House where it was a fairly decent bill with respect to the environment, the conference committee went crazy and the administration just badly handled these negotiations. The result is that we now have once again the Interior Appropriations bill with antienvironmental riders on it, the same kind of riders that were added 2 years ago when the Republican majority shut down the Government over this legislation. We now see this legislation with the same kind of riders and we cannot get an answer out of the President of the United States of whether or not he will sign the bill.

Mr. Speaker, this bill should be rejected. The rule should be voted down.

Mr. Speaker, I include for the RECORD information from the Greater Yellowstone Coalition.

DOES THE INTERIOR APPROPRIATIONS BILL GIVE AWAY $10 MILLION OF FEDERAL COAL?

No. It gives away far more than that.

The bill requires the Secretary of Interior to give away either $10 million worth of federal coal agreed to by the Governor of Montana and the Secretary, or the Otter Creek tracts. If the Governor does not agree to take $10 million worth of coal approved by the Secretary, the Secretary must give the Governor the Otter Creek tracts—which are worth far more than $10 million.

The Otter Creek tracts cover 10½ square miles and include reserves of 533 million tons of coal. Similar coal sells for $8–9 a ton at the mine mouth. The bonus bids alone on such tracts average roughly 4 cents per ton—or $21 million. But the real value lies in the 12½% royalty the federal government would collect on the value of the coal mined. The value of the coal is $8/ton 533 million tons, or $4.26 billion, of which the federal government would collect 12½%, or 532 million dollars. Under present law, 50% of that would be sent to the state government. This coal would have returned $266 million to the Treasury. This is what the Interior appropriations bill conveys to the State of Montana for no consideration.

ISN'T THIS AN ACCEPTABLE PRICE TO PAY TO ACHIEVE THE BUY OUT OF THE NEW WORLD MINE, WHICH THREATENS YELLOWSTONE NATIONAL PARK?

No, because that purchase will never be consummated if it is tied to this giveaway. The purchase agreement is tied to the settlement of a Clean Water Act lawsuit brought against the gold mining company by local community interest groups. Settlement of the lawsuit is a prerequisite of the purchase. But several of the plaintiffs are strongly opposed to new coal development in the presently unmined area of the Otter Creek tracts—and will not agree to a settlement if it will lead to mining the Otter Creek tracts. They agreed to a settlement with the gold miners—but not with coal mining of presently unmined ranchlands.

For more information, call Russ Shay at 202–544–3198.

GREATER YELLOWSTONE COALITION,
Bozeman, MT, October 23, 1997.

President, WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to urge you to veto the FY98 Interior Appropriations bill that will soon be on your desk. The provision in the bill requiring that 500 million tons of federal coal be given to the state of Montana as a prerequisite for completing the New World mine agreement is completely unacceptable and only serves to hold Yellowstone National Park hostage to pork barrel politics. If developed today, the coal reserves named in the bill would generate at least $250 million in royalties each to the federal treasury and the State of Montana.

Through your leadership, the conservation community and Crown Butte Mines, Inc. found a way to amicably resolve a potentially explosive, expensive and debilitating debate over a mine proposed on Yellowstone's doorstep. The agreement signed in your presence on August 12, 1996 in Yellowstone National Park was a win for all parties. It protected Yellowstone forever from the threat of industrial mining and its resulting water pollution. It protected Crown Butte's property rights and it called for $22.5 million in pollution clean-up in the mining district which will protect human health and create jobs.

The 1996 agreement was embodied in principle in a tentative pact reached between the Administration and Congressional leadership two weeks ago. This proposal, which funded the agreement, also contained funds for the Beartooth Highway and called for a study of mineral resources in Montana.

Now, in a last-minute political maneuver, Representative Rick Hill and Senator Conrad Burns have included a provision in the FY98 Interior Appropriations bill that requires that coal or other mineral assets be given, free, to the state of Montana. This provision not only fleeces the American taxpayer by requiring that property owned by us all be given away, it brings significant new controversy to a process that has been marked by cooperation.

Coal development in eastern Montana has a long and contentious history. Coal mining adversely affects ranchers property rights and the water they depend on for their livestock operations. Coal mining changes the character of local communities and puts significant strains on community infrastructure and resources. It also changes patterns of public use, putting off-limits to entry land that was used for recreation, hunting and fishing.

Because of the controversial nature of coal development, the federal government has taken a very open and public approach to coal. Areas proposed for leasing go through extensive public review with all values considered. None of this is true of the provision in the FY98 Interior Appropriations bill. No public hearings were held on this provision, no public input sought. Giving coal to Montana is a backroom deal, pure and simple. It will benefit a few at the expense of many.

We are in firm support of the 1996 New World agreement. It is an agreement crafted to protect Yellowstone and its water. Coal has nothing to do with the agreement or in protecting the Park. As plaintiffs to a Clean Water Act lawsuit against Crown Butte Mines, Inc., we urge that you veto the bill and insist that Congress send to you legislation that implements the historic agreement signed in Yellowstone.

Sincerely,

Michael Clark, Executive Director, Greater Yellowstone Coalition; Jim Barrett, Board Member, Beartooth Alliance; Tom Throop, Executive Director, Wyoming Outdoor Council; Joe Gutkoski, President, Gallatin Wildlife Association; Julia Page, President, Northern Plains Resource Council; Tony Jewett, Executive Director, Montana Wildlife Federation; Betsy Buffington, Associate Representative, Sierra Club; Sean Sheehan, Northwest Wyoming Resource Council.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I appreciate the generous grant of time. I would like to go back to the issue of log exports, because the gentleman from Washington [Mr. DICKS] tried to obfuscate the issue a little bit.

Mr. Speaker, let us say it in simple language. The Inspector General of the Department of Agriculture, a qualified attorney, one versed in the laws of the land and the restrictions on the export of logs at the Department of the Government charged with implementing restrictions on the export of logs harvested on Federal lands says, and perhaps the gentleman can understand this language, ''Implementation of the proposed bill will effectively gut the Forest Resources Conservation and Shortage Relief Act of 1990.''

She goes on at great length. I realize it is two pages, single space, and it might be difficult for some to understand. But in those two pages she comes to no different conclusion. This effectively repeals restrictions on the export of Federal logs so that we can become a log exporting colony of Japan where they do not harvest trees. I do not think that is right. I do not think it is good even for those log exporting companies in Washington State that are pushing this, because it is going to bring about a backlash if this goes into place.

Mr. Speaker, when people see the scarcity of logs coming off of Federal lands being diverted into a foreign market which does not allow the import of our finished products, it only wants our raw materials so it can protect its own dying and inefficient industry, outrage will run high in the Pacific Northwest and I believe across the Nation.

Mr. Speaker, this is wrong. This is the effect of this legislation. The gentleman from Washington who spoke so eloquently was also an eloquent supporter of the timber salvage rider when it first passed. I was an outspoken opponent when it first passed. A year later, the same gentleman was an eloquent proponent of repealing the timber salvage rider, the one that he had supported so eloquently the year before, because he said he could not have anticipated the impact.

Mr. Speaker, it is the same here. I urge Members to read the single spaced, two-page report. If we pass this legislation, not only will we have the giveaways of our oil, not only will we violate the Land and Water Conservation Fund and do a couple of blatant payoffs to a number of congressional districts, not only will the other anti-environment riders contained in this legislation go forward, we will repeal the ban on the export of logs from Federal lands. Plain and simple. We cannot deny it. That is the bottom line.

So if Members want to vote for anti-environment riders, if they want to vote for a giveaway of the Elk Hills Naval Petroleum Reserve, if Members love those sorts of things, if they want to give away the authority of the House of Representatives to the Senate and protect unauthorized provisions in this bill, if we want to set that precedent, if we want to roll over for the Senate, then vote for the rule.

But if Members do not, if they want to protect our prerogatives and protect the taxpayers and protect the environment, then Members will vote ''no'' on this rule.

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

Mr. LINDER. Mr. Speaker, urging all of my colleagues to support this rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. MILLER of Florida). The question is on the resolution.

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

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 166, not voting 20, as follows:

[Roll No. 527]

YEAS—247

Allen
Andrews
Archer
Armey
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bishop
Blunt
Boehlert
Boehner
Bonilla
Borski
Boucher
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilliard
Hinojosa
Hobson
Horn
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Peterson (PA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sandlin
Sawyer
Saxton
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Solomon
Spence
Stokes
Sununu
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—166

Abercrombie
Ackerman
Aderholt
Bachus
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Bliley
Blumenauer
Bonior
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Calvert
Capps
Cardin
Carson
Chabot
Christensen
Clay
Clayton
Coburn
Condit
Conyers
Coyne
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Doggett
Doolittle
Duncan
Ensign
Evans
Everett
Fattah
Fazio
Filner
Furse
Gejdenson
Gephardt
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Istook
Jefferson
Jenkins
Johnson, Sam
Jones
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Largent
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (KS)
Myrick
Olver
Owens
Pallone
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Pickering
Pitts
Poshard
Price (NC)
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand

NOT VOTING—20

Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Dixon
Gonzalez
Houghton
Hunter
McCarthy (NY)
McIntosh
Mollohan

Payne	Ryun	Smith (OR)
Rangel	Schiff	Souder

□ 1106

Messrs. STUPAK, BARR of Georgia, BURTON of Indiana, MORAN of Kansas, HULSHOF, PAXON, PICKERING, CALVERT, PEASE, BENTSEN, KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. THURMAN, and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. MCINNIS, DAVIS of Virginia, and COX of California changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 270 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2247.

□ 1108

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. THORNBERRY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 22, 1997, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

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

H.R. 2247

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amtrak Reform and Privatization Act of 1997''.

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

''(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

''(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

''(B) If Amtrak enters into a contract as described in subparagraph (A)—

''(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

''(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

''(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.''.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

''(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

''(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.''.

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.''.

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking ''Section 552 of title 5, this part,'' and inserting in lieu thereof ''This part''.

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to identify how Amtrak's specifications can be met by the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall report to the Congress within 2 years after the date of the enactment of this Act on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking ''NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at'' and inserting in lieu thereof ''TIME OF NOTICE.—At'';

(3) by striking ''90 days'' and inserting in lieu thereof ''180 days'';

(4) by striking ''a discontinuance under section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''discontinuing service over a route'';

(5) by inserting ''or assume'' after ''agree to share'';

(6) by striking ''(2) Notice'' and inserting in lieu thereof ''(b) PLACE OF NOTICE.—Notice''; and

(7) by striking ''section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''subsection (a)''.

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking '', 24701(a),''.

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.''.

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

(c) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) of title 49, United States Code, is amended by inserting '', separately or in combination,'' after ''and the private sector''.

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ''or 24704(b)(2)''.

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.

(2) Subsection (a) of this section shall not affect any trackage rights held by Amtrak or the Consolidated Rail Corporation.

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

(a) DETERMINATION OF COMPENSATION.—Section 24904 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking ''TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES'' in the subsection head and inserting in lieu thereof ''FREIGHT TRANSPORTATION'';

(B) by inserting ''relating to rail freight transportation'' after ''subsection (a)(6) of this section'' in paragraph (1); and

(C) by inserting ''to an agreement described in paragraph (1)'' after ''If the parties'' in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

''(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

''(2) The parties to a dispute described in paragraph (1) may agree to use the Surface Transportation Board to arbitrate such dispute, and if requested the Surface Transportation Board shall perform such function.''.

(b) PRIVATIZATION.—Section 24101(d) of title 49, United States Code, is amended to read as follows:

''(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.''.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended—

(1) in subsection (e), by inserting ''financial or'' after ''Comptroller General may conduct''; and

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

''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting ''(1)'' before ''After January 1, 1983'';

(2) by striking ''Amtrak, Amtrak Commuter, and Conrail'' and inserting in lieu thereof ''Amtrak and Conrail'';

(3) by striking ''Such agreement shall ensure'' and all that follows through ''submitted to binding arbitration.''; and

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

''(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90

days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.''.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

''(A) punitive damages shall not exceed the greater of—

''(i) $250,000; or

''(ii) three times the amount of economic loss; and

''(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

''(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

''(3) For purposes of this subsection—

''(A) the term 'actual damages' means damages awarded to pay for economic loss;

''(B) the term 'claim' means a claim made, directly or indirectly—

''(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

''(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

''(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

''(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

''(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

''(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

''(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

''(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

''28103. Limitations on rail passenger transportation liability.''.

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 of title 49, United States Code, is amended to read as follows:

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

''24304. Employee stock ownership plans.''.

(b) REDEMPTION OF COMMON STOCK.—(1) Amtrak shall, within 2 months after the date of the enactment of this Act, redeem all common stock previously issued, for the fair market value of such stock.

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) NOTE AND MORTGAGE.—(1) Section 24907 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(2) The United States hereby relinquishes all rights held in connection with any note obtained or mortgage made under such section 24907, or in connection with the note, security agreement, and terms and conditions related thereto entered into with Amtrak dated October 5, 1983.

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

Section 24104(d) of title 49, United States Code, is amended to read as follows:

''(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.''.

SEC. 503. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 of title 49, United States Code, is amended to read as follows:

''§ 24302. Board of Directors

''(a) EMERGENCY REFORM BOARD.—

''(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

''(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

''(i) the Speaker of the House of Representatives concerning the appointment of two members;

''(ii) the minority leader of the House of Representatives concerning the appointment of one member;

''(iii) the majority leader of the Senate concerning the appointment of two members; and

''(iv) the minority leader of the Senate concerning the appointment of one member.

''(C) Appointments under subparagraph (A) shall be made from among individuals who—

''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

''(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

''(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, the Chief Justice of the United States shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

''(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.

''(d) AUTHORITY TO RECOMMEND PLAN.—The Emergency Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.

(b) EFFECT ON AUTHORIZATIONS.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1998, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1998 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

Section 24315 of title 49, United States Code, as amended by section 208 of this Act, is further amended—

(1) by striking subsections (a) and (c);

(2) by redesignating subsections (b), (d), (e), (f), (g), and (h) as subsections (a), (b), (c), (d), (e), and (f), respectively; and

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking ''(d) or (e)'' and inserting in lieu thereof ''(b) or (c)''.

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting ''The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.'' after ''with comparable responsibility.''.

SEC. 506. EXEMPTION FROM TAXES.

Section 24301(l)(1) of title 49, United States Code, is amended—

(1) by inserting '', and any passenger or other customer of Amtrak or such subsidiary,'' after ''subsidiary of Amtrak'';

(2) by striking ''or fee imposed'' and all that follows through ''levied on it'' and inserting in lieu thereof '', fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and

(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the ''Council'') shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

(c) MEMBERSHIP.—(1) The Council shall consist of 7 members appointed as follows:

(A) Two individuals to be appointed by the Speaker of the House of Representatives.

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

(2) Appointments under paragraph (1) shall be made from among individuals who—

(A) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation and corporate management; and

(B) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

(3) Within 40 days after the date of the enactment of this Act, a majority of the members of the Council shall elect a chairman from among such members.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress an interim report on its findings and recommendations.

(2) Within 270 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress a final report on its findings and recommendations.

(h) STATUS.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.) or section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SEC. 602. PRINCIPAL PLACE OF BUSINESS.

Section 24301(b) of title 49, United States Code, is amended—

(1) by striking the first sentence;

(2) by striking ''of the District of Columbia'' and inserting in lieu thereof ''of the State in which its principal place of business is located''; and

(3) by inserting ''For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.'' after ''in a civil action.''.

SEC. 603. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''rail carrier under section 10102'' and inserting in lieu thereof ''railroad carrier under section 20102(2) and chapters 261 and 281''; and

(2) by amending subsection (c) to read as follows:

''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking ''1996'' and inserting in lieu thereof ''2000''.

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

Section 24313 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24902(a)(1)(A) of title 49, United States Code, is amended by striking ''and 40 minutes''.

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

Section 24902(f) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''Improvements under''; and

(2) by adding at the end the following new paragraph:

''(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak, and with respect only to the facilities it jointly uses with Amtrak, a commuter authority, shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998. For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (11);

(2) by redesignating paragraphs (4) through (8) as paragraphs (2) through (6), respectively;

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

(5) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

Section 4023 of the Conrail Privatization Act (45 U.S.C. 1323), and the item relating thereto in the table of contents of such Act, are repealed.

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 616. CONFORMING AMENDMENTS.

Part C of subtitle V of title 49, United States Code, is amended—

(1) in section 24307(b)(3), as so redesignated by section 610(b)(2) of this Act, by striking ''Interstate Commerce Commission'' and inserting in lieu thereof ''Surface Transportation Board'';

(2) in section 24308—

(A) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board'';

(3) in section 24311(c)—

(A) by striking ''Interstate Commerce Commission'' in paragraph (1) and inserting in lieu thereof ''Surface Transportation Board'';

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(C) by striking ''Commission's'' in paragraph (2) and inserting in lieu thereof ''Board's'';

(4) in section 24902(j)—

(A) by striking ''Interstate Commerce Commission'' each place it appears and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(5) in section 24904(b), as so redesignated by section 207(a)(2) of this Act—

(A) by striking ''Interstate Commerce Commission'' in paragraph (2) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''.

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

SEC. 618. RAILROAD LOAN GUARANTEES.

(a) DECLARATION OF POLICY.—Section 101(a)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

''(4) Continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States.''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.'' and inserting in lieu thereof ''shall not exceed the annual percentage rate which is equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

''(2) payment of the obligation is required by its terms to be made not less than 15 years but not more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;''.

(d) DETERMINATION OF REPAYABILITY.—Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL EXPENDITURES.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

''(a) CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $230,000,000 for fiscal year 1995;
''(2) $230,000,000 for fiscal year 1996;
''(3) $224,000,000 for fiscal year 1997;
''(4) $501,000,000 for fiscal year 1998;
''(5) $516,000,000 for fiscal year 1999; and
''(6) $531,000,000 for fiscal year 2000,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title.''.

(b) OPERATING EXPENSES.—Section 24104(b) of title 49, United States Code, is amended to read as follows:

''(b) OPERATING EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $542,000,000 for fiscal year 1995;
''(2) $405,000,000 for fiscal year 1996;
''(3) $365,000,000 for fiscal year 1997;
''(4) $387,000,000 for fiscal year 1998;
''(5) $292,000,000 for fiscal year 1999; and
''(6) $242,000,000 for fiscal year 2000,

for the benefit of Amtrak for operating expenses.''.

(c) ADDITIONAL AUTHORIZATIONS.—Section 24104(c) of title 49, United States Code, is amended to read as follows:

''(c) ADDITIONAL AUTHORIZATIONS.—In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(1) $200,000,000 for fiscal year 1995;
''(2) $115,000,000 for fiscal year 1996;
''(3) $255,000,000 for fiscal year 1997;
''(4) $250,000,000 for fiscal year 1998;
''(5) $250,000,000 for fiscal year 1999; and
''(6) $250,000,000 for fiscal year 2000,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.''.

(d) REDUCTION OF AMOUNTS.—Section 24104 of title 49, United States Code, is further amended by adding at the end the following new subsection:

''(g) REDUCTION OF AMOUNTS.—For each fiscal year, the total amount authorized to be appropriated under subsections (a) and (c) combined shall be reduced by any amount made available to Amtrak pursuant to the Taxpayer Relief Act of 1997 for that fiscal year.''.

(e) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(f) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1998;
(2) $50,000,000 for fiscal year 1999; and
(3) $50,000,000 for fiscal year 2000,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(g) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.''.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 105–334 and an amendment in the nature of a substitute by the gentleman from Minnesota [Mr. OBERSTAR]. That amendment may be offered only after the disposition of the amendments printed in the report, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by an opponent and a proponent, and shall not be subject to an amendment.

The amendments 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, except as specified in the report. And shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 214, not voting 24, as follows:

[Roll No. 528]

AYES—195

Abercrombie	Bishop	Cardin
Ackerman	Blagojevich	Carson
Allen	Blumenauer	Clay
Baesler	Bonior	Clayton
Baldacci	Borski	Clement
Barcia	Boswell	Clyburn
Barrett (WI)	Boucher	Condit
Becerra	Boyd	Conyers
Bentsen	Brown (FL)	Costello
Berman	Brown (OH)	Coyne
Berry	Capps	Cramer

Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Fawell
Forbes
Gonzalez
Goodling
Houghton
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Scarborough
Schiff
Smith (OR)
Souder
Weldon (PA)

□ 1128

Mr. WALSH and Mr. OXLEY changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, I take this time for the purpose of advising the Members about the day's schedule.

Mr. Chairman, of course, as we all know, we are approaching the end of the legislative year. This is always a hectic time in our lives. There are always important matters that must be resolved before we finish.

We come to the point of time in the year's schedule when it becomes difficult, and, many times impossible, to postpone legislation, and while, during the course of the year and at all times I do my very best to in fact honor the commitment for Members with respect to their ability to get away from the week's work at the appointed time, I feel like it is only fair for all the Members to get an early warning, as early as I can realize it, when it might be that we may not be able to meet the departure time for the day.

Today we were, of course, promised, as is our usual custom on Fridays, a 2 o'clock departure time. But we do have two very important pieces of legislation that must be completed today, Amtrak and the Interior conference report. Already today we have had some votes that perhaps we might not have had to have that indicate to me that the 2 o'clock departure time is not likely to be something we can meet.

I would like to, of course, retain the completion of our work to some period of time as soon after 2 o'clock as possible, and I would encourage all our Members to be circumspect and respectful of one another in the use of our time so that we can complete these two important legislative pieces today and finish our work. But it is only fair that I encourage everybody to understand that under any circumstances, we simply do not have time in the legislative calendar into which we can postpone these two pieces of work, if we are then to complete the other work that is still before us.

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

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

Mr. FAZIO of California. I think everyone here, Mr. Leader, would like to proceed on the agenda to complete this Congress, and certainly I think most of us would have hoped we could have taken up the Amtrak matter yesterday, as we had scheduled to.

But it seems to me the one key component to getting agreement from both sides of the aisle to proceed on all these important matters is an overridingly important issue that relates to the gentlewoman from Orange County, CA [Ms. SANCHEZ].

She will be having an anniversary, as we all will, of our election here before we leave this town the first Tuesday of November, and yet she has not been accorded the same ability to take and hold her seat that the rest of us have.

I think it is fair to say the people on this side of the aisle, who showed the power of their support for her last night, retain that interest, and implore the majority to bring that issue to close before we leave. If that assurance can be given, I think the process here can be eased greatly.

Mr. ARMEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, and it is my understanding that the gentlewoman from California [Mrs. SANCHEZ] is in fact seated in the body, is voting, does have her committee assignments, and is working on the same basis as any other Member. The House did, of course, spend some time yesterday addressing this issue. It is an important issue, as the gentleman from California says, and it is in fact so important that it will be done fully, completely, professionally, objectively and fairly.

Finally, before I yield back my time, I should say that another very important component to the effect of successful completion of work is civility.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

Page 2, strike lines 4 through 6, and insert in lieu thereof the following:

(a) AGREEMENT BY PARTIES.—Section 24312(b)(1) of title 49, United States Code, is

amended by inserting '', unless the parties otherwise agree'' after ''in the bargaining unit''.

(b) USE OF OTHER RAIL CARRIERS.—Section 24312 of title 49, United States Code, is further amended by adding at the end the following new subsection:

(c) USE OF OTHER RAIL CARRIERS.—(1) When Amtrak contracts * * *

Page 3, line 1, strike ''(b) EFFECTIVE DATE.—Subsection (a)'' and insert in lieu thereof ''(c) EFFECTIVE DATE.—Subsection (b)''.

Page 12, line 11, through page 15, line 16, amend section 301 to read as follows:

SEC. 301. RESOLUTION OF LABOR PROTECTION AND CONTRACTING OUT ISSUES.

Amtrak and a labor organization representing Amtrak employees may present proposals, to a Presidential Emergency Board appointed under section 10 of the Railway Labor Act (45 U.S.C. 160) with respect to a dispute to which Amtrak and the labor organization are parties, concerning all issues relating to—

(1) the provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(2) the limitations imposed under section 24312(b) of title 49, United States Code.

If no contract has been agreed to after the expiration of the 30-day period following the report of the Presidential Emergency Board, then, consistent with the Railway Labor Act, the employees may strike and Amtrak may lock out the employees or impose terms of employment containing changes with respect to issues described in paragraph (1) or (2), notwithstanding sections 24706(c) and 24312(b) of title 49, United States Code. This section shall not apply to any dispute concerning which a Presidential Emergency Board has reported before the date of the enactment of this Act. This section shall not apply to any issue that has been resolved by an agreement between Amtrak and a labor organization. This section shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

Page 15, line 18, through page 16, line 13, amend subsection (a) to read as follows:

(a) EMPLOYEE PROTECTIVE ARRANGEMENTS.—

(1) AMENDMENT.—Section 24706(c)(3) of title 49, United States Code, is amended by inserting '', unless the parties otherwise agree'' after ''of this title''.

(2) APPLICATION OF OTHER LAW.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees if an agreement described in the amendment made by paragraph (1) of this subsection is in effect.

The CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Ohio [Mr. LATOURETTE] and a Member opposed each will control 10 minutes. Does the gentleman from Pennsylvania [Mr. SHUSTER] seek the time in opposition?

Mr. SHUSTER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent that half of my 10 minutes in support of the amendment be given to the coauthor of the amendment, the gentleman from Ohio [Mr. TRAFICANT], and that he be permitted to yield time.

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

There was no objection.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.]

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

Mr. Chairman, initially I want to thank the cosponsor of this amendment, my fine colleague, the gentleman from Ohio, [Mr. TRAFICANT]. I also want to commend the chairman of our full committee, the gentleman from Pennsylvania [BUD SHUSTER], for not only his work on this bill, but also in the way that he has been willing to work with us, and even appear at the Committee on Rules and suggest that this amendment be made in order.

This bill is sound in many respects, as it serves to reform Amtrak and many important areas. There is no doubt that one reason that Amtrak continues to run deficits is due to the lack of reform. Where I must respectfully part company, however, with our chairman, is whether the C–2 labor protections for Amtrak are part of that problem.

I supported this bill in the last Congress and in committee this year out of respect for our chairman and the arguments that he made. But that support was based upon the argument that C–2 protections were adversely impacting the financial health of Amtrak.

Based upon information received during the committee hearing, I have doubts, serious doubts, about those claims. Amtrak's current net loss is in the neighborhood of $322 million. In 1995 and 1996 Amtrak paid out only $2 million in labor protection to approximately 2,000 employees. This works out to approximately $1,000 per employee.

The cost of labor protection and contracting out is open to debate, and in regard to C–2 labor protections, which we heard so much about during the course of the rule debated, Amtrak has been unable to produce a single individual who has ever received the C–2 labor protection.

In a July letter written by Tom Downs, the CEO of Amtrak, which I will include for the RECORD, he stated Amtrak does not experience a significant cost in C–2 expenses, so that the impact of the repeal of C–2 would not save us any significant funds except ultimately in the bankruptcy of Amtrak. I also state that I would prefer to be able to negotiate C–2 provisions with labor than to have Congressman date changes.

I mention the Downs letter simply to stress there is an honest difference of opinion regarding the issue of existing labor protection and the prohibition of contracting out. Given this fact, it is only fair that these issues be subject to collective bargaining. The amendment will provide for these issues to be bargained between Amtrak and its union organizations and ensure that neither party negotiates from a disadvantaged position.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and reserve the balance of my time.

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

Mr. Chairman, I must rise in opposition to this amendment. This amendment will destroy the labor reforms in the legislation, leaving in place the status quo that has helped bring us to the brink of bankruptcy with Amtrak. Indeed, this amendment will destroy the labor reform in this legislation, which is, and I emphasize this, which is precisely, exactly, the same labor reform which passed this House in the last Congress by a vote of 406 to 4.

Indeed, the labor reform which passed this House overwhelmingly in the last Congress and which is in this legislation before us today was drafted by Congressman QUINN back in 1995 with Labor's full participation, and, indeed, is exactly word for word the same labor reforms that Labor supported in the last Congress.

So if we are going to save Amtrak, if we are going to unlock the $2.3 billion needed to help save Amtrak, it is necessary, it is vital, that we keep in place the labor reforms, which this House previously overwhelmingly agreed to.

For that reason, I must oppose the amendment of my friend.

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

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, those concerned about the cost of labor protection need to understand what the gentleman from Ohio [Mr. LATOURETTE], has said. Two thousand people were laid off by Amtrak at an average cost of slightly over $1,000, far less than the plans of most major corporations.

In terms of undoing labor reforms, what you do with the LaTourette-Traficant amendment is you say there will be no more automatic labor protection clauses, no more automatic C–2. Instead, it becomes a subject of collective bargaining, and, indeed, if they do not reach agreement, Amtrak can unilaterally do away with those labor protection clauses.

All we are asking is you treat now these railroad workers with the same ability that you treat those in the private sector. Permit them to go to collective bargaining where labor protection comes in the mix with wages and working conditions and grievance procedures. So one can be bargained away for the other, but at least the workers have something to say about that. That is why it is so important to support the LaTourette-Traficant amendment.

Mr. SHUSTER. Mr. Chairman, I want to deal with this issue of how much it costs Amtrak to lay off workers and the argument that it hasn't really cost them anything.

It begs the question. In fact, it is a red herring. The very fact that 6 years of labor protection and pay must be paid is the reason why Amtrak could not adjust their labor force and layoff anybody, because it was too costly to do so. So it is true they have not spent much money in these layoffs. The reason is they could not afford to do it because of the 6-year guarantee.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin, [Mr. PETRI], the distinguished chairman of the Subcommittee on Surface Transportation.

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

I rise in opposition to the LaTourette-Traficant amendment. The amendment would gut the labor reforms in the Amtrak bill, leaving Amtrak with the onerous labor provisions that it has been saddled with for the last 26 years.

Let me be clear about what current labor requirements entail. Amtrak must pay up to 6 years of full wages and benefits to any worker who is laid off due to a route elimination or frequency reduction to below three times per week. That is right, 6 years of severance pay.

Even worse, any worker who is asked to move his or her job location more than 30 miles is eligible for the 6 years of benefits. So workers do not even have to be laid off in order to claim the 6 years of pay.

In addition, there is currently a Federal law that prevents Amtrak from contracting out any work other than foods or beverage service if it will result in the layoff of a single employee in a bargaining unit. This prohibits Amtrak from gaining any of the savings that are possible through contracting out work.

Mr. Chairman, the bill before us contains a compromise reform proposal on these two issues that was worked out in the last Congress with the full participation and support of organized labor. It is a fair compromise that allows labor and management to negotiate through the collective bargaining process the issues of labor protection and contracting out. Amtrak could agree to any terms on these issues. Federal law would not predetermine the outcome in any way. It is important to note that at the end of the bargaining process, if there were no agreement, labor would have the right to strike just as it would under any other railroad labor collective bargaining agreement.

□ 1145

Mr. Chairman, we do not require airlines to pay laid-off employees for 6 years. We do not prevent the airlines from contracting out work. Why should we do that for Amtrak?

I urge my colleagues to defeat the LaTourette amendment, pass the bill, and secure Amtrak's future.

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

Mr. Chairman, like the chairman of the full committee, I have great respect for the chairman of the Subcommittee on Surface Transportation, but I would again point out that Amtrak has yet to point out one single employee who has successfully accessed the horrible 6-year severance package they are talking about.

Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the full committee,

Mr. TRAFICANT. I thank the gentleman for yielding time to me, Mr. Chairman, and I yield to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the LaTourette amendment. We have seen a pattern of trying to undermine and trying to impose incremental changes in labor agreements on this floor. Parties signed agreements. They should change the agreements in collective bargaining. It is not up to the Congress of the United States to take away labor protections. When we have the head of management saying that if these protections are removed, they are going to have very little effect upon the total package, what more do we wish? Labor and management are on the same page. Why should we rip out that page?

If we do not have this amendment, we will eliminate wage protections for displaced passenger rail employees which have been in place since 1930. Many of these workers gave up their seniority on freight railroads to come over to Amtrak when it was created. They would lose severance benefits they deserve under this bill.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Georgia [Mr. COLLINS].

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

Mr. COLLINS. Mr. Chairman, I rise in opposition to the LaTourette amendment.

Mr. Chairman, I regret having to oppose my good friends from Ohio. I know we share the strong belief that the men and women who work in the trenches every day are the backbone of each and every business. It is the working men and women who are responsible for the success or failure of a company, and they should be treated fairly and allowed to reap the benefits of their successes.

At the same time, I believe working men and women must share in the responsibilities of maintaining the profitability of the companies from which they derive their livelihood. Unfortunately, I believe the LaTourette amendment would gut some of the most important provisions in the Amtrak reform legislation which Amtrak must have to survive. These are the labor provisions.

As mandated by law today, Amtrak must pay any worker up to 6 years of full wages and benefits if that worker is laid off due to route elimination, or even a reduction in frequency of service below three times a week. Even more costly for Amtrak is the provision that in the case of realignment, an employee can be paid up to 6 years of full wages and benefits if he is asked to move his job location by more than 30 miles and does not wish to do so.

Some have argued that these provisions are not important since payments for labor protection have been relatively low. However, that argument ignores the fundamental need for this legislation. The legislation will allow Amtrak for the first time to act like a business and realign routes and services to be profitable. Today this cannot be done. Why? Because Congress has required Amtrak to provide certain routes and services, whether or not they are profitable. Therefore, labor has been protected from operational changes and costs have been minimal.

However, the GAO has estimated that the total labor protection obligation of Amtrak would cost between $2 and $5 billion, up to more than five times the total annual Federal funding for Amtrak. The taxpayers simply cannot afford this. The LaTourette amendment would leave the current law on labor protection in place. If negotiations set forth under legislation fail, the current labor provisions would remain. Therefore, there would be little or no incentive to negotiate in good faith and the status quo would be maintained.

In this legislation, Congress will determine the future of passenger rail service in this country. With roads and highways becoming increasingly jammed and with regulations on air quality becoming increasingly stringent, many States are having a reviewed and renewed interest in the use of rail.

We are at a point where we have three basic choices. We may choose, first, to raise the amount of subsidy; second, to give Amtrak the opportunity to survive with the reforms provided in this legislation; or third, we can decide that passenger rail service to any great extent is not necessary or desirable in this country.

I urge my colleagues to vote against the LaTourette amendment, and vote in support of passenger rail service in the United States.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member, and a man who was born to be chairman of this committee, like the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, I want to come back to the fundamental issue here, what is driving this issue; what are the costs that are driving the Amtrak problem.

Last year, Amtrak had a $322 million deficit, in 1996. How much of that was

caused by labor protection? About $1 million. We cannot lay all of Amtrak's problems at the feet of the working people who run the trains. Amtrak over 2 years laid off 2,000 people. It cost $2 million in labor protective costs. That does not break the back of Amtrak.

Does labor protection provisions, a requirement to pay severance costs to the laid-off workers, prevent Amtrak from shutting off rail service? No, it does not. Ask the people in Idaho, Utah, Alabama, Massachusetts, Florida. Amtrak canceled routes in all those States last year because they knew that the labor protection cost was so small, there were so few employees involved, that the effect would be negligible on savings, so they shut the routes down. We cannot lay the problems of Amtrak at the feet of working men and women.

Mr. Chairman, what does this amendment that Mr. LATOURETTE and Mr. TRAFICANT are offering do? It sets up a process by which the Railway Labor Act can function to resolve these problems. Amtrak and its labor workers can negotiate changes in labor protection and contracting out. If they fail to agree, they can go to a Presidential emergency board to ask it to make recommendations. If they still fail to agree, they can resort to usual self-help remedies. Amtrak management can lock out or impose contract terms. Labor can strike. That is all this does. We ought to support the LaTourette-Traficant amendment.

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

Mr. Chairman, the issue today is the collective bargaining process. By voting for Quinn, we treat Amtrak workers differently, and take away a fundamental right under American law that Congress has steadfastly supported, the right for workers with management to negotiate the salient points of the terms of their employment.

This is not about Amtrak today; this vote is about the collective bargaining process, the sanctity of that process, and the terms guaranteed within the rights to negotiate. If Members vote for the Quinn measure, they take away the right of Amtrak workers to negotiate.

The gentleman from Georgia [Mr. COLLINS] is exactly right. I do not have any more respect any greater for anybody else than for the gentleman from Georgia [Mr. COLLINS], but not once, I would say to the gentleman, has there been a severance pay by Amtrak. They negotiated it.

We cannot, Congress, save Amtrak by destroying and killing Amtrak workers. But by god, if Congress goes forward and sets the precedent today to throw out the window the gains of the collective bargaining process, Congress will have failed itself. Congress would have set a new law, a tragic law.

Let me say this, Republicans are mad, and rightfully so. Labor tried to screw them, but striking back at labor today is not what they are doing. What they are doing is turning back the clock on the rights of workers, duly assembled under our constitutional freedoms, to bargain in good faith, to negotiate and bargain in good faith.

God almighty, how can we be having this debate? There was a blue ribbon panel since the last vote, Mr. Chairman, and that blue ribbon panel says none of these labor provisions is costly or consequential to Amtrak. They do not care what we do. I say the people of America and the workers of America know what we do.

I do not think the Republicans are as unfriendly to working people as to take away a precedent of collective bargaining in this country. This is a sad day. I voted with them many times. The gentleman from New York [Mr. QUINN] has been a friend of labor. He should be very careful, because by treating Amtrak workers differently today, he negotiates a new labor type of system in America where collective bargaining and negotiation in good faith is not important to the Congress of the United States.

Shame, Congress. Shame, Congress. I ask Members to vote ''no'' on Quinn.

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

Mr. Chairman, I appreciate the enthusiasm of my good friend, the gentleman from Ohio [Mr. TRAFICANT]. But facts are stubborn things. The facts are that the legislation before us does not take away the collective bargaining rights of Amtrak employees. In fact, it puts in place the ability of the Amtrak employees and management to engage in collective bargaining. That is a fact. It is in the legislation. All the steamy rhetoric in Washington is not going to change that fact.

Beyond that, it is also significant to note that the 6-year labor protection was not something that was negotiated through collective bargaining. Ironically, the 6-year imposed labor protection was imposed by the Department of Labor, not through collective bargaining. I appreciate all the enthusiastic, steamy rhetoric about taking away collective bargaining and protecting collective bargaining, but facts are facts. The facts are just as I recited them.

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

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

Mr. QUINN. Mr. Chairman, I just want to point out for the RECORD in the few minutes we have remaining, when we talk about collective bargaining, there is nobody in this House, I do not believe, who has fought for collective bargaining longer and harder than me. What is ironic to me is that this same bill, the identical bill of 2 years ago, which talked about collective bargaining and had the support of labor for collective bargaining, is back here again, identical as the first time.

I cannot understand for the life of me, Mr. Chairman, why we had the support and belief that it did not break contracts back then, but somehow it breaks contracts today, the exact same language. We will talk more about it in the amendment.

Mr. SHUSTER. Mr. Chairman, it is interesting that the very Members who are speaking so forcefully about the lack of collective bargaining in this voted in favor of this very legislation just in the last Congress.

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

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

Mr. Chairman, I rise just briefly, not to rebut but to make a response.

□ 1200

This bill, 254 days from the date that it is going into enactment, repeals all of the labor protection statutes that are available to Amtrak workers. It creates no incentive. There was an observation made that there is no incentive there for the workers to negotiate. It creates no incentive for the Amtrak workers to negotiate, because they are all gone.

After 16 years of deferrals, wage freezes, entry level wage decreases, the Amtrak worker who just as late as 1980 made a buck-seven, less than a BART worker in San Francisco, now makes $7.39 an hour less. That is not right.

Mr. Chairman, this is the right amendment, and just because of the confusion I want to stress one thing. We need people to vote ''no'' on Quinn so we have a vote on LaTourette-Traficant.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the LaTourette-Traficant amendment to H.R. 2247, the Amtrak Reauthorization Act of 1997. My colleagues, in today's highly competitive marketplace we need to preserve labor protections and collective bargaining rights of employees and to level the playing field between the employers and employees in negotiating wages, benefits and severance payments.

The LaTourette-Traficant amendment to H.R. 2247 will level the playing field in negotiations between Amtrak and it's employees. H.R. 2247, as drafted fails to do this, it removes labor protections from workers and eliminates statutory wage protection for Amtrak employees, while claiming that it simply subjects these issues to collective bargaining. This is not good for Amtrak workers and that is not good for America in trying to preserve a national railway system for this country.

The LaTourette-Traficant amendment requires Amtrak employees to enter into collective bargaining on two provisions which are currently nonnegotiable under current law. These two provisions prohibit Amtrak from taking Federal funds, firing an employee, and contracting out work and providing protection to Amtrak employees who lost their jobs when a route is eliminated.

The LaTourette amendment requires employees to engage in bargaining with Amtrak on these two issues, just as they must bargain with Amtrak on all collective bargaining issues.

The key issue with these amendments is that these two provisions remain in place while

the bargaining continues. If Amtrak is not satisfied with the outcome of the bargaining, Amtrak may refuse to sign a contract with the employees, and the only recourse of the employees is to strike.

Amtrak has also publicly stated that all it wants is to bargain with its employees about these two issues. Privately, Amtrak President Tom Downs has said the LaTourette amendment is acceptable to him.

Porponents of the H.R. 2247 say that this amendment will hurt the financial security of Amtrak. This argument is ridiculous. The two provisions being currently debated have no bearing on Amtrak's financial future. The current bill as written eliminates labor protections and abrogates collective bargaining agreements negotiated between Amtrak and its employees, and repeals existing prohibitions on contracting out Amtrak's operation.

The contracting out provisions in the law bars Amtrak from firing a current employee and contracting out his or her job. But this provision does not really prohibit contracting out—in fact, Amtrak contracts out $10 million worth of work. The labor protections provide severance for workers who lose their jobs when a route is eliminated entirely. Since the layoff of 4,000 employees in the last 2 years, Amtrak has paid out thousands of dollars in protective benefits. Amtrak has said repeatedly that these provisions have nothing to do with its future economic security.

The LaTourette amendment is a fair, sensible compromise. I believe that this amendment reasonably protects the rights of Amtrak employees while satisfying the concerns of Amtrak. My colleagues, all the evidence highlights the continued need for labor protections and statutory wage protections between Amtrak and its employees and to secure Amtrak's future. I urge my colleagues to support the LaTourette amendment which will ensure a strong and secure future of Amtrak and its 20,000 workers.

Mr. KUCINICH. Mr. Chairman, I rise today to support the amendment by Mr. LATOURETTE and Mr. TRAFICANT, my colleagues from northern Ohio, and to honor the men and women who have built and operate the Amtrak railway system.

More than 100 years ago, it was the railroads that formed the basic infrastructure of our country—the infrastructure that enabled our economy to expand and prosper. Hundreds of thousands of dedicated workers—many of them immigrants working for low wages—gave their lives to build America's railroads. Today, railroads employees use their skills to keep the railroads safe—to move freight and passengers quickly and efficiently.

When Amtrak was founded in 1971, the Federal Government made a compact with its workers. We made a pact to treat Amtrak workers fairly, to protect the incomes of Amtrak workers who gave up jobs in higher-paying freight railroad companies. The Government promised to compensate Amtrak employees who are displaced because of the process of restructuring. This Amtrak Reform Act abandons those commitments. It eliminates essential worker protections and places arbitrary time limits on the collective bargaining process. It would lead to greater labor strife in the Amtrak system because workers would have their contract rights canceled. It would demoralize Amtrak workers, forcing them to sacrifice so the system can obtain the Federal financing that was set aside in the Balanced Budget Act. This is blatantly unfair to the people who keep Amtrak running. And it violates the public interest of our Nation.

The amendment by Mr. LATOURETTE and Mr. TRAFICANT is a fair and reasonable compromise. It balances the financial needs of Amtrak with the respect that we owe to Amtrak's dedicated employees. I commend my Ohio colleagues for proposing this measure and I urge my colleagues to support it.

Mr. PAYNE. Mr. Chairman, I rise today in opposition to the Amtrak Reform and Privatization Act because I believe it violates both worker and passenger rights and safety. The bill as it is currently written would violate the rights of Amtrak workers by eliminating wage protections and allowing the company to hire outside contractors. It has been proven that eliminating wage protection or contracting out will do little to improve the financial stability of the company. By eliminating this protection it will only prove to be helpful to Amtrak if the company is forced to lay off a large number of employees. This would be a cruel send off to many dedicated railway workers who have given the best years of their lives to help keep Amtrak going. The bill also threatens the safety of both employees and passengers from receiving the damages due to them and their families as a result of a rail accident. I represent an area of New Jersey that relies heavily on Amtrak service and Amtrak rails to provide needed public transportation to millions of people in one of the most congested areas of the country. Therefore, I cannot support this piece of legislation unless these negative provisions are taken out. I believe Representative LA TOURETTE and Representative TRAFICANT's amendment will allow employees of the rail company to have the proper and safe standards they currently rely on while still ensuring that this bill will reform Amtrak to become a stable and one day profitable company. I urge my colleagues to vote for this amendment and against the bill if the LaTourette-Traficant amendment or the Oberstar substitute is not agreed to.

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

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

AMENDMENT NO. 2 OFFERED BY MR. QUINN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LATOURETTE

Mr. QUINN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 2 offered by Mr. QUINN as a substitute for the amendment offered by Mr. LATOURETTE:

Page 15, after line 16, insert the following new paragraph:

(7) Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 270, the gentleman from New York [Mr. QUINN] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 10 minutes.

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

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

Mr. Chairman, I am glad I was here on the floor this past Wednesday to witness the open debate that we held on H.R. 2247, which of course was the ''Amtrak Reform and Privatization Act of 1997,'' because if I had been in my office, Mr. Chairman, and watched the debate on our TV sets I would have thought that I was watching a videotape of our discussion 2 years ago in the full committee markup of this Amtrak bill.

Mr. Chairman, I heard people on the floor just a day or two ago arguing how this bill would break contracts. I heard people argue how thousands of jobs would be lost and how Amtrak would contract out all of its work and how the job loss would wreak havoc with the Railroad Retirement System.

Ironically, Mr. Chairman, those are exactly the same arguments that I used to gain support for amendments that we offered that day. Those were arguments that Members in the House used, both Democrats and Republicans, to get the compromise that we had then and the same compromise that we have this morning.

Has the House forgotten that we amended the bill that day? Have we forgotten that we won a major victory for the working men and women of the railroad that day?

Mr. Chairman, we came up with a fair compromise that would help Amtrak gain the necessary reforms it needed to survive.

I thought about that word ''Congress,'' and thought about the word ''compromise'' a little bit at the same time. I went back to the office and I got the Webster's Dictionary and looked up ''compromise.'' It said, ''A settlement of differences by arbitration or by consent reached by mutual concessions.'' Consent reached by mutual concession. Is that not what we had on this legislation the last time, consent reached by mutual concession?

Mr. Chairman, the original committee bill that I objected to would have dropped Amtrak labor protections from 6 years to 6 months, no questions asked. It would have happened. The original committee bill would have allowed Amtrak to contract out almost all of its work, no questions asked.

We put together a compromise which we offered on behalf of everybody so that we would have mutual concessions from both sides. That is the definition of a compromise, Mr. Chairman. Unfortunately, I have to rise today with this substitute to the amendment of the gentleman from Ohio [Mr. LATOURETTE], my good friend and colleague. I would have hoped that we would have been able to keep the amendment separate; however, with the rule before us, that is not going to be possible.

While I respect and admire my good friend from Ohio, his amendment would strike from the bill the compromise language that we all worked on, with

the support of labor, to protect the rights of working men and women at Amtrak.

I am a little disappointed, Mr. Chairman, with the level of some of that discussion here on the floor. We have been fighting for the survival of Amtrak for over 2 years now, and it makes everything sound that this amendment, this Quinn amendment, is all of the sudden antilabor. I respectfully disagree that I am offering an antilabor amendment today. It is a prolabor amendment that simply does this: It walls off the Amtrak employees so that we are not having any effect today on freight labor or transit labor workers in this act. Plain and simple. Otherwise, it is exactly the same.

Today's amendment would, in addition to walling off those provisions, say to our workers across the country and in our individual districts that we are going to keep Amtrak alive and well and working so that all the jobs can be retained. I am very concerned, Mr. Chairman, if we are not successful here this afternoon, where this funding for Amtrak will end up.

Mr. Chairman, we have a golden opportunity to do the right thing and to save our country's national rail passenger system today while preserving the dignity of its workers. The LaTourette amendment, by stripping out the Quinn compromise, will jeopardize that funding. The release of that money is contingent upon real Amtrak reform. What better reform is there than the compromise reform that we agreed upon in this House 406 to 4? Which Republicans, Democrats and organized labor all agreed to?

I suggest that we keep the necessary compromise reforms in this bill, strip out the unintentional effect that it could have had on freight and transit labor workers, and I ask my colleagues to support the Quinn substitute.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, to first debunk a few myths, one is the myth of the vote of the last Congress. We had an election since then. Seventy-six new Members of Congress. We do not expect them to be retained to whatever was done by their predecessor in Congress.

Second, in the aftermath of that legislation to which senior members of rail labor signed on, there has been an election as well and those two labor leaders were defeated and replaced by new leadership who has charted a new direction for their members and said that it is not a good deal.

Third, the Quinn amendment is opposed by the AFL–CIO, the Transportation Trades Department, AFL–CIO, the United Transportation Union, the Brotherhood of Locomotive Engineers, the Transportation Communications Union, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, and the Transport Workers Union, and all other rail unions. That was set forth in a statement from the Transportation Trades Department this morning.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I want to say in response to the gentleman from New York [Mr. QUINN], my good friend, I am certainly not saying that his amendment is an anti-labor amendment. I think everybody on our side recognized the gentleman as a friend of labor. My problem with the Quinn amendment is this: It walls off freight labor, but it does nothing for the men and women who work for Amtrak.

The fact of the matter is if the Quinn amendment passes we will not have a vote on the LaTourette amendment. What that means is that all of the labor provisions that are in place 254 days after the enactment of the bill, that are in place for all the men and women who work so hard for Amtrak, will blow up. That clearly will put the management at Amtrak, which issued a memorandum to itself saying that they should be careful not to give themselves no more than a 15 percent increase, while the wages of the Amtrak employees have continued to decline.

The observation that I made in the Committee on Rules and that the gentleman from Minnesota [Mr. OBERSTAR] made on the floor the other day is exactly right. The Quinn amendment is a good amendment, but it is half a loaf. We need the whole loaf to protect the good men and women that work for Amtrak.

Mr. QUINN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of the Quinn amendment. I certainly would concur that new Members who were not here in the past Congress are totally free to vote however they choose. But I do believe that Members who were here and with whom we negotiated in good faith, I am quite surprised that they now would flip-flop even though we did work out a compromise.

In fact, the distinguished ranking member of the Subcommittee on Railroads said about virtually this same legislation the last time we had it before us that,

> I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some of the changes were made in the bill, a reasonable compromise was reached. The bill will enable Amtrak to downsize and control its costs while ensuring the fair treatment of Amtrak employees if there is a loss of jobs.

Mr. Chairman, that was their position then. The Secretary of Transportation at the time said,

> I am pleased that the labor provisions of the bill have been altered so the change will be achieved through labor-management dialog. The committee's proposed legislation is a positive contribution to the debate on how to ensure the long-term vitality of inner city transportation.

And Mr. Greg Lawler representing rail labor said at the time,

> We think this is a good compromise on Amtrak. We hope it goes forward. We like it.

This is the biggest flip-flop since Humpty Dumpty fell off the wall. This is not antilabor. This is pro-Amtrak. We are trying to save Amtrak. And at the time, talk about good faith negotiation, at the time we sat down with the Senate and tried to work out funding for Amtrak the agreement was that the $2.3 billion would be put in the reconciliation tax package for Amtrak subject to, contingent upon, real regulatory reforms, meaningful reforms taking place.

So, Mr. Chairman, if the Quinn amendment fails, then I do not believe there is going to be any bill. There is not going to be any bill because we will be in the position of not being able to fulfill our commitment that we made back at the time the $2.3 billion was made contingent upon real reform. If there is no real reform, there is not going to be any bill and there is not going to be any $2.3 billion for Amtrak, and I deeply regret that because I want to save Amtrak.

Mr. Chairman, it is crucial that we pass the Quinn amendment so we can then proceed to pass this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, in this discussion we need to talk about the important role passenger rail plays in the lives of our citizens and our economy. What this Amtrak authorization bill really is about is keeping the vital links open.

There are provisions in the authorizing bill that disregard labor agreements already agreed to by labor and management. If we are really serious about keeping Amtrak running, if we are really serious about supporting the working people of Amtrak and getting people to work, we must vote ''no'' on this Quinn amendment.

Mr. Chairman, when I served in the Florida House of Representatives we had a saying: ''Loving a bill to death.'' That is what is happening here. We are talking about how we support Amtrak and we support Amtrak workers, but we are putting provisions in here that we know are a killer to the working people of Amtrak and the men and women of this country.

Mr. Chairman, in this discussion, we need to talk about the important role passenger railroads play in the lives of our citizens and to our economy.

What this Amtrak authorization bill really is about is keeping this vital link open. There are provisions in this authorization bill that disregard labor agreements already agreed to by labor and management.

This will kill the chance for a smooth labor negotiation and create a transportation nightmare.

The LaTourette-Traficant bill adds reason and fairness to this bill. It leaves the issues of wage and contracting to the labor and management negotiators.

This amendment must be part of the bill.

The negotiators must have the ability to work out the best deal.

If we are really serious about keeping Amtrak running and getting people to work, we must vote ''yes'' on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, the distinguished gentleman from Pennsylvania [Mr. SHUSTER] recalled my words on the floor 2 years ago, so I want to rise to that challenge. The fact is, as the chairman points out, this bill passed 406 to 4, left the House 406 to 4.

But, Mr. Chairman, I would say to my colleagues, please note, walk 100 yards down the hall to the other body. It went nowhere. One of the reasons it went nowhere is because of the provisions in this bill as well as the provisions dealing with liability restrictions.

Do we want an Amtrak bill? Do we want the trains to continue running in the Northeast corridor? Do we want to see some legislation this year? Then we have to vote against the Quinn amendment and for the LaTourette amendment.

Also, because the predictions that were made 2 years ago so eloquently in the debate about what would happen if these provisions were not included in the bill have proven not to come forth. Indeed, the so-called labor protections have resulted in less than slightly more than $1,000 per severed employee, not a great sum to Amtrak.

So for those reasons, 406 to 4, yes, out of this House and the bill then went absolutely nowhere. Stalled on a siding.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Mr. Chairman, I rise to express strong opposition to the Quinn amendment. While the Amtrak reform and privatization bill makes some vital improvements to the Nation's passenger rail system, it also includes very dangerous provisions that will hurt Amtrak's employees and passengers.

It throws Amtrak employees into the same uncertainty that faces so many other American workers today. The bill ends race protections for displaced and downgraded Amtrak workers that have been in place since the 1980's. It does away with the law protecting Amtrak employees against being replaced by contract workers without the same guarantees of wages and benefits like health care.

In my district, this provision in the bill would allow Amtrak to replace 706 workers at the Amtrak maintenance shop in Beech Grove, IN, with contract workers in other States. Taking away people's jobs is not reform. Let us not balance Amtrak's books by depriving people like the Beech Grove shop workers of their jobs.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and to reject the Quinn amendment.

Mr. QUINN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA], a member of the full committee and a member of the Subcommittee on Railroads.

□ 1215

Mr. MICA. I thank the gentleman for yielding me the time.

Mr. Chairman, why can we not pass the same bill that this House passed last year by a vote of almost every Member of the House? I submit it is because special interests weighed in.

Here are the folks that supported the legislation last time that have now reversed their position. Special interests have weighed in.

I have a unique approach today. Let us not represent special interests. Let us represent the American taxpayer.

We heard it is not costing us anything. Let me put this in perspective. For every time someone got on an Amtrak passenger train last year, the taxpayer paid $25, $25. There were 20 million boardings. That is hundreds of millions of taxpayer dollars. So it does cost the taxpayer money. In fact, it has cost the taxpayer, since 1971, $19 billion to subsidize Amtrak.

Testimony to our committee said that we could transport people by chauffeured limousine along some of these routes at a lower cost. Why can we not make these changes? Because special interests say that if we eliminate a route, we must pay 6 years full wages and benefits.

We have tried Band-Aids. We have tried bailing wire. We have tried masking tape. I submit that the taxpayer demands that we make real reforms that fix Amtrak.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, thank God we are in the 105th Congress. That was a chart from the 104th Congress.

Specifically speaking, in subtitle 5 of title 49, section 24706, it is very clear what the language is that they are going to take out with the Quinn amendment. It says the following: Employee protective arrangements, Amtrak or a rail carrier shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by the discontinuance of intercity rail passenger service.

We are talking about the preservation of rights, privileges and benefits of the employees to continuation of collective-bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of priority of employment, reemployment, et cetera, et cetera. All that we are talking about in the LaTourette amendment is to place the words at the end of that section saying, ''unless the parties agree.''

They cannot even accept that. This is antilabor. I will say it here on the floor.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we take away the incentive to bargain in good faith, we kill collective-bargaining, period. Every word of the Quinn amendment is in LaTourette and Traficant. If Members vote for LaTourette-Traficant, they vote for Quinn. But what is not in Quinn are basic labor protections.

I am tired of hearing about 2 years ago. Workers were willing to hurt themselves to save Amtrak. But since then there has been a blue ribbon panel that said we do not have to kill the workers. That is not the big cost factor.

Let us allow our workers to negotiate with management. Let us not set a precedent today that does kill collective-bargaining. If we do not incentivize collective-bargaining and we provide a disincentive, we kill collective-bargaining.

That is the issue today. That is the issue today. If Members are supporting Quinn, everything that Quinn says is in LaTourette and Traficant. I want Members to know that. But when they vote for Quinn, they are killing the incentive to negotiate in good faith. Let there be no mistake. That is a sad day.

H.R. 2247, the Amtrak Reform and Privatization Act of 1997, makes some much needed changes to Amtrak that will allow it to streamline its operations and cut costs.

However, as drafted the bill makes changes in current law that are unnecessary and will have a negative impact on Amtrak's employees.

The LaTourette-Traficant amendment does exactly what the Quinn substitute does: it says that freight and transit workers will not be affected by any changes made in the bill.

But the amendment goes further than Quinn: It also says that statutory provisions on labor protection and contracting out will remain in place.

Under the Quinn amendment, Amtrak workers are treated differently than freight or transit workers. Under the Quinn amendment, freight and transit workers retain the protections afforded under the current law. Amtrak workers lose that protection under the Quinn amendment.

The LaTourette-Traficant amendment affords Amtrak management and labor the opportunity to collectively bargain over these issues. The amendment allows these provisions to be altered or eliminated through the collective bargaining process.

Let's tell it like it is. Amtrak seldom, if ever, pays labor protection severance when a route is terminated. When there are job cutbacks, senior employees have rights under collective bargaining agreements to bump more junior employees holding other jobs. These junior employees are eligible for very limited protection.

Over the past 5 years, Amtrak was able to lay off more than 2,000 employees out of a work force of 23,000. The labor protection costs amounted to about $500 per employee.

Let's take a look at contracting out. H.R. 2247, also repeals the statutory prohibition on Amtrak contracting out work if it results in any Amtrak employees losing their jobs.

The fact is, current law allows Amtrak to contract out work, and every year Amtrak contracts out tens of millions of dollars of work.

Yes, in the last Congress almost an identical bill passed with over 400 votes. I supported that bill.

But a lot has changed in 2 years. A blue ribbon panel was established to review Amtrak. The panel did not find that statutory labor protection and contracting out provisions are a major factor in hindering Amtrak's performance.

Since the last Congress, we have also had more time to examine the exact costs Amtrak has incurred because of statutory labor protection and contracting out provisions. Those costs are minimal.

Passing this amendment will not, in any way, compromise the major thrust of the bill, which is to make much needed reforms to Amtrak's operations.

The LaTourette-Traficant amendment ensures that any changes to the current relationship between management and labor are mode through the collective bargaining process—not through the dictates of Congress. That's the way it should be.

Vote ''no'' on the Quinn amendment and ''yes'' on the LaTourette-Traficant amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE], cosponsor with the gentleman from Ohio [Mr. TRAFICANT] of the underlying amendment.

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

To amplify on what our good friend from Youngstown, OH, had to say, in 1981 Amtrak unions negotiated an agreement calling for a package of wage increases. Soon after the passage of that agreement, that contract, the unions were told by Amtrak and Members of Congress that Amtrak could not afford what the company just agreed to. The workers were told that they had to defer two-thirds of those increases.

It is now 1997, 16 years later, and that wage increase remains deferred. Amtrak workers have sacrificed for the good of Amtrak.

Again, to reiterate, the Quinn amendment, if we think of a train ride from New York City to Los Angeles, the train stops in Buffalo sadly. It does not get all the way to Los Angeles. In order to get all the way to Los Angeles, we need to reject the Quinn amendment and support LaTourette-Traficant.

The CHAIRMAN pro tempore [Mr. THORNBERRY]. The gentleman from Minnesota [Mr. OBERSTAR] has the right to close debate as he is defending the committee position on a substitute amendment.

Mr. QUINN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to point out that my good friend, the gentleman from Ohio [Mr. TRAFICANT] pointed out what is needed in this bill and referred to the comments of the gentleman from Pennsylvania [Mr. SHUSTER].

If we do not enact these reforms, we are not going to have Amtrak. Maybe some Members in this House do not care about Amtrak. Maybe some Members say it does not affect them. But it does. It is an important component of our rail system that we need to pass the Quinn amendment to be able to keep this alive.

The gentleman from New York [Mr. QUINN] has worked tirelessly on these issues to help promote the common good, to try to draw Members together, to try to draw consensus. If we are to move forward with Amtrak, we need these reforms to be able to put in place the funding.

So if Members care about Amtrak, if they want to see Amtrak continue to operate, this is essential. That is the bottom line. We can talk all we want about everything else. There will not be any jobs. It will be bankrupt. It will be belly up. Those jobs will be gone. So we want these reforms enacted so we can protect it.

Mr. QUINN. Mr. Chairman, I yield myself the balance of my time. Just to close the last 30 seconds that we have, I think the point that the gentleman from New Jersey [Mr. LOBIONDO] and other speakers have made is critically important to all Members before they come over here to vote this afternoon.

We can talk about blue ribbon panels. We can talk about charges back and forth and who is for labor and who is against labor. But at the end of the day, in the next half hour, the important concept is whether or not Amtrak is able to survive.

I will submit that a vote against Quinn is a vote to contribute to the collapse of Amtrak. Support the Quinn substitute.

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

I want to thank the distinguished gentleman from Ohio for his principled stand and the gentleman from Ohio [Mr. TRAFICANT] for his stand on this issue of fundamental importance to rail labor.

I have heard some very disturbing comments in the course of the debate yesterday or the day before in reference to labor bosses. Today reference to special interests. Since when are working men and women special interests? It is just a way of blurring their name, smudging their name. I resent it.

Who do you call captains of industry? Management. Fancy term. Why cannot labor be referred to in the same terms of respect?

Make no mistake about it, we support what the gentleman from New York [Mr. QUINN] is attempting to do. His concepts are incorporated into the LaTourette amendment, but we never get to the LaTourette amendment, the LaTourette-Traficant amendment, if we support Quinn. To get to the real reforms in Amtrak we need to defeat the pending amendment of the gentleman from New York in order to vote on what working men and women have said in their elections that they support as the right way to deal with labor conditions in America's passenger rail.

Let us make no mistake about it. The committee bill does this year, as it did in the last Congress, set up a process for wiping out contractual agreements freely entered into between labor and management. I would say, and in the last Congress I did support this bill because it was something I inherited, I kept the word of my predecessor.

I would not have negotiated this bill. But my father told me, what is sacred is what labor negotiates with management. You can never wipe it out. The Congress will wipe out the sacred trust between labor and management in the contract freely negotiated. Defeat the Quinn amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. QUINN] as a substitute for the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman pro tempore announced that the ayes have it.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the LaTourette amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 16, as follows:

[Roll No. 529]

AYES—195

Aderholt	Castle	Fowler
Archer	Chabot	Franks (NJ)
Armey	Chambliss	Frelinghuysen
Bachus	Christensen	Gallegly
Baker	Coble	Ganske
Ballenger	Coburn	Gekas
Barr	Collins	Gibbons
Barrett (NE)	Combest	Gilchrest
Bartlett	Cook	Gingrich
Barton	Cooksey	Goode
Bass	Cox	Goodlatte
Bateman	Crane	Goodling
Bilbray	Cunningham	Goss
Bliley	Davis (VA)	Graham
Blunt	Deal	Granger
Boehlert	DeLay	Greenwood
Boehner	Dooley	Gutknecht
Bonilla	Doolittle	Hansen
Bono	Dreier	Hastert
Brady	Duncan	Hastings (WA)
Bryant	Dunn	Hayworth
Bunning	Ehlers	Hefley
Burr	Ehrlich	Herger
Buyer	Emerson	Hill
Calvert	Ensign	Hilleary
Camp	Everett	Hobson
Campbell	Ewing	Hoekstra
Canady	Fawell	Horn
Cannon	Foley	Hostettler
Cardin	Forbes	Houghton

Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf

NOES—223

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gonzalez
Klug
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Schiff
Smith (OR)

□ 1247

The Clerk announced the following pair:

On this vote:

Mr. SMITH of Oregon for, with Mr. RANGEL against.

Ms. SLAUGHTER and Messrs. NEUMANN, TIAHRT, WELLER and METCALF, and Ms. KELLY changed their vote from ''aye'' to ''no.''

Mr. WHITFIELD and Mr. TAYLOR of Mississippi changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to address the Committee for 1 minute.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Chairman, reserving the right to object, is it the objective of the gentleman that the Committee rise at this point after his 1-minute?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, that is my objective, yes.

Mr. OBERSTAR. Mr. Chairman, further reserving the right to object, would not the regular order of business be, without this intervening 1-minute, to proceed immediately to the vote on the underlying amendment of the gentleman from Ohio (Mr. LATOURETTE)?

The CHAIRMAN pro tempore. It would be the next order of business to proceed on the vote on the LaTourette amendment, the substitute having failed.

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

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

There was no objection.

Mr. SHUSTER. Mr. Chairman, when the Taxpayer Relief Act provided $2.3 billion for capital improvements to save Amtrak, it was contingent on enactment of meaningful labor reforms. Unfortunately by the changing, the switching votes here since that previous Congress, we find ourselves in the position where we have no meaningful reforms. Under these circumstances, we simply cannot proceed. I believe we have jeopardized the future of Amtrak's existence.

(Mr. OBERSTAR asked and was given permission to address the Committee for 1 minute.)

Mr. OBERSTAR. Mr. Chairman, I respect the statement the Chairman of our Committee has just made, but I just want to point out that the legislation providing for the $2.3 billion simply calls for a reform, no adjectives to it. The underlying LaTourette amendment is reform. We could proceed to vote on it. It would do the job and it would release the $2.3 billion. I want to make that very clear.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore 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. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO TUESDAY, OCTOBER 28, 1997

Mr. COX of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 28, 1997, for morning hour debates.

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

There was no objection.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Michigan [Mr. BONIOR].

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 244, not voting 21, as follows:

[Roll No. 530]

AYES—168

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)

DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
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Christensen
Coble
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Combest
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Cooksey
Cox
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
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Hall (OH)
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Hamilton
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Hostettler
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Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
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Latham
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Lewis (CA)
Lewis (KY)
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Livingston
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Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
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Metcalf
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Miller (FL)
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Moran (KS)
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Murtha
Myrick
Nethercutt
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Northup
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Radanovich
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Redmond
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Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gekas
Gephardt
Gonzalez
Granger
Klug
McCarthy (NY)
McIntosh
Mollohan
Ney
Payne
Peterson (PA)
Rangel
Ryun
Schiff
Smith (OR)

□ 1311

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on rollcall vote 530 on the motion to adjourn. I was detained in a conference with the House leadership. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. OBEY. Mr. Speaker, I take this time so that I may ask the gentleman from Ohio [Mr. REGULA] a question about the schedule.

Mr. Speaker, there are a number of Members on this side of the aisle who are concerned about what the schedule is for the remainder of the day. Is it correct and can Members be assured that the only remaining business today is the disposition of this conference report, and that we will not be going on to any other legislative matters?

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, yes, I have been advised by the leadership that the last vote of the day will be the vote on the Interior conference report, and I also want to assure the Members, because many of them have plane schedules, that we are going to meet the 2 o'clock deadline. We will cut the speeches short, at least on our side, because we have heard it all. So we want to make the deadline.

CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 277, I call up the conference report on the bill [H.R. 2107) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 277, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 22, 1997, at page H9004.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. Yates) each will control 30 minutes.

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

□ 1315

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2107, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I would say to the gentleman from Illinois [Mr. YATES], I have had a couple of requests for colloquies, and I would like to do those now so we can pace our time here.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I would like to engage the chairman in a colloquy.

As the chairman knows, the Fish and Wildlife Service proposed to divide its Pacific region into two regions beginning on October 1, 1997. A new region would be created located in Sacramento, CA. This transfer was intended to assist the large work load on the west coast that is putting a strain on the regional office in Portland, OR.

I understand that the committee is concerned about the outyear costs of the program and that the bill directs the Fish and Wildlife Service to consider alternatives to establishing an additional regional office in Sacramento. However, the language in this bill would not preclude establishing a regional office in Sacramento; is that correct?

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

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, Mr. Speaker, that is correct, that such establishment requires committee approval. The committee will continue to work with the

Department of the Interior to identify an acceptable solution to the problem.

Mr. FAZIO of California. Mr. Speaker, the commitment of the administration to include funding for the regional office in its 1999 fiscal year budget, as Interior Secretary Babbitt has indicated he is going to do in a recent letter to the chairman, will help address the committee's concern that the establishment of this office would be facilitated at the expense of other priorities of the Fish and Wildlife Service in the annual Interior appropriations bill.

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, that is correct. The committee is also concerned that the budget submitted by the administration to the Congress for fiscal year 1999 appropriately addresses this problem in the context of service-wide priorities for the Fish and Wildlife Service.

Mr. FAZIO of California. I thank the chairman for his assurances.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS] for a colloquy with the chairman.

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

Mr. Speaker, the conference report includes several provisions related to management of the national forests. I would like to engage the chairman in a brief discussion about a couple of those.

One of those provisions, from the Senate bill, relates to national forest lands in New Mexico and Arizona, where the Forest Service is under court order to adjust grazing levels. As I understand it, the language says that the Forest Service cannot make those adjustments until they have issued an adjustment schedule, or March 1 of next year, whichever comes first. Is that the gentleman's understanding?

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

Mr. SKAGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, the gentleman is correct.

Mr. SKAGGS. So as I understand it, this will not prevent the Forest Service from making these adjustments as they were ordered to do, once the adjustment schedule has been issued, or March 1, at the latest?

Mr. REGULA. That is correct, Mr. Speaker.

Mr. SKAGGS. On another point, concerns have been expressed about section 332 of the conference report which deals with the process of revising national forest plans. This also originated in the other body, and I understand that as it was approved there, it would have directly affected several forests in Colorado as well as many forests in other States.

While the conference report does include a similar provision, the original language has been revised, and I would like to make sure I understand the effect of this part of the report. I understand the Forest Service has already given notice of its intention to revise the plans for some forests.

Am I right in understanding that in those cases, the revisions can proceed?

Mr. REGULA. If the gentleman will continue to yield, Mr. Speaker, yes, if the Forest Service has given notice prior to October 1 the revisions can proceed.

Mr. SKAGGS. Sometimes there are court orders calling for planned revisions. What about those cases, I would ask the chairman?

Mr. REGULA. Again, those revisions can go forward.

Mr. SKAGGS. I also understand that plan amendments, as opposed to general plan revisions, are not affected by this revision. I ask the gentleman, is that correct?

Mr. REGULA. Yes, that is correct.

Mr. SKAGGS. Finally, would the chairman agree that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process? Would the chairman agree with me that the Forest Service can and should go ahead with necessary environmental analysis and other work related to the planning process to avoid more delays and backlogs, once the process of plan revisions resumes?

Mr. REGULA. Yes.

Mr. SKAGGS. I thank the chairman very much for his discussion of these matters.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in opposition to this. It is tough to do. There is much in this bill that is very popular and issues we have all worked very hard for. But nevertheless, in the context of acting on measures that are important, we should not be forced to accept spending and a spending policy path that is inappropriate. This bill goes beyond just the responsibility of the Committee on Appropriations and writes fundamental law dealing with many issues.

We won a court case in Alaska of $1.6 billion. In this bill, the authorization exists to send half of that back to the State of Alaska, maybe for good purposes, maybe for bad purposes. I do not know what the consequence of that is going to be.

The timber road credit, which put a limit of $25 million on this bill, takes the limit off, and in fact goes in the reverse in terms of that particular issue. There are many, many additions in this bill that do a lot of good, but it is not worth it. I think we could have done better. These provisions were not in the bill when it left the House. We should not be held up by the Senate and forced to accept these types of antienvironmental provisions.

Mr. Speaker, I rise in strong opposition to the fiscal year 1998 Interior appropriations conference report and urge my colleagues to vote no on this bill. If Congress passes this bill and the President signs it into law, the ramifications for protection and enjoyment of America's natural resources will be grave.

Appropriation measures don't require a rule, if in fact the committee stays within its responsibility, but this measure, not for technical, but for substantive political reasons, is misusing the rule and abusing the process of this House to make bad public policy and wasteful expenditure. I have heard a lot of reasons why I should vote for this bill. There's more money for the parks and national wildlife refuges. There are sensible Indian health provisions. There's importantly $98 million for the NEA when the House measure that passed, didn't even permit a vote upon this issue, but hid behind the lack of reauthorization. There's just enough in this bill to satisfy everybody, but not too much to make folks too angry—at least that's what the supporters of this flawed bill would have you believe.

The popular programs funded by this measure are being used to enact numerous provisions that will cause havoc with our public lands and parks and cost the American taxpayer billions of dollars. I feel compelled to note the flawed policy decisions that have been forced on us in this conference report. Most of these ridiculous proposals have never had a hearing in the House and Senate or been subjected to proper legislative procedures. In short, Mr. Speaker, these proposals were slipped into this bill without review, hearing, or debate. Perhaps after explanation, Members will understand why these measures were shielded from open debate and the light of day.

There is a provision in this law that basically guts the ban on logging exports from our national forests and State-owned lands in the West. This popular law will now be unenforced. It will instead depend on the voluntary compliance of exporters. Voluntary compliance? We wouldn't need a law banning exports if we thought there was going to be voluntary compliance. So we can effectively kiss this timber—that is apparently so important for maintaining our domestic supply of paper products—goodbye.

There is a provision that prevents the Forest Service from updating and revising its forest management plans. This is required by the National Forest Management Act. That sets a foolish precedent, and essentially forces the Forest Service to be unresponsive to the needs of the lands they manage and the people that manage them.

There is a provision in this bill that prevents the reintroduction of grizzly bears into the Bitteroot ecosystem of Idaho and Montana. This hinders proper application of the Endangered Species Act and is based not on sound science but on the fears of a vocal minority. It has absolutely no place in

this conference report, a sop to the fears and the pseudo-science that dominates this Congress the past years more concerned with anecdote than facts.

This bill ignores provisions passed by the House earlier this year that placed limits on special subsidies for road construction by the timber industry to $25 million for such credits. I was a supporter of tighter limits than the House passed, but I thought we had begun to make some progress. I thought we may have sent a message to the timber industry that they were going to have start paying their own way if they wanted to despoil our Nation's forests. Apparently, I was wrong. The purchaser road credit program is now just as it always was: bloated, inefficient, and completely unnecessary, wasting tax dollars and despoiling our forests.

This conference report sets a new low mark in establishing a precedent of expending the Land and Water Conservation Fund into the Road Maintenance and Political Payback Slush Fund. This is indeed a sad day and consequence when we don't have the funds to fulfill the purposes of law, the preservation, and conservation of lands. Now we will see these scarce dollars expended. Specifically, this bill now provides a $10 million payoff to Humboldt County, CA and a $12 million road maintenance fund for a highway in Montana—paid for by the LWCF. The State of Montana also will receive a $10-million gift in the form of Federal mineral holdings which three tracts in the year 2000 may be valued at $500 million—also paid for by the LWCF or paid even more by the mineral assets of the American people. Apparently, these gifts serve to ease the blow of protecting the important Headwaters Forest and the proposed New World Mine site. In fact the preservation of such land is a benefit, not a negative to the two States and areas. That sets a horrible precedent, Mr. Speaker. Allowing LWCF money to be used for nonland acquisition purposes is not something that I have ever, can ever, or will ever support. On these grounds alone, the President should veto this bill if Congress makes the mistake and passes it.

The measure directs $800 million into a fund—improper legislation on this appropriation measure—for capital improvements in our national parks and for research on Alaska fisheries—maybe positive purposes—but again no hearings and only in one State—$160 million in research. The source of the funds is the $1.6 billion awarded the U.S. Federal Government in court over submerged lands and a disagreement with the State of Alaska. So the consequence is the U.S. taxpayer won, but now we convey significant amounts which enure principally to the benefit of Alaska.

There are many more flaws in this bill—the moratoria on road rights of way in law isn't repaired—but I think the ones I have summarized here give the Members of this House an idea of why we should return this legislation to conference. I should note that I do not, Mr. Speaker, believe this conference report is beyond repair. As I have said, there are provisions in this bill that I support and are good policy. I applaud Mr. REGULA and Mr. YATES for making progress in these areas.

But until we fix the LWCF provisions in this bill, until we fix the logging export provisions in this bill, until we restore limits on special subsidy programs for the timber industry, I will oppose it. I urge my colleagues to do the same.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me the time, Mr. Speaker.

Mr. Speaker, I want to thank the chairman and the ranking member for including language with regard to the Salton Sea, which is now beginning to move forward, and the step required here for a plan of remediation will be of extreme benefit and will lead to a much more definitive program being presented in future years for appropriations to really solve the problem. But the first step I think is adequately taken care of here. I thank the chairman for what he is doing.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Interior appropriations conference report for fiscal year 1998. While it is not perfect, it represents a fair compromise on the many difficult environmental issues that the subcommittee had to wrestle with under this bill.

I am especially pleased, Mr. Speaker, that the conferees were able to reach agreement on the funding level for land acquisition in our national parks. The nearly $400 million that will be available for this purpose will greatly enhance the possibility that funding will be made available for the purchase of two important parcels in Salt River National Park and the Virgin Islands National Park, in my district.

I also want to thank the chairman and ranking member of the subcommittee, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES], for their willingness to include in the bill two other provisions that are very important to the economic recovery of the Virgin Islands. This is a good compromise conference report, Mr. Speaker, and I urge my colleagues to vote in favor of it.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee, a very valued member, I might add, for a colloquy.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to enter into this colloquy with the chairman.

On my own behalf, but also, obviously, of the Speaker of the House, who has worked very hard and diligently in favor of research for diabetes funding, I would just engage the chairman, and ask if the chairman would enter into this colloquy regarding the establishment of a coherent and unified policy and the expeditious distribution of Federal money as appropriated by the Balanced Budget Act of 1997 for special diabetes programs for Indians, subsection 4922.

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

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I would be glad to discuss this important issue with a subcommittee member and co-chairman of the House Diabetes Caucus. I understand that the gentleman has developed this colloquy in consultation with the Speaker of the House.

Mr. NETHERCUTT. I have indeed, Mr. Speaker, because of the Speaker's great leadership on this issue relative to diabetes.

Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that in subsection 4922 of the Balanced Budget Act of 1997, that the 5-year $150 million special diabetes programs for Indians grant be distributed in a timely manner with a coherent, detailed policy formulated by those within the Indian Health Service who have direct programmatic oversight responsibility and expertise in diabetes care for Native Americans?

Mr. REGULA. Yes. We feel those professionals from the IHS diabetes program who deal on a daily basis with the clinical and public health implementation of issues related to diabetes should have full authority, and all necessary resources given to them by national IHS officials to make decisions and administer these grants, after timely consultation with tribal leaders, which shall be completed by November 30, 1997.

Mr. NETHERCUTT. Mr. Speaker, further, I ask the chairman, is it the committee's intent that the extensive epidemiologic data related to prevalence, complications, care process, and outcomes currently collected and coordinated on an earlier basis by the Indian Health Service diabetes program shall be used as the primary basis for the distribution of these funds?

Mr. REGULA. Mr. Speaker, the gentleman is correct.

Mr. NETHERCUTT. Furthermore, is it the intent of the committee that the IHS diabetes program fully consider that 25 percent of the grant should be used for primary diabetes prevention and 75 percent of the grant should be utilized for secondary and tertiary diabetes prevention?

Mr. REGULA. The gentleman is correct.

Mr. NETHERCUTT. I thank the gentleman very much for clarifying the committee's intent on how this money should be utilized. I urge strongly that this conference report be

approved. I thank the chairman for his leadership, and that of the Speaker of the House, as well.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to address a question to the subcommittee chairman. How much money is included in this bill for the National Endowment for the Arts?

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Ohio.

Mr. REGULA. $98 million.

Mr. YATES. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend Chairman REGULA for the job he has done on this bill. It was a very difficult bill. In all the years I have been dealing with Interior bills in this Congress, I have never participated in one that had as many controversies as this had. I think it is a testimonial to the expertise, the effectiveness, and the popularity of Chairman REGULA that we have this bill and this conference report here today.

I find this bill acceptable, Mr. Speaker. I would have preferred if it had other environmental provisions in it than the ones it has, but we succeeded in toning down many of the environmental positions from their original writing.

The bill does give life to the National Endowment for the Arts and Humanities, and that is a very, very good thing. I shall vote for this bill, and I urge its passage.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska, [Mr. YOUNG], chairman of the House authorizing committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill has been a torture to get to the floor, primarily because of two issues that came under my jurisdiction, the Headwaters Forest acquisition of $250 million, and the New World Mine acquisition of $65 million.

I agreed to this position of the Headwaters authorization in this bill because of the gentleman from California, [Mr. FRANK RIGGS]. The gentleman from California, [Mr. RIGGS], did an outstanding job conveying the fact that there has been a war in the Headwaters area for about 10 years, and it is time to solve this problem. So I considered this a very good point to solve the problem of the Headwaters, and remember, the President asked for this. We have given it to him, as we should.

The big reason I worked on the New World Mine is because of the gentleman from Montana, [Mr. RICK HILL], who is a member of my committee. The gentleman from Montana, [Mr. HILL], argued for months that Montana was going to lose 300 rural jobs and lose revenues because of the buyout the administration agreed to. I believe, very frankly, that the mine would have gone ahead.

But the gentleman from Montana has done an excellent job protecting Montana and providing jobs in his district. May I suggest, Mr. Speaker, we have heard some rumblings that the extremist fringes of the President's advisers may recommend vetoing this bill. If that occurs, I think we should send the President a clean bill, I mean strip everything out of it, send him down a bill with none of the so-called extras, including the money he wanted for the project I just spoke of.

So I will suggest, Mr. Speaker, that this conference report is a good conference report; tremendously hard to do, a tremendous effort put forth by the gentleman from Illinois, [Mr. YATES], and the gentleman from Ohio, [Mr. REGULA]. I want to compliment them in their work, but especially these, the gentleman from California, [Mr. RIGGS], and the gentleman from Montana, [Mr. RICK HILL].

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS] for a colloquy with the chairman.

□ 1330

Mr. DICKS. Mr. Speaker, I understand that part of the bill provides authority for the acquisition of the Headwaters Forest in California. One of the key provisions related to the acquisition makes further land acquisitions that enlarge the Headwaters Forest by more than 5 acres at a time subject to specific authorization by Congress. I would ask the gentleman, is that correct?

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

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, yes, the gentleman is correct.

Mr. DICKS. Mr. Speaker, reclaiming my time, would this provision affect land acquisitions by the Federal Government through donation, exchanges, or legal settlement or is it limited to land that is acquired through purchase with appropriated funds?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, the provision requiring an authorization is limited to acquisitions of the Federal Government that are purchased through appropriated funds. It would not restrict the acquisition of lands or interest in lands exceeding 5 acres that are received through donation, exchange, or settlements with the Federal Government.

For example, this provision would not restrict the Federal Government from enlarging ownership of the Headwaters Forest as a result of settlement involving the Federal Deposit Insurance Corporation or the Office of Thrift Supervision.

Mr. DICKS. Mr. Speaker, again reclaiming my time, I would like to have a colloquy with the gentleman from Ohio [Mr. REGULA] on title VI of the log export provision contained in the Interior appropriations agreement.

Mr. Speaker, it is my understanding that there is nothing in the language of the log export provision which would allow the holder of a sourcing area to export private timber from within their sourcing area. Is that the gentleman's understanding as well?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, yes, that is my understanding of the language.

Mr. DICKS. Mr. Speaker, again reclaiming my time, would the chairman be willing to work with me and those who supported this provision to monitor implementation with the Forest Service to ensure that concerns such as this are addressed?

Mr. REGULA. Mr. Speaker, if the gentleman would continue to yield, I will be pleased to work with the gentleman from Washington to monitor the provision's implementation.

Mr. DICKS. Mr. Speaker, reclaiming my time, I would like to say that I strongly support the conference report and urge my colleagues to adopt it.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I believe there are a number of very significant provisions in this bill, riders added to this bill that have had no review by the House, added by the Senate, that are very much to the detriment of the environment. I spoke about them at length during the rule. Nothing has changed here before us. I would urge Members to vote against this bill.

Mr. Speaker, the gentleman from Washington [Mr. DICKS] is trying to clarify some very complicated provisions added into the bill by the Senate having to do with the export of logs. I still have the opinion of the IG from the Department of Agriculture who says, no, in fact this would allow the virtual explicit export of Federal logs. The gentleman says he is trying to fix that. I appreciate that.

Mr. Speaker, that points out the whole problem with doing legislation on appropriations bills. It is an extraordinarily complicated subject. It has not been reviewed by the committee of jurisdiction in either the House or the Senate. It has been added to this bill without any scrutiny.

The gentleman is now trying to say that it does not do what this attorney who works for the agency charged to enforce the law says it does do. I do not really know. Who knows?

So, Mr. Speaker, we should reject this bill. If we need changes in substitution, we should do it in the regular order, not in an appropriations bill.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, first of all, as I understand it, the memo that the gentleman from Oregon is reading from is a draft provision that has not been cleared by the Department. We will get

this straightened out. I guarantee that what we have just said will cure the problem because there was not a problem in the first place.

Mr. REGULA. Mr. Speaker, I want to assure Members that are watching this that we are going to stay on schedule and we are going to be done with this before 2 p.m.

Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, there may be some malignment in the debate here with regard to a road, a road called the Bear Tooth Highway that someone suggested existed in Montana. I want to point out to my colleagues this is not a Montana road. It is actually within the borders of Wyoming, but it is a U.S. Government road and constructed for the purpose of creating access to Yellowstone Park. Only the Federal Government has jurisdiction and responsibility over this road.

Mr. Speaker, the President's initiative to purchase the New World Mine is going to eliminate 466 jobs in a small community called Cooke City, MT. This road simply provides tourists access to Cooke City, MT. With the withdrawal of these minerals and withdrawal of these roads, it is a community that is isolated and dependent on tourism for its economy in the future. I urge my colleagues to support the bill.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I promise my colleagues I will be brief. I hear the calls of ''vote.''

Mr. Speaker, this legislation has a tremendous impact on my district, as has been pointed out by certain of my colleagues earlier today. Last September, Pacific Lumber Co., which is the largest private employer in the largest county of my congressional district, agreed to sell the so-called Headwaters Forest, this last old growth stand of redwood trees, to the Federal Government and the State of California.

Mr. Speaker, I endorsed the agreement along with our Senator from California, Senator FEINSTEIN, who worked hard to bring all of the parties to this agreement together. A number of conditions that are set out in this bill must be met before the Headwaters agreement will be finalized.

The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction, $250 million in Federal taxpayer funding through the Land and Water Conservation Fund.

Mr. Speaker, getting to this very point today, as the gentleman from Ohio [Mr. REGULA] will attest, was not easy. I thank the gentleman and his very capable staff, and I want to thank Chairman LIVINGSTON and Jim Dyer for their work on this, and especially the members of the authorizing committee, Chairman YOUNG, Chief of Staff Lloyd Jones, and somebody who deserves special note, Senior Counsel Duane Gibson, who worked so hard on this agreement.

Mr. Speaker, many in Congress had serious reservations about whether this acquisition which was contemplated by the bipartisan agreement to balance the budget should go forward. For my part, the Government already has a very strong presence in my congressional district along California's north coast. My district includes all or part of four national parks or forests, including the largest and most expensive national park, the most expensive to acquire national park in the continental United States, the Redwood National Park.

This bill provides certainty, though, that this acquisition will happen in the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain. Pacific Lumber Company and the State of California gets certainty that the Headwaters agreement can go forward and will happen and Humboldt County gets an upfront payment plus continuing compensation in the form of a payment in lieu of taxes to mitigate the economic impacts of Headwaters. This is not to compensate for lost timber business, but to compensate for the loss of property tax revenues by transferring this land from private ownership to public ownership and removing it from the tax rolls.

Mr. Speaker, I want to thank all involved for helping this legislation become a reality and helping to resolve a long-simmering dispute in my congressional district.

Mr. Speaker, I rise in strong support of the conference report. I commend the chairman of the subcommittee, Mr. REGULA, for the attention he has given an issue of great importance to my constituents, going so far as to visit my district to learn the facts first-hand for himself. I also thank the chairman of the full committee, Mr. LIVINGSTON and his capable staff for their efforts to reach an agreement that takes into account often-conflicting interests.

In my view, the most significant element of this conference report is title 5, which both authorizes and funds a number of priority land acquisitions. Foremost among these is the acquisition of Headwaters Forest, in my congressional district. Headwaters Forest, the largest stand of old-growth redwoods remaining in private hands, is owned by Pacific Lumber Co., the largest private employer in Humboldt County, CA.

Last September, Pacific Lumber agreed to sell Headwaters Forest to the Federal Government and State of California. I endorsed this agreement, along with our State's senior Senator, Senator FEINSTEIN, who worked hard to bring the parties together.

A number of conditions must be met before the Headwaters agreement can be finalized. The bill before us today helps the achievement of one of those conditions by authorizing and appropriating the Federal funds necessary to consummate the transaction—$250 million. Getting to this point was not easy.

Many of us in Congress had strong reservations about whether this acquisition should go forward. For my part, the Federal Government already has a strong presence along California's north coast. My district includes all or part of four national parks and forests, including the largest and most expensive to acquire national park in the continental United States, Redwood National Park.

This presence has had a heavy impact on the area, and not wholly in a positive way. It has impacted us in the form of greater regulation, lost tax revenues, closed mills, and lost living wage jobs that have not been replaced despite government promises.

On the part of many of my colleagues, there was a feeling that the Federal Government has already acquired too much land. At a minimum, they wanted to assure that the large expenditure for Headwaters was justified, and that the executive branch was not rushing forward without a plan for management of the property to be acquired.

For these reasons, I consistently emphasized to all of the parties the need to involve Congress in the acquisition. Not only would this further legitimize such a large expenditure of public funds, but it would also permit Congress to correct some items the administration had failed to address.

This would also give us an opportunity to address the economic impact of the acquisition on the people of Humboldt County.

Nonetheless, the administration wanted to give the Congress no say in the Headwaters transaction. They said that Congress should just provide the money from the Land and Water Conservation Fund. Yet they could not answer such basic questions as which agency would manage the property, what arrangements would be made for public access, or how they knew the Government was getting fair value it money. Interior Secretary Babbitt even went to so far to say in a July 18, 1997, press release that he did ''not believe that requirements for additional authorization are necessary or helpful.''

This could not stand. And it did not stand, Mr. Speaker, thanks to your personal intervention and the insistence of the authorizing committees. Mr. Speaker, you assured that action would not be taken in this bill affecting the people I represent without my involvement on their behalf.

Months ago, you promised me that you would look out for the interests of my constituents. You kept that promise by giving me a direct role in negotiating the Headwaters legislation, and by personally interceding when it appeared that negotiations were not on track. For your leadership, I thank you.

I also thank the chairman of the House Resources Committee, the gentleman from Alaska, Mr. DON YOUNG. He brought to the table his extensive knowledge and experience. Because he also represents an area of our country whose economy is heavily resource based, he understands how the Headwaters acquisition impacts Humboldt County.

Perhaps his greatest contribution, however, was allowing members of his senior committee staff to devote a substantial amount of time to the negotiations, including Chief of Staff Lloyd Jones and Counsel Duane Gibson.

Duane merits special recognition. Not only did he travel twice of Humboldt County in recent months, but he was lead negotiator for the committee. On both the Headwaters and Crown Butte, MT, transactions, he fashioned a legislative solution that serves well the interests of all of the parties.

I would be remiss if I did not also thank all of the executive branch personnel who participated in these difficult negotiations. I want to particularly acknowledge T.J. Glauthier of the Office of Management and Budget, who demonstrated both firmness and compromise when appropriate, and who continually was able to disagree without being disagreeable.

I believe, Mr. Speaker, that our persistence has led to a win-win result. This is a balanced package that protects living wage jobs, respects the rights of private property owners, and preserves key environmental assets.

The bill provides certainty that this acquisition can happen the right way. The Federal Government gets access to the funds needed to uphold its part of the bargain; Pacific Lumber Co. and the State of California get certainty that the Headwaters agreement can go forward; Congress gets a role in how $250 million in taxpayer funds are spent; and Humboldt County gets an up-front payment, plus continuing compensation, to mitigate its law enforcement expenses and other economic impacts of the Headwater agreement.

I will not detail all of the provisions of the Headwaters legislation, but I do want to highlight a few.

Securing financial guarantees for Humboldt County was my highest priority in these negotiations. Going forward without an aid package was not an option; economic mitigation had to be on the table or there would be no settlement.

The $10 million to Humboldt County included in this bill is unprecedented. Together with annual payments in lieu of taxes from the Federal Government and increased revenue from timber harvesting on Pacific Lumber lands, the county should be made more than whole.

Another important provision is the limitation on growth of Headwaters Forest. Except for parcels of 5 acres or less, no Federal money can be used to purchase additional land to expand Headwater Forest without express congressional authorization.

I am an ardent believer in private property rights. That is why I fought hard to assure that upon completion of the multispecies habitat conservation plan [HCP] covering Pacific Lumber Co. property, the lands of abutting smaller property owners will be removed from the critical habitat designation for the marbled murrelet.

Of course, Pacific Lumber Co. and Headwaters do not exist in a vacuum in Humboldt County. That is why I was able to get included in this legislation two other notable provisions. In view of the unique circumstances faced by others engaged in harvesting timber, this bill establishes that the Pacific Lumber HCP is not to be considered precedent.

To help both Federal and State officials in California, a provision is included that allows greater flexibility in cooperative management of government lands. This effectively enacts H.R. 262, which I had earlier introduced at the urging of Redwood National Park, but which will be beneficial to many of our National and State parks.

Mr. Speaker, last week my congressional office in Eureka was vandalized by individuals who are not satisfied that we are only protecting 7,500 acres of timber. But I do not believe that this action of a few extremists who favor a 60,000-acre preserve reflects the views of most people. A calm appraisal of this legislation will reveal its balance.

This is a Headwaters solution that all fair-minded people can support. I urge my colleagues to vote in favor of the conference report.

Mr. YATES. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in opposition to this bill. Earlier this year a majority of the Members of this body, in a recorded vote, voted to eliminate funding for the National Endowment for the Arts. We knew what the vote was on. A majority of us said, ''No more money. You have misused what you had, and it simply does not make sense to tell our 13,000 soldiers, sailors, airmen, and marines who are on food stamps that we do not have enough money for them to get them off of food stamps, but we have money for the National Endowment for the Arts; to tell those military retirees who are not getting the health care that they were promised that we do not have enough money for them, but we have $100 million for the National Endowment for the Arts.''

We spoke on this subject. I want to remind my colleagues that it has made its way back into this bill and if they were serious about the vote earlier in the year, then vote against this bill today.

Mr. YATES. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I should tell the gentleman from Mississippi [Mr. TAYLOR] that the House of Representatives lost the vote by one vote when the opportunity was being presented to offer an amendment on the National Endowment for the Arts in changing a rule.

Second, Mr. Speaker, on my motion to instruct the House conferees when they went to conference to accept the provisions of the Senate bill which provided funding for the National Endowment for the Arts and for the Humanities, the House voted without an objection to do that.

So the gentleman's statement that the attitude of the House is opposed to the National Endowment is entirely incorrect.

Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have been around here a long time and I have often seen a lot of peculiar things happen. Many of us have seen on many occasions individual Members of this House drag their feet or oppose a project or do very little to promote the project until that project is going to pass, and then all of the sudden there are an awful lot of instant fathers for the project.

Mr. Speaker, I would simply like to say that for the sake of historical accuracy, the RECORD ought to show that with respect to the creation of the Headwaters project in this bill today that without question the driving force in the Congress behind that project was, first of all, the distinguished gentleman from California [Mr. MILLER], the ranking Democrat on the Committee on Resources, and Senator FEINSTEIN, who worked extremely hard to get that project developed.

With respect to the comments of the gentleman from Mississippi, I would simply say if this Congress simply stopped funding idiotic projects like the B–2 bomber or the F–22, we would not only have enough money to put every soldier off food stamps, we would have enough money to put them all in alligator boots.

Mr. REGULA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend my staff and especially Barbara Wainman. Barbara has been with me 17 years working with Interior matters, and she will be leaving us. This is her last time on this, and we very much appreciate what she has done.

This truly is a ''Take Pride in America'' bill, as I mentioned this morning. It does a lot of very positive things for the environment, for the culture of this Nation, for the enjoyment of our parks and our forests, and just a lot of positive things.

Mr. Speaker, three points: It is $400 million less than last year, if we take out the 700 special amount, so we are managing very carefully yet we are getting a lot accomplished. Second, my colleagues heard the colloquies on the forest issue, and I think it is clear that there is latitude in the forest planning that will meet the needs.

Third, on the arts issue, we have constrained the NEA as much as possible in light of the Senate action, and I think all in all the Members should support this bill. It is something I believe we can point to with pride. When Members come over to vote, if they are interested, we have all the sheets about what is contained in the bill.

I want to take this opportunity to clarify that the funding provided to the U.S. Fish and Wildlife Service for habitat conservation planning for the Prebles Meadow Jumping Mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, they are on private land in Colorado and on Federal land in Wyoming. The Habitat Conservation Plan only applies to the private lands in Colorado.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	575,664,000	587,495,000	581,591,000	578,851,000	583,270,000	+7,606,000
Wildland fire management	352,042,000	280,103,000	280,103,000	282,728,000	280,103,000	-71,939,000
Central hazardous materials fund	12,000,000	14,900,000	12,000,000	14,900,000	12,000,000	.....
Construction	4,333,000	3,154,000	3,254,000	3,154,000	3,254,000	-1,079,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000	124,000,000	120,000,000	+6,500,000
Land acquisition	10,410,000	9,900,000	12,000,000	8,600,000	11,200,000	+790,000
Oregon and California grant lands	103,015,000	101,406,000	101,406,000	101,406,000	101,406,000	-1,609,000
Range improvements (indefinite)	9,113,000	7,510,000	9,113,000	9,113,000	9,113,000	.....
Service charges, deposits, & forfeitures (indefinite)	7,966,000	7,966,000	7,966,000	7,966,000	7,966,000	.....
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	.....
Total, Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service						
Resource management	526,047,000	561,614,000	591,042,000	585,064,000	594,842,000	+68,795,000
Construction	59,256,000	35,921,000	40,256,000	42,053,000	45,006,000	-14,250,000
Natural resource damage assessment fund	4,000,000	4,628,000	4,128,000	4,328,000	4,228,000	+228,000
Land acquisition	44,479,000	44,560,000	53,000,000	57,292,000	62,632,000	+18,153,000
Cooperative endangered species conservation fund	14,085,000	14,000,000	14,000,000	14,000,000	14,000,000	-85,000
National wildlife refuge fund	10,779,000	10,000,000	10,000,000	10,779,000	10,779,000	.....
Rewards and operations	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
North American wetlands conservation fund	9,750,000	15,000,000	10,500,000	13,000,000	11,700,000	+1,950,000
Rhinoceros and tiger conservation fund	400,000	400,000	400,000	400,000	400,000	.....
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	.....
Total, United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service						
Operation of the national park system	1,154,611,000	1,220,325,000	1,232,325,000	1,250,429,000	1,233,664,000	+79,053,000
National recreation and preservation	37,976,000	42,063,000	43,934,000	45,284,000	44,259,000	+6,283,000
Historic preservation fund	36,612,000	45,612,000	40,412,000	39,812,000	40,812,000	+4,200,000
Construction	182,744,000	150,000,000	148,391,000	173,444,000	214,901,000	+32,157,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	.....
Land acquisition and state assistance	53,915,000	70,900,000	129,000,000	126,690,000	143,290,000	+89,375,000
Everglades restoration fund	.....	100,000,000	.....	.....	.....	.....
Total, National Park Service (net)	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey						
Surveys, investigations, and research	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service						
Royalty and offshore minerals management	156,955,000	157,922,000	139,621,000	135,722,000	137,521,000	-19,434,000
Oil spill research	6,440,000	6,118,000	6,118,000	6,118,000	6,118,000	-322,000
Total, Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	94,172,000	93,209,000	94,937,000	96,937,000	94,937,000	+765,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000	500,000	500,000	.....
Subtotal	94,672,000	93,709,000	95,437,000	97,437,000	95,437,000	+765,000
Abandoned mine reclamation fund (definite, trust fund)	177,085,000	177,348,000	179,624,000	177,624,000	177,624,000	+539,000
Total, Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs						
Operation of Indian programs	1,443,502,000	1,542,305,000	1,526,815,000	1,529,024,000	1,528,588,000	+85,086,000
Construction	100,531,000	125,118,000	110,751,000	125,051,000	125,051,000	+24,520,000
Indian land and water claim settlements and miscellaneous payments to Indians	69,241,000	59,352,000	41,352,000	43,352,000	43,352,000	-25,889,000
Indian guaranteed loan program account	5,000,000	5,004,000	5,000,000	5,000,000	5,000,000	.....
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
Total, Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices						
Insular Affairs:						
Assistance to Territories	37,468,000	39,494,000	40,494,000	39,494,000	39,794,000	+2,326,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	.....
Subtotal, Assistance to Territories	65,188,000	67,214,000	68,214,000	67,214,000	67,514,000	+2,326,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Compact of Free Association	10,038,000	8,445,000	8,445,000	8,545,000	8,545,000	-1,493,000
Mandatory payments	13,500,000	12,000,000	12,000,000	12,000,000	12,000,000	-1,500,000
Subtotal, Compact of Free Association	23,538,000	20,445,000	20,445,000	20,545,000	20,545,000	-2,993,000
Total, Insular Affairs	88,726,000	87,659,000	88,659,000	87,759,000	88,059,000	-667,000
Departmental management	58,286,000	58,286,000	58,286,000	58,286,000	58,286,000	.....
Office of the Solicitor	35,443,000	35,443,000	35,443,000	35,443,000	35,443,000	.....
Office of Inspector General	24,439,000	24,500,000	24,439,000	24,500,000	24,500,000	+61,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Office of Special Trustee for American Indians	32,126,000	39,337,000	32,126,000	35,689,000	33,907,000	+1,781,000
Total, Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
Appropriations	(6,365,599,000)	(6,596,851,000)	(6,548,192,000)	(6,622,863,000)	(6,677,276,000)	(+311,677,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	179,786,000	179,781,000	187,644,000	188,644,000	187,944,000	+8,158,000
State and private forestry	155,461,000	156,408,000	157,922,000	162,668,000	161,237,000	+5,776,000
National forest system	1,278,176,000	1,325,672,000	1,364,480,000	1,337,045,000	1,348,377,000	+70,201,000
Wildland fire management	1,080,016,000	514,311,000	591,715,000	582,715,000	584,707,000	-495,309,000
Reconstruction and construction	180,184,000	146,084,000	154,522,000	155,669,000	166,045,000	-14,139,000
Land acquisition	40,575,000	41,057,000	45,000,000	49,176,000	52,976,000	+12,401,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	.....
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	.....
Range betterment fund (indefinite)	3,995,000	3,811,000	3,811,000	3,811,000	3,811,000	-184,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	.....
Midewin national tallgrass prairie restoration fund	.....	100,000	100,000	100,000	100,000	+100,000
Cooperative work, Forest Service	.....	.....	128,000,000	.....	.....	.....
Total, Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission	-140,000,000	-153,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Deferral	.....	-133,000,000	.....	.....	.....	.....
Subtotal	-140,000,000	-286,000,000	-101,000,000	-101,000,000	-101,000,000	+39,000,000
Fossil energy research and development	364,704,000	346,408,000	313,153,000	363,969,000	362,403,000	-2,301,000
Alternative fuels production (indefinite)	-4,000,000	-1,500,000	-1,500,000	-1,500,000	-1,500,000	+2,500,000
Naval petroleum and oil shale reserves	143,786,000	117,000,000	115,000,000	107,000,000	107,000,000	-36,786,000
Energy conservation	569,762,000	707,700,000	644,766,000	629,357,000	611,723,000	+41,961,000
Economic regulation	2,725,000	2,725,000	2,725,000	2,725,000	2,725,000	.....
Strategic petroleum reserve	-11,000,000	209,000,000	.....	.....	.....	+11,000,000
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
Energy Information Administration	66,120,000	62,800,000	66,800,000	62,800,000	66,800,000	+680,000
Total, Department of Energy:						
New budget (obligational) authority (net)	992,097,000	1,158,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Appropriations	(1,132,097,000)	(1,444,133,000)	(1,140,944,000)	(1,164,351,000)	(1,149,151,000)	(+17,054,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
Deferral	.....	(-133,000,000)	.....	.....	.....	.....
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,806,269,000	1,835,465,000	1,829,008,000	1,958,235,000	1,841,074,000	+34,805,000
Indian health facilities	247,731,000	286,535,000	257,310,000	168,501,000	257,538,000	+9,807,000
Total, Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	61,000,000	.....	.....	.....	.....	-61,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution						
Salaries and expenses	318,492,000	334,557,000	334,557,000	333,708,000	333,408,000	+14,916,000
Construction and improvements, National Zoological Park	3,850,000	3,850,000	3,850,000	3,850,000	3,850,000	.....
Repair and restoration of buildings	39,000,000	32,000,000	50,000,000	32,000,000	32,000,000	-7,000,000
Construction	10,000,000	58,000,000	.....	33,000,000	33,000,000	+23,000,000
Total, Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art						
Salaries and expenses	54,281,000	53,899,000	55,837,000	55,837,000	55,837,000	+1,556,000
Repair, restoration and renovation of buildings	5,942,000	5,942,000	6,442,000	5,942,000	6,192,000	+250,000
Total, National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,475,000	11,375,000	11,375,000	11,375,000	11,375,000	-1,100,000
Construction	12,400,000	9,000,000	9,000,000	9,000,000	9,000,000	-3,400,000
Total, John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	.....
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	82,734,000	119,240,000	.....	83,300,000	81,240,000	-1,494,000
Matching grants	16,760,000	16,760,000	.....	16,760,000	16,760,000	.....
Total, National Endowment for the Arts	99,494,000	136,000,000	.....	100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities						
Grants and administration	96,100,000	118,250,000	96,100,000	96,800,000	96,800,000	+700,000
Matching grants	13,900,000	17,750,000	13,900,000	13,900,000	13,900,000	.....
Total, National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Total, National Foundation on the Arts and the Humanities	231,494,000	298,000,000	133,390,000	233,050,000	231,980,000	+486,000
Commission of Fine Arts						
Salaries and expenses	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs						
Grants	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission						
Salaries and expenses	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	500,000	.....	.....	.....	.....	-500,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	.....
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
Appropriations	(6,932,244,000)	(6,819,095,000)	(6,535,637,000)	(6,564,487,000)	(6,544,162,000)	(-388,082,000)
Rescission	(-140,000,000)	(-153,000,000)	(-101,000,000)	(-101,000,000)	(-101,000,000)	(+39,000,000)
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000	.....	.....	.....	.....	-386,592,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	.....	700,000,000	.....	700,000,000	699,000,000	+699,000,000
Grand total:						
New budget (obligational) authority (net)	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000
Appropriations	(13,297,843,000)	(14,115,946,000)	(13,083,829,000)	(13,887,350,000)	(13,920,438,000)	(+622,595,000)
Emergency appropriations	(386,592,000)	.....	.....	.....	.....	(-386,592,000)
Rescissions	(-170,000,000)	(-183,000,000)	(-131,000,000)	(-131,000,000)	(-131,000,000)	(+39,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	.....
(By transfer)	(220,000,000)	.....	(209,000,000)	(207,500,000)	(207,500,000)	(-12,500,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	1,138,323,000	1,135,917,000	-59,731,000
United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	728,716,000	745,387,000	+74,791,000
National Park Service	1,435,858,000	1,598,900,000	1,564,062,000	1,605,659,000	1,646,926,000	+211,068,000
United States Geological Survey	740,051,000	745,388,000	755,795,000	758,160,000	759,160,000	+19,109,000
Minerals Management Service	163,395,000	164,040,000	145,739,000	141,840,000	143,639,000	-19,756,000
Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	275,061,000	273,061,000	+1,304,000
Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	1,702,427,000	1,701,991,000	+83,717,000
Departmental Offices	240,020,000	246,225,000	239,953,000	242,677,000	241,195,000	+1,175,000
Total, Title I - Department of the Interior	6,335,599,000	6,566,851,000	6,518,192,000	6,592,863,000	6,647,276,000	+311,677,000
TITLE II - RELATED AGENCIES						
Forest Service	2,919,564,000	2,368,595,000	2,634,565,000	2,481,199,000	2,506,568,000	-412,996,000
Department of Energy	992,097,000	1,158,133,000	1,039,944,000	1,063,351,000	1,048,151,000	+56,054,000
Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	2,126,736,000	2,098,612,000	+44,612,000
Indian Education	61,000,000	.....	.....	.....	.....	-61,000,000
Office of Navajo and Hopi Indian Relocation	19,345,000	19,345,000	18,345,000	15,000,000	15,000,000	-4,345,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	3,000,000	5,500,000	4,250,000	-1,250,000
Smithsonian Institution	371,342,000	428,407,000	388,407,000	402,558,000	402,258,000	+30,916,000
National Gallery of Art	60,223,000	59,841,000	62,279,000	61,779,000	62,029,000	+1,806,000
John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	20,375,000	20,375,000	-4,500,000
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	1,000,000	5,840,000	5,840,000	.....
National Endowment for the Arts	99,494,000	136,000,000	.....	100,060,000	98,000,000	-1,494,000
National Endowment for the Humanities	110,000,000	136,000,000	110,000,000	110,700,000	110,700,000	+700,000
Institute of Museum Services	22,000,000	26,000,000	23,390,000	22,290,000	23,280,000	+1,280,000
Commission of Fine Arts	867,000	867,000	907,000	907,000	907,000	+40,000
National Capital Arts and Cultural Affairs	6,000,000	6,000,000	6,000,000	7,000,000	7,000,000	+1,000,000
Advisory Council on Historic Preservation	2,500,000	2,745,000	2,700,000	2,745,000	2,745,000	+245,000
National Capital Planning Commission	5,390,000	5,740,000	5,700,000	5,740,000	5,740,000	+350,000
Franklin Delano Roosevelt Memorial Commission	500,000	.....	.....	.....	.....	-500,000
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000	31,707,000	31,707,000	.....
Total, Title II - Related Agencies	6,792,244,000	6,533,095,000	6,434,637,000	6,463,487,000	6,443,162,000	-349,082,000
TITLE III - EMERGENCY APPROPRIATIONS						
Emergency appropriations (P.L 105-18)	386,592,000	.....	.....	.....	.....	-386,592,000
TITLE V - PRIORITY LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	.....	700,000,000	.....	700,000,000	699,000,000	+699,000,000
Grand total	13,514,435,000	13,799,946,000	12,952,829,000	13,756,350,000	13,789,438,000	+275,003,000

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

Mr. CRANE. Mr. Speaker, I rise in strong opposition to the conference report to H.R. 2107.

While I may have disagreements with other portions of the bill, I would like to focus my remarks on the funding provided for the National Endowment for the Arts [NEA]. Again, let me state that my primary objection to the NEA is that the agency is constitutionally indefensible. Of course, I object, too, to the cavalier attitude exhibited by the bureaucrats at the NEA in the funding of lewd, sacrilegious, and pornographic art over the years. But regardless of the type of art funded by the NEA, the agency is unnecessary and a waste of taxpayer dollars.

Rather than reiterate my well known objections to the NEA, I want to address the funding and the reforms for the NEA in this conference report. First, the funding for the NEA is hardly a compromise with the other body. When the House passed H.R. 2107, it contained no funding for the NEA. When the other body considered the bill, they inserted $100 million for the fiscal year 1998 operations of the agency. The bill then went to conference. A conference committee is designed to arrive at a compromise between the differences of the two Houses. Yet, this conference report exhibits no signs of compromise on the NEA. A logical compromise may have been a $50 million funding level for the agency, but instead, the bill provides $98 million—a mere $1.5 million cut from last year's appropriation.

Now, my colleagues that served on the conference committee are claiming that the real compromise was with regard to the so-called NEA reforms. While some of these may modestly improve the performance of the agency, history has demonstrated that merely reforming the NEA has produced insignificant results. The arts in America will be better off only when Washington bureaucrats no longer determine what good and proper art deserves the support of involuntarily raised tax dollars.

This NEA appropriation amounts to less than 1 percent of the annual private sector contributions to the arts and humanities in America, which is more than $10 billion. Clearly artists in America rely on privately raised money rather than NEA grants to survive. Yet, with one of the reforms in this bill, the NEA will be allowed to begin to compete with private arts foundations for private contributions. If Congress is allowing the NEA to solicit private contributions, why does the agency need these extravagant taxpayer subsidies?

Mr. Speaker, I would suggest to my colleagues that our constituents will never believe that Washington will balance the budget unless Congress musters the fortitude to eliminate unnecessary and wasteful Government agencies. While the NEA appropriation is a relatively small percentage of the entire Federal budget, it is a huge symbol of both Washington's insatiable appetite for the money of American taxpayers, as well as the attitude that Washington knows better than our constituents what is best for them.

I urge my colleagues to reject this conference report.

Mr. BLUMENAUER. Mr. Speaker, this conference report is really a mixed bag. There are many provisions I strongly support. There are others I just as strongly oppose. On balance, I believe I must oppose this bill because I am deeply concerned about the impact of some of these provisions on our Nation's public lands.

This is a difficult decision for me, because I am impressed with the work of the conferees. They have agreed to some pretty wise investments that are important to me and my constituents. For example, I was pleased to see that the conferees agreed to fund the National Endowment of the Arts at $98 million, especially after the bitter disappointment arts advocates suffered during House consideration of this appropriation. An investment in the arts is an investment in our Nation's culture and the livability of our communities. As a strong advocate of the public/private partnership that characterizes arts funding, it is encouraging to see that the conferees have not abdicated their responsibility to our Nation's cultural heritage.

In addition, the conferees included funding for land acquisition in the Columbia River Gorge National Scenic Area. The Columbia River Gorge is a national treasure—rich in the historical, cultural, and resource legacy of the Nation. Among the countless waterfalls that spill from high hanging valleys is Multnomah Falls, one of the tallest in the United States and the single most visited attraction in the entire National Forest System.

I remain grateful to conferees for providing funds to continue our Nation's commitment to preserving the gorge. The funds provided in the conference report will allow for the purchase of lands critical to the ongoing protection of this geologic, historical, and botanical wonder.

However, in spite of all that is good about this conference report, I will be opposing this legislation. There are simply too many environmental riders that I cannot support, including: Language that effectively guts the 1990 law banning log exports from our National Forests and State-owned lands in the West; delays in funding Land and Water Conservation Fund purchases of the Headwaters and New World Mine; the use of $32 million in LWCF funds for payoff to Humboldt County, CA and for a road maintenance fund in Montana; language that eliminates any limits on the Forest Service's use of purchaser road credit. Congress needs to develop a comprehensive policy on the construction, reconstruction, maintenance and decommissioning of forest roads. These ongoing attempts to legislate forest policy on the Interior appropriation bill simply exacerbate efforts to develop a policy that makes sense.

Mr. Speaker, I support much of this report, and applaud the work of the conferees in making critical investments in the arts and the preservation of our natural resources. I cannot in good conscience, however, vote for a bill that I believe will, in the end, cause more harm than good to our public lands. I urge the conferees to reassess the environmental riders and present to the House a conference report we can all support.

Mr. THUNE. Mr. Speaker, I wish to commend the leadership of the committee and subcommittee and the conferees for the hard work they have done to bring the conference report to H.R. 2107, the Department of Interior and Related Agencies Appropriations Act of 1997, to the House floor. I especially want to express my gratitude to the subcommittee chair, Mr. REGULA, and the ranking minority member, Mr. YATES, for their willingness to work with the conferees to include in the conference report language regarding Marty Indian School, in Marty, SD. The report language promises to be helpful to the Indian School where conditions are a threat to the health and safety of the young students there. I can attest to the serious problems, having been there myself. The language calls on the Bureau of Indian Affairs to consider ''high priority requirements'' at the Marty Elementary School through the Facilities Improvement and Repair Program. It is my hope that something can be done in the fiscal year 1998 or 1999 budget.

After years of negotiations with the BIA, the Marty School obtained funds to replace half of the school. The leadership at the school and of the Yankton Sioux Tribe decided to use the funds to replace the high school because of the tremendous dropout rate of Indian high school students who attend the public high schools in the area. The dropout rate has traditionally been less at Marty Indian High School.

However, the young elementary school students face attending a facility which is scattered among several deteriorating buildings, some of which are 70 years old. A few years back, the BIA determined that it was not economically feasible simply to repair the school and that the entire school needed to be replaced. However, a grant awarded Marty was enough to do half of the job.

The conference report in my opinion gives clear direction to the BIA to address immediately this serious problem. The tribe's environmental specialists have estimated that it will cost up to $1 million to renovate all elements of the heating system alone. No public school system should allow its students to be educated in such a facility.

It has been my pleasure to work with the chair of the Yankton Sioux Tribal Council, Steve Cournoyer; the vice-chair of the tribal council and former school board president, Bob Cournoyer; the president of the school board, Mike Red Lightning, and his colleagues on the school board. I admire their wilingness to make every effort to have a suitable school for the students at the Marty School and their recognition that the future of the Yankton Sioux Tribe is embodied in their children. I look forward to continuing to work with these good leaders and the BIA. Again, I thank the Committee and its leadership for what it has done to help Marty.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise to reluctantly oppose H.R. 2107, the Interior appropriations conference report.

There are many programs in this appropriations conference report that I strongly support. I applaud the conferees on their decision to restore funding for the National Endowment for the Arts. I thank President Clinton for his leadership in restoring funds for the land and water conservation fund. I also commend my colleague Senator SLADE GORTON for dropping his opposition to removal of two dams on the Elwha River and allowing the dams to be eligible for acquisition and future removal.

However, I am voting against the legislation because of an issue that has been very controversial amongst my constituents throughout the Interior appropriations process.

Earlier this year the House approved an amendment to the Interior appropriations bill which would have reduced the appropriation for the roads budget of the Forest Service and

would have placed a cap on the use of the Purchaser Road Credit Program. Offered as a compromise, the Dicks amendment was a balanced alternative to an enormously controversial policy of the Forest Service.

The Purchaser Road Credit Program may have been an effective tool for some small timber companies in the past, but I feel that it has outlived its usefulness and should be phased out. Timber companies should take more financial responsibility up front when roads are needed for a timber harvest on public lands, as they do currently on private lands.

Unfortunately, the Interior appropriations conferees refused to accept this compromise language, instead opting to raise the cap on the Purchaser Road Credit Program. I am disappointed because the House approved the Dicks amendment, the Senate came within one vote of approving a very similar amendment, and President Clinton has indicated his willingness to begin phasing out the Purchaser Road Credit Program.

Again, I regret that I cannot support this bill because there are many good things in it. However, my concern that we are not taking the first step to reform the outdated Purchaser Road Credit program has forced me to vote ''no'' on this bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Interior appropriations conference report, H.R. 2107, and to express my appreciation for the hard work of my chairman RALPH REGULA, the distinguished ranking member, SIDNEY YATES, and my other colleagues on the subcommittee. I also want to recognize the staff of the subcommittee, including Debbie Weatherley, Barbara Waneman, Loretta Beaumont, Chris Topik, Joel Kaplan, and Angie Perry. I have thoroughly enjoyed working on the committee and agree with Chairman REGULA that this is one of the most important communities in the House.

I know that some of my colleagues still have problems with this bill because of concerns about the environment. This bill certainly is not perfect. For example, I opposed the provision allowing unlimited use of timber purchaser credits, which funds the construction of new National Forest logging roads. These purchaser credits allow timber companies to build roads throughout our forest system and be reimbursed at taxpayer expense. It's bad policy and I regret that this provision remains in the conference report.

I was also concerned about the provision preventing the revision of forest management plans until the Forest Service issues a final rule on forest plans. Two forests in Virginia are currently on the process of revising their plans and such a provision would have prevented them from completing the work to help bring needed changes into the management of these forests. I support the changes made to the language which exempt plans currently being revised from the provision in the bill and appreciate any clarification the chairman may give on this issue.

There are other provisions in this bill that I have problems with. Looking at the bill as a whole, however, I think it represents a fair compromise on most of the important issues and represents a step forward in funding important initiatives that benefit our environment.

The $699 million appropriation for land acquisitions will ensure that two important acquisitions, the Headwaters Forest and the New World Mine can take place, protecting fragile ecosystems from environmental harm. The remaining funds can be used by the Forest Service, the National Park Service, the BLM, and the Fish and Wildlife Service for additional land acquisitions in environmentally sensitive areas.

I am pleased with the changes in the bill removing provisions allowing Alaska Native corporations to file claims to 30,000 acres of coastal lands within the Lake Clark National Park. Any division of the park, particularly of the coast line, would destroy the integrity of the park as a complete ecosystem and prohibit essential public access to the park.

The additional $136 million in the bill for the Everglades will help provide needed restoration of flora and fauna within the Everglades system; $384 million for maintenance of our National Parks; and an additional $41 million for operating the National Wildlife Refuges will be used for operational and maintenance backlogs on refuges and parklands. This additional funding is sorely needed and will help to improve our refuge and park systems, making them more accessible for all Americans.

As Chairman REGULA has mentioned, there is a large increase in energy conservation programs under the bill, including State energy programs and weatherization assistance programs, which help low-income families insulate their homes to make them more energy efficient.

Finally, I am particularly pleased that the conference committee agreed to restore funding to the NEA. Our country needs the NEA to bring the arts to underserved, underprivileged communities across this country. We have no better tool to help leverage private dollars with Federal dollars to generate quality arts programming. The NEA is a success story and we need to put politics aside and recognize how much it does for citizens across the country. I hope that in the next Congress we can provide a much needed increase to NEA funding so that it does not merely survive, but flourish.

Mr. Chairman, the conference agreement appropriates a total of $13.8 billion for fiscal year 1998 for the Department of Interior and related agencies. While we can all point to certain programs within the bill with which we might disagree, overall I think the conference agreement will improve our environment and enhance the stewardship of our natural resources. I urge my colleagues to support this conference report.

Mr. STUPAK. Mr. Speaker, I would like to clarify the intent of an amendment I offered to the House's version of this bill, which was accepted, in regards to current leaseholders in the Sleeping Bear Dunes National Lakeshore. The conference report contains a different version of my original amendment, and I wish to clarify for the record my intent behind it.

Many of the current leases at Sleeping Bear Dunes will expire soon. While the National Park Service has stated that it plans on restoring the properties of expired leases to their natural state, they do not have the funds to restore these properties. Clearly, this amendment prohibits the Park Service from evicting current leaseholders until they have the necessary funds to do so. However, my intent was also to have the Park Service restore the existing abandoned residential structures before evicting any additional leaseholders.

Currently, there are numerous abandoned structures that have been standing empty for a number of years. Not only are these deteriorating structures blights on the natural beauty of the lakeshore, but they are also health and safety hazards for the visiting public and local citizens. The National Park Service Report on ''Residential Occupancy Under Special use Permits'' dated June 21, 1996, raises serious concerns about the Park Service's ability to remove the structures on park property. The report states, ''Without sufficient funding the lag time between abandonment of a structure and its ultimate disposition will increase. This will create safety, and other problems, for the park.''

Who will be served by evicting these families from their homes, leaving deteriorating structures that will become eyesores and health and safety hazards? No one. These families take great price in maintaining the integrity and beauty of Sleeping Bear Dunes. It makes no sense to continue evicting families, adding to the number of deteriorating structures that are blights on this pristine National Lakeshore, when the Park Service has yet to take care of the currently abandoned and decaying structures. It is my hope that the Park Service is willing to address this situation before evicting more families and adding to a growing problem.

In addition, the Park Service has indicated that they may use funds raised through the Recreation Fee Demonstration Program to restore the properties of leases that expire during fiscal year 1998. I believe that this would be a misuse of the revenue generated by this program and violate the intent of the Congress. In 1996, the Congress authorized the National Park Service to collect entrance fees to deal with a growing backlog of maintenance problems due to funding shortfalls. I believe that using the revenues created by this program to restore the properties of leases that will expire during fiscal year 1998, and thereby ignoring the existing backlog of residential structures, is inconsistent with the desire of the Congress in authorizing this program. These fees should be used to address the restoration of properties that have been neglected over years past, not to evict current leaseholders.

Thank you, Mr. Speaker. I hope to work with the National Park Service to address these concerns and find a solution to this problem that is satisfactory to all parties involved.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 171, not voting 29, as follows:

[Roll No. 531]

YEAS—233

Abercrombie	Barrett (NE)	Boehlert
Ackerman	Bass	Boehner
Allen	Bateman	Bonilla
Archer	Bentsen	Bono
Armey	Berry	Boswell
Baesler	Bilbray	Boucher
Baker	Bilirakis	Boyd
Baldacci	Bishop	Brown (CA)
Barcia	Bliley	Burr

Buyer
Calvert
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Cook
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
Deutsch
Diaz-Balart
Dicks
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilliard
Hobson
Horn
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Kaptur
Kelly
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Lewis (GA)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Pastor
Peterson (PA)
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rodriguez
Rogers
Ros-Lehtinen
Roukema
Sabo
Sawyer
Saxton
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snyder
Solomon
Spence
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Torres
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—171

Aderholt
Andrews
Bachus
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Berman
Blagojevich
Blumenauer
Blunt
Bonior
Borski
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Camp
Campbell
Carson
Chabot
Christensen
Coble
Coburn
Combest
Condit
Conyers
Costello
Cox
Crane
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
DeLay
Dellums
Dingell
Dixon
Doggett
Doolittle
Duncan
Ehrlich
Engel
Ensign
Evans
Filner
Frost
Furse
Gejdenson
Gibbons
Goodling
Graham
Green
Gutierrez
Hall (TX)
Hastings (FL)
Hayworth
Hefley
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inglis
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
Levin
Lewis (KY)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nadler
Neal
Neumann
Pallone
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pitts
Poshard
Riley
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sanford
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shimkus
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snowbarger
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Thornberry
Thurman
Tiahrt
Tierney
Velazquez
Vento
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand

NOT VOTING—29

Bereuter
Callahan
Chenoweth
Cooksey
Cubin
Dickey
Everett
Ewing
Foglietta
Ford
Gephardt
Gonzalez
Houghton
Istook
Klug
LaHood
Leach
McCarthy (NY)
McIntosh
Mollohan
Parker
Payne
Pelosi
Rangel
Ryun
Sandlin
Scarborough
Schiff
Smith (OR)

□ 1405

The Clerk announced the following pairs:

On this vote:

Mr. Smith of Oregon for, with Mr. Scarborough against.

Mr. Rangel for, with Mr. Gephardt against.

Messrs. BACHUS, SHIMKUS, MOAKLEY, HINOJOSA, STENHOLM, and SESSIONS, and Mrs. MALONEY of New York changed their vote from ''yea'' to ''nay.''

Messrs. JEFFERSON, OWENS, and TORRES changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on Friday October 24, 1997, I was granted a leave of absence. Unfortunately, I missed rollcall votes 526 through 531.

Had I been here, I would have voted: ''Yea'' on rollcall 526, on approval of the Journal; ''nay'' on rollcall 527, rule for fiscal year 1998 DOI conference report; ''nay'' on rollcall 528, motion to rise; ''yea'' on rollcall 529, Representative Quinn Amendment to H.R. 2247; ''nay'' on rollcall 530, motion to adjourn; and ''nay'' on rollcall 531, final passage fiscal year 1998 DOI conference report.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–345) on the resolution (H. Res. 280) providing for consideration of the bill (H.R. 1270) to amend The Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority leader the schedule for the remainder of the day and of next week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I am happy to announce that we have concluded legislative business for the week.

The House will meet on Tuesday, October 28, at 10:30 a.m. for morning hour and 12 noon for legislative business. We do not plan to have any recorded votes before 5:00 p.m. on Tuesday, October 28.

On Tuesday, the House will consider a number of bills under suspension of the rules, a list of which will be distributed this afternoon.

After the suspensions, the House will take up the conference report on the Department of Defense authorization bill.

We will then proceed to the rule, and rule only, on H.R. 1270, the Nuclear Waste Policy Act of 1997.

For Wednesday, October 29, and the balance of the week, the House will consider the following bills, all of which will be subject to rules:

We intend to finish H.R. 1270, the Nuclear Waste Policy Act of 1997; H.R. 2493, providing for uniform management for livestock grazing on Federal lands; H.R. 2616, the Charter Schools Amendments Act; the HELP Scholarships Act; and H.R. 2614, the Reading Excellence Act.

On Wednesday and Thursday, the House will meet at 10:00 a.m. On Friday, the House will meet at 9:00 a.m. We should finish legislative business by about 2:00 p.m. next Friday, October 31.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if the gentleman is available for a question, I would like my friend from Texas to maybe give us a sense of what is in the wind regarding suspensions and his intentions with respect to the Amtrak bill.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request and his interest in the subject.

We will be, at this point, consulting with the Senate and talking to the committee chairman, and we would expect to have announcement later.

Mr. BONIOR. I would also say to my friend from Texas, with respect to the case of the gentlewoman from California, Ms. LORETTA SANCHEZ, as the gentleman clearly knows from yesterday

and the activities that have gone before that, we feel very strongly about this situation. We think this case has dragged on long enough. And if these matters really have not been resolved next week, I want to inform my colleagues that we will continue to object strenuously and Members should make plans accordingly.

Finally, I would like to make one other comment to my friend from Texas, and that is with respect to campaign finance reform. I recall the gentleman from Texas saying that he hoped that he would get to that issue before the end of this session, some comments to that effect, and I just want to inform him that we have close to 170 Members, if not 170, at the desk, who have signed a discharge petition, and we hope that issue will be brought to the floor so we can have a full debate of all the alternatives before the American people before we adjourn this session.

Mr. ARMEY. If the gentleman will continue to yield, let me first say again that I appreciate the gentleman's affirmation of commitment to his course of action with respect to the Sanchez matter. Let me just reaffirm our commitment on this side of the aisle that we will carry out our constitutional responsibilities regarding this question of the legitimacy of elections of our Members thoroughly, completely, and honestly to that conclusion which is defined by the facts of the matter when fully and completely understood. We can do no less. It is our duty under the Constitution.

Regarding the other matter, I guess the gentleman can proceed with his discharge petition and we will proceed with the business of the House and we will see if either of us get to somewhere.

Mr. BONIOR. Mr. Speaker, I want to make the gentleman aware that it is a bipartisan discharge petition and we hope to have a little more bipartisan help on it as the days move ahead.

Let me also ask my colleague from Texas, I note in the schedule that we only have three suspensions scheduled for Tuesday next. Does the gentleman expect others might be added between now and next Tuesday?

Mr. ARMEY. I thank my friend from Michigan, and if he would continue to yield, we have some from the Committee on Veterans' Affairs that we have had fully vetted and cleared. We expect to perhaps complete the vetting and clearing with some others, and we will inform the gentleman's office as soon as possible.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2527.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2527

Mr. FRANK of Massachusetts. Mr. Speaker, because it might benefit me to the extent of $5 a month, I now find out, that is $5 before taxes, I also want to get my name removed from H.R. 2527.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, I was out of the Chamber at an intelligence briefing during the vote just held on the Interior appropriations bill conference report, rollcall No. 531. I would ask the RECORD to reflect that had I been present my vote would have been ''nay.''

INTRODUCTION OF RAIL SAFETY LEGISLATION

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

Mr. WISE. Mr. Speaker, quite rightly, today the subject has been Amtrak, but we need to be talking in this Congress about rail safety.

Yesterday, two Norfolk Southern trains collided head on in southern West Virginia. Again today a CSX train hit a tractor trailer at a grade crossing. Great tragedy was avoided because the tractor trailer had just unloaded an explosive mixture.

Yes, it is true that the Federal railroad agency is working with CSX, is working with Union Pacific, in a concerted effort to improve safety practices, but these are reactions. We need to be proactive.

So, Mr. Speaker, we need to have a coordinated approach, the kind of coordinated approach that is in the rail safety legislation that I have introduced and we are seeking to get a hearing on and to get debated on this floor; rail safety legislation that requires positive train separation devices, requires fatigue management plans, requires greater oversight of safety.

And, yes, Mr. Speaker, on Monday we will be unveiling Operation Respond, which is a partial answer to some of the problems we have seen and which for the first time in our State will have emergency responders able to find out immediately upon arriving on the scene what hazardous materials are involved.

□ 1415

INDIVIDUAL RETIREMENT ACCOUNTS

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

Mr. SAXTON. Mr. Speaker, there is a lot of talk currently about changing the Tax Code and doing away with the IRS, et cetera. I suspect that in some form or another, eventually we may get to do something significant with regard to that. But in the meantime, there is an issue which cries out for attention and that is the double taxation of savings under our current Tax Code.

Americans are dissuaded from saving, a very healthy activity that we all recognize; that is, savings. They are dissuaded because they tax money before it is saved and then we tax the returns on the money that is saved. That is why I recently introduced a bill to expand the individual retirement account provisions to include savings to be exempted for medical care, for education, for first-time home buyers, for unemployment as well as for retirement. These are all worthy goals, and I ask other Members to look seriously at this bill with an eye toward supporting our effort to reform and revise and expand the IRA provisions.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

IN MEMORY OF DONALD OLSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a special friend of mine who was called home to glory just in the past couple of weeks. On August 19, 1923, a baby was born to Melvin and Agnes Olson at Sacred Heart Hospital in Eau Claire, WI. They named him Donald. Two weeks ago on

October 3, Don Olson died in St. Paul, MN. I am honored that I was able to have met him during his 74 years of life, the time God gave him to be on this Earth, and I am blessed to have called him my friend.

After graduating from his rural Wisconsin high school in 1941, Don answered his country's call to duty and served in the 70th Army Air Force Technical Training Detachment during World War II. He graduated from the Army Air Forces Navigation School in San Marcos, TX in 1945. After the war, Don came back to Minnesota and graduated cum laude from St. Olaf College in Northfield, MN, which is also in my district; he earned a master's degree from the University of Minnesota in 1949; and later a law degree from the St. Paul College of Law.

Earlier this week I was telling my staff about Don Olson and I said, he probably has forgotten more about government and the way it is supposed to work than most of us will ever know. That was not an exaggeration. After working in the Minnesota State legislature, Don came out here to Washington and served in the office of Senator Ed Thye, worked as congressional liaison for the Small Business Administration, and later he was the administrative assistant in the office of Minnesota Congressman Ancher Nelson, where he served for 14 years.

In 1974, Don returned to the Midwest when he was hired by a little family clinic in my district, run by the Mayo brothers, to be their governmental affairs specialist. He was the first person that Mayo Clinic ever hired to do this important job, and his work was nothing short of outstanding in his 14 years there until he retired in 1988.

It was during his years at Mayo that I met Don Olson. It was about 1976. He was always a man of impeccable honesty and a record of personal integrity that no one would ever question. He was also the kind of person that you could confide in. You could tell Don Olson your deepest fears and know that they would go no further than his ears.

Robert Frost once wrote, ''Government is a thing made of men and it dies as the men who made it die.'' With these words in mind, I cannot think of a better place for me to remember Don Olson than from the floor of this House of Representatives.

I know that Don's daughters Tina and Lori as well as his son Wayne and his loving wife of 38 years, Terri, are watching this afternoon. I want you all to know that my thoughts and prayers continue to be with you. This is a great loss for the family, it is a great loss for me, and it is a great loss for America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. LINDA SMITH] is recognized for 5 minutes.

[Mrs. LINDA SMITH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

[Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, the President of China will be visiting here beginning this Sunday. I know that we will treat him in a very courteous manner but I want the American people to know every time they hear President Clinton talk about the President of China and every time they hear the President of China speak, they should remember the following things:

No. 1, China persecutes people because of their religious beliefs. Catholic bishops are in jail, Catholic priests are in jail, hundreds of them, and on October 8, Chinese authorities arrested again and again Bishop Su who has been one of the most prominent bishops who is now back in jail. Protestant pastors are in jail and hundreds of them have been arrested.

No. 2, China denies its citizens basic human rights and imprisons people for speaking out in support of freedom. Wei Jingsheng, one of China's most important prisoners, languishes in not well conditions in jail serving a 15-year sentence. He was detained in 1994 after meeting with Assistant Secretary for Democracy and Human Rights John Shattuck. So when you hear the President of China speak, remember Wei and also Wang Dan, who has also been imprisoned for his activities in Tiananmen Square.

No. 3, when you hear the Chinese President speak at Independence Hall, which will be a disgrace for Independence Hall to have the Chinese President go there where Thomas Jefferson gave the words ''We hold these truths to be self-evident,'' but when you hear him there remember that China is brutally repressing the people of Tibet, destroying their culture, destroying their religion, destroying 4,000 to 5,000 monasteries and in Tibet the one growth industry is the growth of prisons where Buddhist priests and Buddhist nuns are being put in jail. We had testimony of a 28-year-old Tibetan Buddhist nun who told the House Committee on International Relations how her Chinese jailers tortured her with an electric cattle prod, putting it on all parts of her body. You have got to remember this when you hear this Chinese President coming to the country.

No. 4, remember also when you hear him speaking that the Chinese government runs a gruesome trade in human organs, taking organs from executed prisoners and selling them to foreign buyers for tens of thousands of dollars. They shoot people, they take their blood sample, they take their tissue sample and they sell their organs for $35,000. So when you hear him go to Harvard and speak out, know that his government is selling kidneys of prisoners for $35,000.

Remember also, No. 5, that China's one-child policy results in forced abortions and sterilization of women, where they track them down in the villages and force them to get abortions.

No. 6, when you hear President Clinton speak about our relationship with this man and with the Chinese government, remember that China has more gulags today than they had in the Soviet Union when Solzhenitsyn wrote the book ''Gulag Archipelago.'' There are more gulag slave camps in China today than there were in the Soviet Union under the worst times.

Also know, No. 7, that China sells arms and dangerous technology to belligerent countries which could one day endanger men and women in the military. Some days on this floor it is almost reminiscent of 1937, 1938, and 1939, where Winston Churchill warned of the danger of Nazi Germany and some of the things that were sold in Nazi Germany were used against Americans. I fear for it and every Member of this body ought to get the intelligence briefing by the CIA, the NSA, and the DIA to find out what weapons they are selling.

No. 8, China continues to violate a range of bilateral and international proliferation and missile technology treaties.

No. 9, China's State-owned companies sold AK–47's to street gangs in California that could be used against American citizens. So when you see the Chinese President standing next to President Clinton, remember that a company connected with his government was selling assault weapons to street gangs in California that could be used to kill American people.

No. 10, the Chinese trade surplus with the United States approached $40 billion last year and is getting bigger every month. In August the United States trade deficit with China jumped 10.6 percent, the highest of any country, driving American men and women out of their jobs.

Mr. Speaker, China's President will visit Washington, Williamsburg, and Philadelphia, which will be a disgrace when he visits Independence Hall and other sites in the United States. Every time he speaks, the world should remember the men and women who are languishing in Chinese prisons under his control and do not buy into his message. I ask him to change his policy.

Mr. Speaker, I include for the RECORD the testimony of Tsultrim Dolma before the House Committee on International Relations hearing on religious persecution on September 10, 1997.

The material referred to is as follows:

TESTIMONY OF TSULTRIM DOLMA—HOUSE COMMITTEE ON INTERNATIONAL RELATIONS—HEARING ON RELIGIOUS PERSECUTION, SEPTEMBER 10, 1997

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person. I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there I was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin, the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional cicumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulo Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gompa and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women with children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gompa and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of the Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind by back. Two of the nuns, Tenzin Wangmo and Gyaltsen Loche, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. ''What did you say in the Barkhor? Why did you say it?'' The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltsen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breathe. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them up and adjust them. I tried to think of what I could possibly say to answer the questions. ''How did you choose that day? Who was behind you?'' I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. ''The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!''

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told ''Look down!'' Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me ''Why did you demonstrate? Why are you asking yourself for torture and beatings?'' My knees began to shake. I told them: ''Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!'' My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: ''Before 1959, it was considered a sin for monks to pick the *Yartsa Gunbu!* It was a sin, and you have forced them to do it!''

I remained in detention for more than four months. For the first month, I was beaten

every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly reeducation meetings during which the topic of conversation often came around to me as ''a member of the small splittist Dalai clique which is trying to separate the motherland.'' I was so depressed and confused. I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parent's safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office had been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around by face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of rearrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought ''if only I could reach him, if I could only once see his face. . . .''

Another nun and I heard of some Tibetans nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, ''Where do you want to go? Do you want to go to school?'' He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

[Mr. PAPPAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MAKING OUR FOOD SAFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, about 90 years ago in the early 1900's, Upton Sinclair wrote a book called ''The Jungle.'' This book was about the American meat processing industry. It was about worker conditions in Chicago in the meatpacking industry. Equally importantly, it was about food quality and what Americans were eating and what went into the food that Americans ate. Over these 90 years since the publication of that book, Americans have come to take for granted the quality of their food, that fruits and vegetables were not contaminated, that food products, meat products, fish and dairy products were inspected. We can go into grocery stores through the first 80, 85, 90 years of this century understanding, taking for granted that what we put on our tables, what we buy in these grocery stores, what we prepare in our kitchens, what we eat in our restaurants can in fact, is in fact safe and reliable and will not in any way cause health problems for our people.

Unfortunately, in the last couple of years, some things have begun to happen that make some of us not so much take our food safety for granted. This past Sunday, Parade Magazine ran a cover story called ''How To Prevent Food Poisoning.'' It cites everything from contaminated strawberries that were grown in Mexico, processed in San Diego, sold to schoolchildren and served to schoolchildren in Michigan, many of whom contracted hepatitis A. A handful of these children actually got very, very, very sick; a couple of them almost died. It talks about raspberries grown in Guatemala that were contaminated. It talks about how in this era of free trade, in this era of more and more food sold from one country, into another country into the United States that we simply are not preparing well enough at the border. We are not doing the right kind of inspections. One reporter called all these foods coming into the country passports for pathogens.

□ 1430

As more and more food products come in, inspections at the border generally are not very good, and Americans are more at risk and take less for granted than ever before, at least any time in this century, concerning the products we buy in grocery stores.

About a month ago, at my own expense, I went to the Mexican border, went to Laredo, TX, and went to McAllen, TX, went into Reynosa, Mexico, and looked across the border from Laredo into Nuevo Laredo. I saw the inspections at the border, I saw the number of trucks coming into the United States from Mexico, I saw the number of cars, the hundreds and hundreds and hundreds of cars coming streaming across the border, basically 24 hours a day. And it is clear that when the North American Free-Trade Agreement was passed by this Congress in 1993, that the President, the administration, the leadership in this Congress, simply have not prepared at the border for the huge amounts of materials coming into the country.

There are too many drugs coming across the border undetected, there are too many trucks crossing the border that are not safe, and probably, most importantly, there is too much food coming across the border that is contaminated.

There are pesticides that are illegal in the United States that are legal in some countries in Latin America. There are contaminants in the way that food is grown, contaminated by urine and feces and other kinds of human contaminants and other contaminants and wastes that end up on

some of these fruits and vegetables that make their way uninspected into the United States, simply because we are overwhelmed at the border.

The people at the border are doing their jobs very well. Neither the Governor of Texas, Governor Bush, nor the President of the United States, President Clinton, have done what they need to do, to do those protections and those inspections at the border.

That is why, Mr. Speaker, we have no business passing fast track. The President and Speaker GINGRICH and leadership in the other body have asked us in this Congress to give the President fast track authority to extend all of these trade agreements to the rest of Latin America.

My contention and the contention clearly of the majority of this House, that is why we have not voted on this issue yet, my contention is you do not rush headlong into new trade agreements, into more NAFTA's, until you fix the North American Free-Trade Agreement.

You do not rush headlong into a trade agreement with Chile that costs American jobs until you fix NAFTA, so American jobs do not flee to Mexico. You do not extend fast track to Central and Latin America, which will jeopardize our food supply, until you take care of those problems at the border in Mexico where food contamination is becoming more and more common, where pathogens and other airborne and foodborne illnesses are coming into this country.

Do not rush headlong into other trade agreements until we fix NAFTA. Vote no on fast track.

TRIBUTE TO DR. WILLIAM PHILLIPS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ON HIS RECEIVING THE 1997 NOBEL PRIZE FOR PHYSICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today to commend and to congratulate Dr. William D. Phillips of the National Institute of Standards and Technology who, along with Steven Chu of Stanford University and Claude Cohen-Tannoudji, has been awarded this year's Nobel Prize in physics from the Royal Swedish Academy of Sciences.

NIST, originally established as the National Bureau of Standards in 1901, has for nearly a century promoted economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our country's businesses to engage each other in commerce and participate in the global marketplace.

The invaluable research being conducted at NIST is a vital component of the Nation's civilian research and technology development base. Through Dr. Phillips' good work, the Nobel Prize has brought long-deserved attention to the exceptional work done by NIST scientists.

Dr. Phillips' pioneering research in developing methods to cool and trap atoms with laser light is a credit to him and his colleagues at NIST. These advances will open up a new world of physics that will enable the development of ultra-accurate atomic clocks, improve the measurement of gravitational forces, and facilitate the construction of atomic lasers. These advances have many practical applications, such as improving space navigation and the accuracy of global positioning satellites.

I read with pleasure the two articles in the Washington Post recently on Dr. Phillips' many accomplishments. I was especially struck in each article at the universal feeling among colleagues and friends that ''. . .. it couldn't have happened to a nicer guy.''

Dr. Phillips' unbridled enthusiasm for physics is the spirit we strive to achieve throughout our Federal laboratories. His dedication to improving our understanding of the world through science holds the promise of improving all of our daily lives.

While Dr. Phillips' daily work is on the cutting edge of research into lofty theories involving nature's basic laws. His life is well-rounded by his wife Jane, his two daughters, Christine and Catherine, and his numerous friends. Dr. Phillips' dedication to family and his numerous contributions to his community, such as teaching Sunday school at Fairhaven United Methodist Church, speaks volumes about his character.

We should all be proud of Dr. William Phillips and his family for this remarkable achievement and honor.

Mr. Speaker, I include the October 16, 1997, articles from the Washington Post for the RECORD.

[From the Washington Post, Oct. 16, 1997]

LOCAL SCIENTIST SHARES NOBEL PRIZE FOR PHYSICS

(By Curt Suplee)

A government scientist from Montgomery County has won the 1997 Nobel Prize in Physics, along with colleagues in California and France, for their development of ways to ''trap'' atoms by herding and subduing them with laser beams. The chemistry award went to an American, a Briton and a Dane for discoveries related to ATP, a compound that is the fundamental energy currency of life.

William D. Phillips, who works at the National Institute of Standards and Technology (NIST) in Gaithersburg, will share the $1 million physics with Steven Chu of Stanford University and Claude Cohen-Tannoudji of the College de France, the Royal Swedish Academy of Sciences announced yesterday.

The Nobel committee divided the chemistry prize into two parts. Half goes to Paul D. Boyer of the University of California at Los Angeles and British researcher John E. Walker of the Medical Research Council Laboratory of Molecular Biology in Cambridge for explaining the complex molecular process whereby living things create ATP. Jens C. Skou of Aarhus University in Denmark won the other half of the prize for discovering the key ATP-related enzyme that controls the transit of sodium and potassium across cell membranes—a process essential to life.

''I'm totally stunned,'' said Phillips, 48, who lives in Darnestown but was in California for a meeting of the Optical Society of America when he was notified. ''At 3:30 this morning California time they called from Stockholm. It was a very nice wake-up call.'' As things rapidly turned hectic, he said, he got some expert commiseration. ''There are two previous Nobel Prize winners here,'' Phillips said, and one of them, Robert F. Curl Jr. of Rice University ''told me, 'Well, welcome to the roller coaster.'''

The prize is the first Nobel won by a NIST scientist since the institute was founded as the National Bureau of Standards in 1901. Phillips has worked at NIST since 1978.

The physics laureates were recognized for separate, complementary efforts that spanned nearly 20 years. Their common goal was to come as close as possible to stopping atoms in their tracks—a horribly difficult prospect. Even when cooled to the temperature of the cosmic void between stars (about 3 degrees above absolute zero) atoms of gases are still vibrating at hundreds of miles an hour. Sedating an atom enough to observe it well for even a fraction of a second requires temperatures millions of times colder.

The physicists devised various means of slowing atoms by striking them with laser beams, a process somewhat analogous to stopping the motion of a ricocheting cue ball on a pool table by shooting hundreds of Ping-Pong balls at it. (Phillips also experimented with magnetic trapping, the equivalent of tilting the pool table to slow the ball.) The general idea was to use the momentum of individual units of light, called photons, to slow the target atoms when the photons were absorbed and reemitted.

One major problem is that an atom will not absorb just any photon, but only those of specific frequencies that correspond to distinctive energy levels in that particular kind of atom.

Moreover, because the atom is in motion, the frequency of the cooling photon has to be adjusted for the Doppler effect. That is the phenomenon that makes a train whistle sound higher in frequency as it approaches the listener than it does when the train is standing still—and that makes a light ray act like one of a higher frequency if an atom is moving toward it. So the scientists had to micro-tune the frequencies of their laser photons to compensate for the estimated speed of the atoms.

Chu, then at Bell Labs, achieved a slowing effect, called ''optical molasses,'' with an array of six lasers in 1985, reaching a temperature of 240 millionths of a degree above absolute zero. In 1988, Phillips attained an astonishing 40 millionths of 1 degree. This was below the theoretical minimum for Doppler cooling until the theory was revised by Cohen-Tannoudji and co-workers, who finally hit .2 millionths of a degree in 1995. And temperatures have plummeted since, to billionths of a degree, allowing atoms to be interrogated in unprecedented detail.

The work is ''one of the great developments of physics in the past couple decades,'' said Eric Cornell of NIST's Boulder, Colo., facility, who with colleagues used the trapping techniques in 1995 to create a completely new state of matter called a Bose-Einstein condensate in which very cold atoms in effect coalesce into a ''superatom.''

Physicist Daniel Kleppner of the Massachusetts Institute of Technology, Phillips' alma mater, said the work had opened up a ''new world'' that would lead to ultra-accurate clocks to improve space navigation and global position system satellites, among other possibilities. (Atomic clocks operate by measuring the frequencies given off by subfrigid atoms stimulated by radiation; the colder the atoms, the longer they can be

measured and thus the more precise the timing.) Cornell predicted that the ability to control atoms on that scale would make it possible to detect extremely small effects such as the change in gravitational force at ground level over an oil deposit.

The chemistry award recognized more than 40 years of research into what was once one of the deepest mysteries in biology: How cells create and deploy ATP (adenosine triphosphate), the basic material that provides energy for all living things.

This ubiquitous fuel is produced in enormous quantities in cellular sub-components called mitochondria, each of which is surrounded by its own tiny membrane. Just as one can store energy in a mousetrap by cocking the spring, organisms store energy in the chemical bonds of ATP. It is done by grafting a third bit of phosphate onto an ever-present cellular substance called ADP (adenosine diphosphate), a strand of adenosine that already has two phosphate groups attached. When energy is needed for muscle motion, nerve transmission or sundry metabolic chores, ATP sheds its added third phosphate, liberating the energy of that chemical bond and becoming ADP again.

ATP had been discovered in 1929, but until the work of this year's laureates, nobody knew exactly how it was made except that it was produced by an enzyme called ATP synthase and apparently involved differences in concentrations of charged hydrogen atoms on either side of the mitochondrial membrane.

In the 1950s, Boyer began to study the function of ATP synthase, which has a very complicated structure. The lower part, imbedded in the membrane, gathers energy from the flow of hydrogen atoms like a water wheel picks up energy from a moving stream. The top part, which protrudes above the membrane, resembles a grapefruit with six segments, through the middle of which runs an asymmetric rotation axle connected to the lower section.

As the hydrogen-powered axle turns, it distorts the segments into different shapes that cause them to do various things, such as bind ADP to phosphates, or to cast off freshly minted ATP molecules into the surrounding cellular goo. Boyer also determined that ATP synthase doesn't use energy the way most enzymes do. This ''molecular mechanism'' model was subsequently confirmed and clarified by Walker and colleagues, who also explained the peculiar axle configuration.

''It's a discovery of fundamental significance to understanding the way living organisms work,'' said Peter Preusch, a program director at the National Institute of General Medical Science here, which supported Boyer's work for 30 years.

Meanwhile, since 1957 Skou had been trying to understand the processes that cause the normal chemical imbalance between the insides of cells and their surroundings. Within the cell, sodium content is normally very low and potassium very high; outside, it's the opposite. Numerous essential biological processes—such as the electrical build-up and firing of nerve cells—depend critically on changes in the transport of these elements across cell membranes. Skou found that those actions are controlled by an enzyme called Na-K-ATPase that also degrades ATP in cells, and described how it works.

''The insight he had was really crucial, and not just for this one enzyme but for understanding a great deal about the physiology of the cell,'' said biochemistry expert Kathleen J. Sweadner of Massachusetts General Hospital and Harvard Medical School. ''It opened [Researchers'] minds to studying a whole bunch of other processes.''

[From the Washington Post, Oct. 16, 1997]

ONE OF SCIENCE'S NICE GUYS FINISHES FIRST

(By Michael E. Ruane)

Bill Phillips is 48, lives in Darnestown, wears a beard and works for the government. He has a wife and two kids. His office is down a brown tile corridor in a government building off I–270. He teaches Sunday school at Fairhaven United Methodist Church and founded the church's gospel choir.

Yesterday, Bill Phillips won the Nobel Prize.

''Couldn't happen to a nicer guy,'' said Paul Lett, a member of Phillips's team of physicists at the federal agency that used to be known as the Bureau of Standards and now has an even duller name.

A blaze of glory and a bunch of money fell into the life of the anonymous government scientist, who happens to know how to make atoms almost stand still.

''It really is a thrill, an emotional thrill, a physical thrill, like riding a roller coaster,'' Phillips said in a telephone interview from California, where he was attending a conference when he received the news. ''I am surprised, astounded.''

Phillips will share the $1 million Nobel award for physics with two other scientists, in California and France, who worked separately in the same field. The award recognized their success in chilling and ''trapping'' atoms for deeper scientific study.

Phillips has worked in Gaithersburg at the 585-acre campus of the National Institute of Standards and Technology, or NIST, since 1978. He is the agency's first Nobel winner since the institute was founded as the Bureau of Standards in 1901.

Phillips and his colleagues labor in a casual atmosphere, wearing jeans and T-shirts, but they use state-of-the-art equipment and enjoy an esprit de corps that comes from knowing they are at the cutting edge of research into some of nature's basic laws. Although they struggle for the most exact measurement attainable of the location and other attributes of atomic particles, NIST scientists say only God can get it precisely.

Phillips was born in Wilkes Barre, Pa., the son of social workers who fueled his interest in science with books, microscopes and chemistry sets.

His wife, Jane, 50, whom he met in high school in Camp Hill, Pa., said: ''He was always the one who got all the A's in physics class, in all the classes, and threw off the curve for everyone.''

Phillips said: ''It seems like I've been interested in physics for as long as I can remember.''

He explained: ''It's the simplicity of it. Physics is the simplest science. You're dealing with things that are fundamentally more simple, so you have more of a chance to understand something fully.

''I work with single atoms. More and more, we're finding that single atoms are incredibly rich in the things they have to teach us. . . . Whenever I go into the lab to make a measurement, there are things that we don't understand, things that aren't clear at all.''

The ''trapping'' of normally frenetic atoms has allowed scientists to scrutinize their properties more deeply. It could lead to such things as a new, more precise definition of the duration of a second—that is, an improved way to measure time.

''The trick is getting atoms to stay still,'' said Michael E. Newman, an institute spokesman. ''Trying to get atoms to stay still . . . is a very, very difficult thing to do.''

The institute operates one of the nation's two atomic clocks, which keep time according to the known rate of the natural oscillation of cesium atoms. The institute's atomic clock, in Boulder, Colo., is so accurate that it would neither gain nor lose a second in a million years.

If that were not precise enough, Phillips's study of slowed sodium atoms could produce an atomic clock that is even more accurate. Such insanely precise time-keeping can improve such things as global navigation systems, which depend on the time-keeping abilities of orbiting satellites, Phillips's colleagues said yesterday.

There was jubilation yesterday on the institute's campus and in the laser lab, where Phillips's experiments were arrayed along tables like a fantastically complicated electric train set. Printouts of complex graphs and schematic drawings hung on the walls.

In a conference room adjacent to the lab, colleagues toasted Phillips with sparkling cider and carrot cake brought by his wife. Aides scrambled to arrange interviews, fielded an avalanche of phone calls and struggled to explain Phillips's complex work.

Phillips cut short his trip and caught an afternoon plane back to Washington.

''We're tremendously excited by this news and as proud as can be to have Bill Phillips on the . . . staff,'' Robert Hebner, the institute's acting director, said in a statement. ''The elegant work that Bill and his colleagues have done at the frontiers of atomic measurement opens up new possibilities both in science and measurement technology.''

Some of Phillips's colleagues heard about the prize while they were still in bed yesterday. Steven Rolston, 38, one of the four members of Phillips's atom-trapping team, said he heard the news when his clock radio clicked on about dawn. ''I couldn't believe it. Great way to wake up. I shouted to my wife, who had just gotten up a few minutes before me, 'Bill won the Nobel Prize!' ''

Rolston said Phillips is ''really just a great guy. He's enthusiastic, happy, always willing to help people, very involved in his church.''

Katharine Gebbie, director of the institute's physics laboratory, said she, too, had been in bed when the word came. She had just returned from a long trip, and she said the deputy who called said: ''You know I wouldn't be calling you now if there weren't some good news.''

Gebbie said, ''I held my breath.''

''It's a wonderful honor for Bill and his colleagues in the physics laboratory,'' she said. ''We have cherished them very much.''

Phillips ''is one of the greatest guys in the world, that's all I can say,'' Gebbie said. ''Anybody who listens to him gets a sense of the great thrill of physics that he's doing . . . He just loves it and wants everybody else to love it.''

Another member of Phillips's group, Lett, 39, said he was ''thrilled.''

''It's well deserved,'' he said.

Phillips, who has been married for 27 years, has two daughters, one in high school and one in college. Group members said he is ''very much a family man.'' Physics, though, has kept him in thrall.

''It's the same thing that gets a grip on all of us,'' Lett said. ''Wanting to know the nitty-gritty of why things work.''

Rolston said, ''I always tell my daughter: Everything's physics.''

DETERMINING GUAM'S POLITICAL FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take to the floor to talk a little bit

about H.R. 100, which is the Commonwealth bill for Guam. This bill was first introduced in 1989 and it has endured some 8 years of negotiation with both the Bush and the Clinton Administration, and to date we have not reached any consensus on this bill.

As a consequence of that, I had asked the gentleman from Alaska [DON YOUNG], Chairman of the Committee on Resources, to schedule a hearing in order to perhaps facilitate more discussion on the bill and to get a kind of check on the health of the bill, both from the perspective of the administration and the Congress. The chairman of the Committee on Resources has gratefully allowed us to have this hearing on October 29, next Wednesday.

H.R. 100 has been a bill that we deliberately labeled it H.R. 100, because next year, 1998, stands for the 100th anniversary in which the island of Guam has been associated with the United States. Guam was ceded to the United States by Spain as a result of the Spanish-American War, and next year we commemorate or celebrate, or otherwise acknowledge in one way or another the 100th anniversary of what most historians call the splendid little war.

In that time period, Guam has really, its political status has only been changed once. It was and still is an unincorporated territory, but the process of changing perhaps the way in which Guam has been dealt with occurred only once, and that was in 1950 with the passage of the Guam Organic Act, making the indigenous people, the Chamorro people of Guam, U.S. citizens.

Since that time, it certainly has been clear to the people of Guam that we need to revisit our political status, and that we need to revisit our relationship with the Federal Government.

Throughout the decades ever the 1980's, there were a series of elections that took place on Guam with all eligible voters participating on what political status Guam should pursue for the immediate future. In 1982, this election was held and the two winners were what was labeled Commonwealth and the aspiration for statehood, and a runoff election was held between those two sometime later, two years later, and the eventual winner of that, by a 3 to 1 margin, was Commonwealth.

There ensued on Guam a series of discussions and public hearings in which a Commonwealth proposal was fashioned, and this led to a 12-titled piece of legislation, which was in itself voted on, article-by-article, and which eventually surfaced as legislation ratified by the voters of Guam, and legislation which was introduced in Congress in 1989.

At that time, the Subcommittee on Insular Affairs of the Committee on Resources held a hearing on this Commonwealth proposal, and suggested that there be a period of time in which negotiations and discussions could be held between, at that time, the Bush administration, and the Commission on Self-Determination, which is a body created by Guam public law.

There ensued a period of discussions for 3 years, and at the conclusion of the Bush administration, the Bush Administration concluded that they could not agree to major parts of this Commonwealth proposal and left it at that, with a negative report that was actually issued 1 hour before the administrators at the Department of the Interior physically left office, signalling the end of the Bush administration.

As a consequence, we had very serious high hopes when the Clinton administration came in, and for the past few years we have been in discussion with the Clinton administration with a team led by John Garamendi, the Honorable John Garamendi, the Deputy Secretary of the Department of the Interior.

Throughout those discussions we have discovered, somewhat to our dismay, that many of the people we were confronting in earlier times under the Bush administration were essentially the same bureaucrats and had the same bureaucratic perspectives of those under the succeeding administration, and to date very little progress has been made.

What is Guam seeking in this legislation? Well, Guam is seeking in this legislation a new relationship with the Federal Government. It seeks a new relationship with the Federal Government through a joint commission to review the application of laws and the application of rules and regulations for the people of Guam. It seeks to resolve some issues of historical injustice regarding Federal landholdings on Guam and the right of the Chamorro people, the indigenous people of Guam, to ultimately determine their political faith in the future.

Lastly, it offers some economic items that would lead to a greater economic growth for Guam. That is the basis for this package that we call the Guam Commonwealth proposal. At this point in time, I wish that I could report that we had made great progress with the administration, but we have not made that great progress. Yet, I remain the optimist and hope that in the context of the hearing next week, we will have people who will say there may be serious disagreements, but that there will always be opportunities to further discuss this and that the administration would not close the door to further discussion.

It is my hope as well that as the Committee on Resources, which is the only committee in this body that is charged with the general management and review of insular affairs, takes its responsibilities seriously with regard to the territories. It is of note that the Committee on Resources hearing room, the primary hearing room used by the Committee on Resources, is the only committee room in Congress that flies the flags of the insular areas behind the chairman's seat. So this responsibility is entrusted to the Committee on Resources, and I think the people of Guam are coming to the Committee on Resources with a sense that these are people who understand their responsibility with regard to the territories.

At one time or another, even though it may not be of abiding concern to many Americans, because we are talking about fellow Americans who are few in number and quite distant, the island I represent is some 9,000 miles from Washington, DC; is on the other side of the international dateline; takes some 19 hours to get to by air; and has only 150,000 people. It is very difficult to understand why this would be an abiding concern to most Americans. Yet, these people are U.S. citizens. We fight and we die in American wars.

Guam has the distinction of having the highest per capita casualty rate and death rate from Vietnam. And nobody asked us whether we were full citizens or second-class citizens as we sought to participate fully in those challenges that are most presented by American citizenship.

□ 1445

At some point in time we are going to have to cross that bridge and try to understand what is the meaning for U.S. citizenship and what kinds of ways can we offer people who live in distant and small areas in order to more effectively participate as American citizens in their government.

We all take it as a core creed of America that the only legitimate form of government is through the consent of the governed. That is not true for all Americans, because it is certainly not true for the insular areas. The insular areas do not have meaningful participation in the development of the laws under which they must live, laws which are passed in this body in which we have nonvoting representation by delegates, laws which are passed in the other body in which there is no representation, and laws which then become administrative rules created by an administration which the people of the territories cannot vote for. So in that sense there is no meaningful participation, and that violates the very creed of America and the sense of American democracy.

So we need to be creative as we try to figure out what is the meaning of American citizenship for the people of the insular areas, and certainly I am making that pitch for the people of Guam.

The real test of our democratic creed is not to try to act when only it is in our best interests, but to try to act and to understand the necessity to act when there is no personal interest at stake, other than the pure understanding of democratic principles.

So the people of Guam come to this hearing hoping for a fair hearing and a fair opportunity for their proposal, and I am sure that most of the members of the Committee on Resources will give them that opportunity. I am sure that

most of the people of this great country will understand that if they had the opportunity to draw a little attention to it.

When we talk about extending the basic principles of democracy to other parts of the world or shoring them up, and we are talking about millions and millions of people, and we are talking about trade interests and strategic interests and security interests, there is an imperative in that beyond the desire for democracy, to make democracy work in other parts of the world.

But when we are challenged simply by the existence of 150,000 citizens by people who live on what is a relatively small island some 9,000 miles away, really, when there is no abiding interest to address those issues, we are really testing whether we do really care about democracy, where we are willing to think outside the box, and try to come up with and fashion an instrument which gives these people meaningful participation in the Government which controls their lives.

The people of Guam will be represented by a large delegation: The three living Governors, the current Governor, Carl Gutierrez, the Honorable Paul Calvo, and the Honorable Joseph Ada, both of whom are Republicans, Carl Gutierrez is a Democrat, this proposal is very bipartisan on Guam and supported across the board by the elected leadership; Senators Tony Blaz, who is the vice speaker of the Guam Legislature, Senator Mark Forbes, the chairperson of the Federal Relations Committee of the Guam Legislature, Senator Ben Pangelinan, the minority leader, Senator Elizabeth Barrett-Anderson, chairperson of the Committee on the Judiciary of the Guam Legislature; Chief Justice Pete Siguenza; presiding judge, Alberto LaMorena; members of six groups that are important in the context of Guam; and a very important symbolic figure for most people on Guam, the Archbishop, Anthony Apuron; leader of the Chamorro Nation, Ed Benavente; leader of the Organization of People for Indigenous Rights, Hope Cristobal; chairman of the Chamber of Commerce, Sonny Ada; president of the Guam Bar Association, J. Arriola; and president of the Filipino Community of Guam, Roger Ruelos have all received invitations, and we look forward to their testimony.

We certainly look forward to welcoming them to Washington and hope that they have a safe trip to this very distant city, when you look at it from Guam's point of view; and hopefully we will give them a warm welcome, and entertain warmly the proposal of a people who are striving to create a mechanism to better participate in the fabric of American democracy through a Commonwealth proposal.

It is a proposal whose time has come, it is a proposal that must be addressed, and it is a proposal that deserves the serious attention of the members of the Committee on Resources as well as all Members of the House of Representatives and the American people at large.

THE HAZARDS OF NUCLEAR WASTE TRANSPORT

The SPEAKER pro tempore [Mr. PEASE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Nevada [Mr. GIBBONS] is recognized for 60 minutes as the designee of the majority leader.

Mr. GIBBONS. Mr. Speaker, I believe it was H.G. Wells who was once quoted as saying, ''Human history becomes more and more a race between education and catastrophe.'' Right now, Mr. Speaker, this Congress is in a race and we must not let catastrophe win.

In examining both the education and catastrophe spectrum here, I would first like to do my part in educating the ladies and gentlemen of America, Mr. Speaker, on the facts concerning H.R. 1270, the Nuclear Waste Policy Act of 1997. This legislation will mandate transportation of high-level radioactive nuclear waste by way of our national highways and railways.

This deadly waste will traverse 43 States to a nuclear waste dump at Yucca Mountain, NV, that is right, through 43 States out of 50, traveling right alongside of you during your commute to work or on your weekend outing, or with your family over bridges that traverse your community's source of water, near schools where your sons and daughters are attending their education. On these routes will be nuclear, radioactive waste from 109 of our country's nuclear reactors.

American citizens from Los Angeles to New York, from Atlanta to Denver, from Pittsburgh to Dallas, St. Louis to Tucson, Kansas City to Baton Rouge, Jacksonville to Chicago, and from here in Washington, DC, to Cleveland, are all in harm's way. That is exactly why it is important for us to educate Members on H.R. 1270.

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

Mr. GIBBONS. I am happy to yield to my colleague from district 1.

Mr. ENSIGN. Mr. Speaker, I would ask, is the gentleman aware that in the transport of this nuclear waste across the country, that the most highly dangerous substance ever produced by mankind is an environmental problem, is a health and safety problem? This high-level nuclear waste on these routes of transportation will be going near even elementary schools, day care centers, and the like across the country?

Is the gentleman aware that we tried to offer and tried to get approved in order an amendment just to make nuclear waste not go within 1 mile of schools, and that the leadership, the Republican leadership, did not allow this amendment to be in order? Is the gentleman aware of that?

Mr. GIBBONS. I thank the gentleman from Nevada for reminding me of that fateful day when we proposed those amendments, and certainly were told that we could not offer those amendments; an amendment which would, in essence, protect children from transportation and the exposure to the transportation of nuclear waste by their schools. I am aware of that.

Mr. Speaker, we would like to point out to everyone just exactly where the proposed railway and highway routes are going to be. Imagine, if you will, that 75 percent of all the nuclear waste in America is generated east of the Mississippi, and it is all coming right here to southern Nevada. Seventy-five percent of those 109 reactors are going to have to funnel their waste through what could be regular hub and spoke communities. For example, if we took St. Louis, MO, where I–70 passes through St. Louis, MO, crosses over the Mississippi River, an accident in St. Louis, MO, could have catastrophic results.

As we recall, earlier, I would remind the gentleman today that we heard earlier about a train accident in West Virginia, a terrible catastrophe. In fact, there were two train accidents in the last several days in West Virginia: a head-on, two trains colliding head on, and a train intersecting or a train intersection where it impacted a truck.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I understand from hearing the gentleman from West Virginia this morning, or this afternoon, he talked about this train collision happening, and he even said, luckily, only by God's grace, was the explosive material on one of the trains taken off just before these trains collided.

Mr. GIBBONS. If the gentleman will yield for point of correction, I think he said that that was a truck that was at an intersection that was loaded with explosives, or previously loaded with explosives, just hours before.

Mr. ENSIGN. Yes. If the gentleman will yield further, let us take, for instance, if we had nuclear waste in these tri-cask cannisters, which are supposed to, based on the testing, if I am correct on this, they are supposed to be able to withstand temperatures of up to 1,500 degrees.

Mr. GIBBONS. One thousand five hundred, that is correct.

Mr. ENSIGN. Explosive materials could lead to a fire. Diesel fuel, what does diesel fuel, if the gentleman would answer, being a geologist and a scientist, what does diesel fuel burn at?

Mr. GIBBONS. Diesel fuel burns at 1,830 degrees, but in addition to that, if cooked long enough, the metal surrounding structures will burn in excess of 3,000 degrees, sometimes.

So the problem we have here is twofold. We have natural hazards, diesel fuel from trains and trucks and the metal surrounding it, the incendiary position of the metal; as well as the explosives, if the accident had occurred with a trainload of nuclear fuel and this truck, loaded with explosives; or a terrorist act.

Not too long ago in Arizona it was reported that a terrorist blew a bridge out in Arizona and a train derailed. The exposure of hazard to this material in transportation across America exposes a great risk. But it is a fact that these casks are dangerous.

I would tell the Members, Mr. Speaker, just what is in one of these casks. That is the critical part. These concrete and steel casks contain 24 nuclear fuel rods, spent nuclear fuel rods. Each one of these casks contains 10 times the nuclear radioactive fallout as the bomb we dropped on Hiroshima in the Second World War. That is 10 times that in one cask, in one cask; and we have nearly 80,000 tons of this material being transported primarily from the East Coast over to the West.

Mr. ENSIGN. If the gentleman will continue to yield, Mr. Speaker, from what I am understanding, based on the scenario that the gentleman has painted, based on this hot metal burning and causing one of these casks to come apart, looking at the gentleman's map down there and looking at St. Louis, looking at Denver, CO, right through the center of Denver, CO, looking at Los Angeles, CA, looking at potentially coming across Hoover Dam, which is, from Arizona coming into Nevada, if one of these transport mechanisms, say, was on Hoover Dam, had a crash, went over the side of Hoover Dam, which is about 450 feet down onto a concrete slab, and we had a fire down there, one of these casks broke open, what State would be most affected, besides the State of Nevada, which is sitting right there, and the State of Arizona? What is the No. 1 State that would be affected by this radiation fallout?

Mr. GIBBONS. First, let me address the issue that the gentleman has talking about, dropping these casks. These casks are certified to be fracture-resistent when dropped from a height of 30 feet. It is a lot different from dropping a cask from the top of the Hoover Dam to the bottom, 450 feet.

Only 2 months ago we had an 18-wheel tractor-trailer rig in an accident, spun out on the top of that dam, and the back end was hanging over the edge of the dam. It can happen. It is not a farfetched idea.

□ 1500

But, what you present is one of the greatest environmental catastrophes for the most populated State in the United States and the most populated community that gets a lot of its drinking water and agricultural water from the Colorado River, and that is Los Angeles, CA. All of those millions and millions of people, the lives along the southern Colorado River would be in danger of jeopardy from a nuclear contamination spill just off of that one roadway.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, people say if we cannot bring it to Nevada in an interim storage facility or a permanent repository that Congress is talking about, they ask me, ''What is the answer?''

Correct me if I am wrong on this. When they were developing the transport mechanism, these things they say are safe, the Committee on Commerce says they are safe, but when they were developing this—and I had a conversation today with the gentleman from Michigan [Mr. UPTON], the lead sponsor of the bill from the Committee on Commerce, and I asked him when they were developing the transport mechanism they developed these dry casks to store them. I asked him, are these dry casks safe for up to 100 years? And he said, yes, they are safe for up to 100 years. And I said why not leave them right where they are instead of transporting them and talking about the potential accidents?

Mr. Speaker, I would ask the gentleman from Nevada if he sees any reason at all for transporting this dangerous waste through cities like St. Louis and Denver and Los Angeles and many other cities like Atlanta across the country?

Mr. GIBBONS. Mr. Speaker, reclaiming my time again, that is exactly what the problem is here that we are facing today. It is a poor policy developed in the 1980's in order to provide an industry with an escape mechanism for something which we should have changed when we allowed them to build these nuclear reactors. Notwithstanding the issue of the nuclear reactor, what we are talking about is what should the policy of this country be with regard to the storage of nuclear waste?

Current technology today indicates that these dry cask storage mechanisms that are on site at the nuclear powerplants are indeed safe for the next 25 to 75 years, if not a longer period of time for the storage of nuclear waste. During that time we have talked to a number of physicists from MIT to Brigham Young University regarding how we could better handle the nuclear waste; rather than just burying it in the ground to an uncertain fate or transporting it across this country with an exposure of danger to all the American people in its path, and that is twofold. One is recycling and reprocessing the material to be used by the reactors that are still in existence or, No. 2, developing the research and the technology that will allow us to change the radioactive hazard of the material.

One physicist that I talked to, a professor from a university in Utah, indicated that he has just recently developed technology that will allow this material, the radioactive waste, to be converted through his process into titanium and copper, to relatively inert but precious metals that we can use in the industries around this country. But it is a far better policy to convert the nonuseful, very dangerous, very deadly toxic substance of nuclear waste into a rather inert valuable metal of titanium and copper. That is the policy that this country ought to be developing rather than the dangerous transportation and uncertain burial.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield further, could the gentleman possibly address what seems to be happening in the Congress? We have talked about many different parts of the science, whether it be on site, dry cask storage being the best storage up to 50 years. Second, the gentleman mentioned some type of recycling, reprocessing this waste. Even if the new technologies the gentleman talked about are not developed, there are older technologies currently in the works in Great Britain, in France, and in Sweden, and they are doing it very safely and they have obviously a much better nuclear power industry in those countries.

So when we are looking at what is driving this policy in this country, I believe and the gentleman's comments on this would be appreciated, from my perspective I see several things happening. First of all, Members of Congress that have nuclear reactors in their districts, they want to get the wastes out of their State. But probably, and most significantly, the driving force behind this is the nuclear power industry, because the nuclear power industry right now only has nuclear powerplants that are going to last 20 to 30 years from now. After that, if we left it where it is, they would be responsible for storing this waste and paying for that storage.

If the Yucca Mountain or the interim storage facility is built in Nevada, would the case not be that ratepayers and the nuclear power industry no longer would have to pay the bill, but now the taxpayers from across the country, even in those States which do not have any nuclear reactors, all of those States and the taxpayers in those States would be left holding the bill? So not only do people have to have this stuff transported through their State when they never had nuclear power in their State, but they are also going to have to foot the bill to pay for the storage of this stuff for thousands of years.

Mr. GIBBONS. Mr. Speaker, again reclaiming my time, I would like to point out something specifically. The gentleman raised absolutely an important question that fails to be asked and answered publicly, and I am glad he brought the subject up.

Yes, indeed, what we see today, for example let us take the State of Connecticut. It has four nuclear reactors and for the problem of safety they have shut those nuclear reactors down. They are not generating nuclear waste anymore, but they have it sitting in this dry cask storage or on site. They want to get it out of their backyard because the nuclear power company sees a serious problem and it is called a ''stranded capital'' problem. It will ultimately have to be responsible for the nuclear waste that that industry, that powerplants generated, unless it transfers that to the gullible taxpayer to take care of it. And that is what is driving this.

If we look here, this chart provides a very insightful window on what is taking place in the nuclear industry. As the gentleman said, every powerplant that is in America today, due to its shelf life or operating life, is scheduled to shut down within the next 20 years or so. This nuclear waste takes 10,000 years to at least get through a half-life of most of it. They have been charging their customers a mill rate on the electricity generated to store this. And it has generated a trust fund. This indicates the balance by the mill rate paid by the end user of the electricity for that storage of about $600 million.

But if we take the time from 1995 and spread it out, as those powerplants shut down the mill rate drops off. In other words, the fund balance goes to zero because expenses are still taking place. Well, it is that timeframe out there when the power plants are no longer producing electricity and those powerplants are no longer bringing in that revenue that that fund balance is zero. Well, guess who gets to pick up that fund difference for the storage, the monitoring, and the handling of that nuclear waste? The taxpayer.

If I may say so, the cost of storage on site today has been told to us by the nuclear contractors who are capable in this field and have the knowledge of this field, but the cost of securing that material on site, where it is at even for the next 100, 75 to 100 years is about $300 million. And giving them the benefit of the doubt, add another $100 million in it, $400 million, even if they were wrong, the cost of shipping it, just shipping it across this country from the east coast to Yucca Mountain, is not $300 million, but $2.3 billion. Well, there is no way $2.3 billion is going to come out of this waste fund. So who picks that tab up? The taxpayers.

Mr. Speaker, this is an unfunded mandate by a nuclear power industry that wants the taxpayers to pick up the tab.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, speaking of what the taxpayer is going to end up holding the bag on, the Committee on Commerce in its infinite wisdom, Republicans and Democrats alike in the Committee on Commerce, and correct me if I am wrong on this, from what I understand in reading the bill, and we checked with many sources that agree with this, if we had a driver of one of these trucks that was going through, say, Denver, CO, the driver of the truck happens to be drunk, happens to be coming through during the evening one time barreling down and ends up crashing through an apartment building killing *x* amount of children and adults, even though that person should be held totally responsible and that company should be held totally responsible, not only do we have the loss of life but we have an incredible environmental disaster.

Mr. Speaker, I have heard that this company, because of what the Committee on Commerce did, that this company will not be held liable, that the financial end of this will fully be picked up by the taxpayer. Mr. Speaker, I would ask the gentleman, is that correct?

Mr. GIBBONS. Mr. Speaker, the gentleman is correct. It is absolutely mind boggling and the answer to his question is yes. Under the current law, and the laws that they want to pass with regard to this, we are indemnifying the transportation companies. They are going to haul this stuff clear across America and what do they have for responsibility or accountability? Zero, zip, nada, nothing.

There is nothing that says they cannot go out and hire somebody who has never driven a truck before to haul this stuff around. If they crash off one of these bridges or leave the truck in the middle of a railway and they create a nuclear accident, that company that hired them, who should have known better, who had responsibility to do that, who had accountability for any other accident at any other department or any other material in America for any damage or environmental problem would be liable for that.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, I heard the gentleman from Nevada speak this morning in front of the Committee on Rules on the cost of the potential cleanup if we had one of these accidents with leakage in an area. Could the gentleman address the cost of cleaning up one of those environmental disasters?

Mr. GIBBONS. Mr. Speaker, this is a Freeland, MI, picture of a train accident. Just say this accident occurred somewhere near one of those communities. Say it was Denver, CO; Kansas City; St. Louis, just name the place the stuff is going to go.

Mr. ENSIGN. Salt Lake City.

Mr. GIBBONS. You bet. An accident like this, if it even allowed a fraction of the radioactive material out of these casks, would contaminate an area that they estimate would be as large as 4 square miles. Cleanup of that 4-square-mile area would cost nearly $19 billion. That is billion with a ''B'' dollars. Because every structure on it in that 4 square miles would have to be razed. The soil, depending upon the penetration of the cesium and other parts of the nuclear reactor content, if they penetrated the soil would also have to be removed. And it would be years before they could actually certify that they have cleaned up that area.

Put that in downtown Denver, put that in downtown Cleveland, and put that in downtown St. Louis on the Mississippi River and guess what we have got? We have a national catastrophe within which the Superfund that we have created to handle environmental cleanup would never be able to even address in its wildest, richest moments, let alone the fighting and the attorneys that would take the money.

Mr. ENSIGN. Mr. Speaker, if the gentleman would yield, this possibly could be why every major environmental group in the United States opposes this legislation.

I have heard NEWT GINGRICH lately talk about that he wants to be friendly to the environment. I think that NEWT, the Committee on Commerce, and the rest of the people supporting this bill, both Republicans and Democrats alike, because make no mistake about it, this has been a bipartisan effort to bring nuclear waste, transporting it across so many different communities and across this country, across 43 States, that they have to look themselves in the mirror and say, ''Why is every major environmental group opposing this legislation?''

Mr. Speaker, I think that we have heard the answers today. It is because it can be such a potentially damaging incident to our environment if we end up with an accident occurring during the transporting of this waste.

I thank my friend from Nevada. I have to go catch a plane back to our lovely State. I thank the gentleman for allowing me to participate in this special order.

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Mr. GIBBONS. I thank the gentleman from Nevada for joining me in this dialog here with regard to the hazards of H.R. 1270. I appreciate his support. I appreciate his eloquence and his delivery of this information.

I would like to continue the rest of my time to help educate the American public a little more about the hazards about what is taking place. I know many of my colleagues today, on their way in to work, might have driven down 395, taken the House or Senate exit here over to the Capitol, and could have noticed one of those big red signs that say, no hazardous material transported here. That is because it is not in my backyard are we going to have them transport this material. That is because they do not want it here. It is the classic NIMBY syndrome.

But if you look at the transportation of nuclear waste in Maryland, guess what? To those people who do not want nuclear waste in our Nation's Capital, it is actually going to go right through the Nation's Capital, in fact, right through the center of the Nation's Capital; that is, Union Station, just down the street, part of the railway transportation scheme for transportation of nuclear waste on this route.

In addition to that, let me talk a little more about what was brought up about hazards of this material and why the American public is being duped in this regard. If we want to take standards and use sound scientific evidence to establish hazards of materials, then all we have to look at is some of our previous experience in the legislative history of this material and come up with a basis of what is taking place.

First of all, the Environmental Protection Agency has established the number of millirems per year that is allowable in drinking water. And that

is 4, 4 millirems per year is available to be safe in drinking water in our country. The Nuclear Regulatory Commission says, well, we will up it a little bit, for a low-level nuclear waste site, you can be exposed to 25 millirems a year and still be healthy.

EPA again, under the waste isolation pilot project plant in New Mexico, where they are taking high level nuclear waste and treating it in storage there as a pilot project, they have got a whopping 15 millirems per year. An independent spent nuclear storage facility is estimated to have 25 millirems per year, and the interim storage exposure range is about 10.3.

Under 1270, H.R. 1270, all of those standards, the EPA standards do not have to be met. All of the safety guarantees that we have got environmentally around this country do not have to be met. In fact, they guarantee that they will exceed 100 millirems per year in the transportation of nuclear waste.

Mr. Speaker, absolutely incredible that we could have the American public be duped by the nuclear power industry into accepting this material.

Now, we have heard a lot recently about the site or the location where this material is going to be placed, in a mountain in southern Nevada. Theoretically it is dry, no problem with storing it there. After all, people only live miles away.

Mr. Speaker, let me tell you, from a scientific basis, after all, I think I am qualified inasmuch as I have a degree in mining geology, I have studied it. I have a master's degree. I understand some of the hazards with regard to geologic settings.

Yucca Mountain did not become a safe storage site unless you take the standards and you keep changing and reducing the bar and the acceptable level downward and downward and downward. Yucca Mountain did not get to be Yucca Mountain because of a stable geotectonic event. It became Yucca Mountain due to faulting and geologic volcanic activity which is currently active today. Numerous faulting in the area exists and has continued even today with 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius over the last year. That is incredible. There are at least 33 known earthquake faults in Yucca Mountain itself, this little piece of land that they want to put this.

A National Science Foundation study showed that previous testing at the Nevada test site, located 20 miles away, had released plutonium into the surrounding dry rock during one of the underground testings. As a result, they wanted to study that plutonium, very dangerous, half-life much longer than uranium, enriched uranium, to see what the migration into the groundwater would be. Thinking that it would not have gone anywhere in the last 20 years, it has gone nearly a mile. It has migrated a mile. That is 5,000 feet.

Well, 10,000 feet below that is the water aquifer, a huge aquifer for all of the Southwest, including Las Vegas, a city of 1.2 million people, as well as other surrounding communities in the area.

This tells us one thing, that the standards by which they are judging Yucca Mountain are wrong. It is not geologically safe. It is not geologically stable. The transportation and migration of radioactive nuclides through the rock, through the soil and into the groundwater is more than just an expectation. It is an inevitability. It will occur.

We have today probably one of the greatest opportunities to stop this nuisance, to stop this nonsense, to change the policy of this country, to change the idea of sticking it in the ground and walking away from it.

As we talked earlier, the cost of transportation, seven times more expensive than storage on site where it is at. You pick the difference up. You pick up that $2.3 billion. It comes out of your pocket, takes away from your children's education, takes away from your highways, takes away from anything, the defense of this Nation. That is $2.3 billion out of your pocket just to move it versus 300 million that the industry itself could pay to store it for the next 100 years while technology is developed to change the hazard of this material so that we do not have to bury it.

They say they have built a storage site that will last. I defy them to answer me how they know that. We in this country have never built anything to last longer than 1,000 years. We have never been in existence for 1,000 years. The Egyptians built the pyramids 3,500 years ago. They are not lasting. What is it that they expect to see, 1,000, 2,000 or 5,000 years from now when they come across this cavernous Yucca Mountain site where they have buried this nuclear waste?

Who knows what we will find at that point in time, if it is accessible, if it has not erupted or some cataclysmic activity destroyed or changed the site itself. I wonder what the warnings will look like 1,000 years from now that say, do not dig here. We buried high-level nuclear waste.

What sort of paint will they put on the sign that will last for 1,000 years? Will they chisel it in stone and place it at the entry? Will 1,000 years or 2,000 years from now allow us to have that warning available to those people, if there are people, who may stumble upon that area? We do not know. And that is the question of the day. What do we know? We do not know what it will be like. We do know we have the ability to change the policy today, to ask that we go forward with research and development, that we go forward with science to change the hazard of this material.

H.R. 1270 is the transportation of nuclear waste across America. We talked earlier about the odds of an accident. River Front Times, June 12 through the 14, 1996 said it very clearly: No matter how slim the odds of an accident, the potential consequences of such a move are cataclysmic. Under the plan, tons of radioactive material would likely pass through the St. Louis area by either truck or rail a few times a week for the next 30 years. Each cask would contain the radiological equivalent of 200 Hiroshima bombs. Altogether, the nuclear dunnage would be enough to kill everybody on Earth.

Maybe a little bit eccentric, maybe a little bit exaggerative in terms of the cataclysmic event that might occur, but certainly not impossible, not far-fetched.

Whether it is a terrorist act on the railway transportation of this material or a simple accident along the highway or railway with this material, you, the Americans, are both at risk economically, environmentally, personally.

I think it is up to America to advise their representatives in Congress of their opposition to H.R. 1270, the Nuclear Waste Policy Act of 1997. We have a chance today to educate our Members through your phone calls, through your letters, requesting that they oppose H.R. 1270. Do not let this opportunity, do not let this time go by without taking advantage of that opportunity because your future, your children's future and the future of this country depend on your ability to see through the nuclear wool that the nuclear industry wants to pull over the eyes of America.

FAST TRACK TRADE AUTHORITY

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am going to talk today about why I am opposing the Presidential request for fast track legislation and, while I am not authorized to speak for anyone but myself, I think I reflect the views of many of my Democratic colleagues and some of my Republican colleagues, but particularly my Democratic colleagues who are opposing the request, even though for many of us the goal of more trade negotiated through fast track authority is ultimately something we want to support.

I want to take this time because of the absolutely central imperative that Thomas Jefferson urged on all of us engaged in the making of public policy when he wrote the Declaration of Independence, the decent respect for the opinions of mankind. It is essential that we be explicit about our reasons, especially since, as I said, expanded trade negotiating authority and the agreements that would result therefrom ultimately, I believe, are in the public interest, but not in the current context.

We are at a time in this country and in the world in which a combination of increased globalization of economies and the technological advances that

spur that on and are spurred and turned on by it are doing two things: First, they are increasing, I believe, the overall wealth of the world. Expanded economic activity among nations, the greater efficiency that comes from increased mobility of capital without artificial barriers, and certainly the technological changes that occur, those do allow us overall to produce more. Unfortunately, absent appropriate public policies, they result both in increased wealth and in increased inequality. That is especially true within the United States and other developed nations.

Mr. Speaker, I wish more people had read, and I will be submitting for the RECORD once again, because I have done this before, some passages from the world economic review in 1993 of the Economist magazine, a magazine very much in favor of free trade, devoted to free trade in its inception.

□ 1530

What they said in 1993, as we were in the midst of the NAFTA debate, was that some of their colleagues on behalf of free trade were not being fully intellectually honest. Because the argument was being made that free trade, specifically in this case NAFTA, was a good thing, and either implicitly or explicitly was being argued that it was, therefore, good for everybody; that it would benefit everybody and hurt nobody, or at least benefit a large number of people, benefit the totality and not have any negative consequences.

As the economists acknowledged, trade does not work that way, and they pointed out that the whole theory of comparative advantage, developed in the 19th century, which continues to be a major argument in favor of trade, the theoretical underpinning for much of the argument, assumes that some people will not do as well. The theory says that countries will do better in trade and increase their production in areas where they have a comparative advantage, but they will lose to some extent in areas where they do not have a comparative advantage. The overall will be to people's benefit.

In the United States that means that people who are technologically skillful, people who can take advantage in their work of globalization and technology will benefit greatly. Those people in our country who are in industries, where America does not have a comparative advantage, where the level of technology is not high, where trade factors will work to the benefit of others rather than ourselves will be worse off.

Yes; it is probable that overall we will be better off, certainly in the long run. But in the real world that people live in, some people will be hurt.

I see this in my own district, Mr. Speaker. I was given by the Massachusetts Legislature in 1992 a rather bizarre shaped district. They were not doing it particularly to help me or hurt me. The legislature had in mind helping one of my colleagues; the Governor wanted to hurt another. The result is a district, which I dearly love and am proud to represent, but it is rather oddly shaped on a map. It almost disappears at a few points.

Indeed, Mr. Speaker, under the current jurisprudence of the U.S. Supreme Court, I think if I were African-American my district would probably be held unconstitutional. But white people are allowed to benefit from extreme gerrymandering in America, only black people are not, so I continue to be lucky enough to represent the district and it is divided.

The northern part of my district has a number of economic activities that are beneficiaries of the new economic order. There are places where the world is now more of a market for them. There are places where technology is being used to great advantage, not just for the economic benefit of those who participate but for the benefit of the world. Software development; biotechnology, bringing great new products; medical care in general, because we get a lot of people coming to Massachusetts from other parts of the world and paying us for the first-rate medical care available there; financial services, where America has led the way and has been exporting our services, those are just some of the areas where we benefit. We have other industries, Raytheon and others, that benefit from exports.

In the southern part of my district I have other industries where people work very, very hard, sometimes in difficult circumstance, but without, up until now, a lot of technological aid at their disposal; in areas where other parts of the world have been able to compete, in areas where labor not as highly skilled as other parts of our economy is a very intensive factor, and these are people who are being hurt.

Garment and textiles are two industries that produced a great deal of the livelihood of many of the people in the southern part of my district. American trade policy has essentially presided over the substantial erosion of those industries.

So here is the problem that I and many of my Democratic colleagues confront: We are being asked to promote greater trade and greater globalization knowing that along with that will come an increase in technological innovation, because I think the two spur each other, and we know that this will benefit a great many people, and may benefit the country as a whole, but it will exacerbate the tendency toward inequality in this country. Some people will do very, very well; others will not do well.

And while there are debates about exactly how it has happened and why it has happened, the fact that income growth has at best stagnated for many, many people in the lower sectors of the economy is indisputable. Working people who do not have the advantage of great technological sophistication behind them have not participated nearly as much in the prosperity as other segments. We have increased inequality, and people in the lower half of the income sphere, in the lower three-quarters, have not done nearly as well as they should have.

What I and many others believe is that if we simply project current policy trends forward, if we do nothing but increase trade, we will exacerbate that tendency. Yes; many people will get richer, some people not now rich will get rich. That is a good thing. But other people will be left further behind. And I and many others will oppose increased trade negotiation powers to the President until we have public policies in place that see that the wealth that we will gain thereby is more fairly shared.

Now, let me acknowledge that people have said, well, trade is only a small part of the reason for some of the inequality. I have read the economists' analysis. Most of them agree that technology is even more important than trade. The point, of course, is that trade and technology reinforce each other.

What we have is the physical capacity, thanks to technology, increasingly to make anything anywhere and sell it somewhere else. That includes not just the production processes, but the reduction in size of many products, increased transportation, and communications equipment which allows us to make geography much less important.

But while technology has physically made it possible to make almost anything almost anywhere and sell it almost anywhere else, trade policies are essential because they make that legally possible. And the combination has left many working people worse off. Because what we are told is, to get the full benefit of modern trends we have to make capital as mobile as possible. We have to remove barriers to capital. Mobile capital, among other things, has the capacity to get the upper hand over labor. In virtually every part of the developed world, and increasingly in the developing world, working people are told they must moderate their demands; they must take less and they must not ask to participate in the increase, because if they take too large a share, the owners will move their capital elsewhere.

The mobility of capital is increasing at a great rate, and it is, of course, trade and technology both that are involved, both the legal and physical aspects of that, and the result is that the bargaining position of labor has been undercut. We have added to that in this country because during the 1980's there were de facto and legal changes that reduced the ability of working people to defend themselves.

And let me fill in one other thing that gets neglected. Substantial deregulation. This economy has been very substantially deregulated and it has been bipartisan. It has been a Republican interest, but it was a Democrat interest as well. Senator KENNEDY,

in the areas of transportation. President Carter. We have deregulated. We were told that deregulation would make us more efficient, better able to compete internationally.

But deregulation, while it has produced enormous benefits in many ways, has also, of course, weakened the economic position of the workers in those industries. We know that as a fact.

Now, there is another problem I am going to address in a later special order, Mr. Speaker, and it is this: Workers in America were told, let us deregulate, let us increase efficiency, let us fully implement new technology without any requirement that we maintain a certain work force, and while this will weaken workers' bargaining position, the result will be a more efficient overall economy and we will be able to grow more.

And I think that is happening. I think that is why we have the situation where we have for 5 years now been growing at a faster rate than most economists thought possible without inflation, yet we have been doing it without inflation.

I recently wrote a letter to the editor of the New York Times that they declined to print. I sometimes think if your letters to the editor are too much on point they are disqualified. A New York Times business reporter noted that the economy had grown by 3 point something percent in the second quarter, and this reporter noted that this was above the 2.2 percent that most economists think is the absolute outer limit of growth that will not produce inflation.

He said everybody agrees, or almost everybody agrees that if we grow at more than 2.2 percent, we will get inflation. Three paragraphs later he noted that we have grown at an average of 2.8 percent over the past 5 years, with, of course, very little inflation. In other words, we are being told simultaneously that 2.2 percent is the absolute limit of growth without inflation and that we have in fact grown at nearly 30 percent more than that without any inflation over the last 5 years.

I think the only response to that would be the one that Marx formulated when Chico said to Groucho, ''Who are you going to believe, me or your own eyes?'' Do we believe the 2.2 percent limit that the New York Times' financial pages state or the 2.8 percent that in fact happened over 5 years?

The point of that, however, is that working people in America were told that we were going to implement some policies that were going to weaken their bargaining position so that in relative terms they might be worse off, but they would be compensated by being part of an economy growing more rapidly. The problem is that we are now being told by orthodox economists in the New York Times' financial pages and others that we cannot grow any faster than we used to grow without the possibility of inflation, even though no inflation yet looms, not even the hint of inflation yet looms. So we have people saying the Federal Reserve should cut growth.

Essentially what they say, quite explicitly, is that unemployment is too low. Indeed, our own Congressional Budget Office, Mr. Speaker, recently told me that they think 5.8 percent is as low as unemployment can go without generating inflation. Of course, unemployment is now at about 4.9 percent. So if we follow that logic, what we need is about 1 million more people unemployed.

The problem is that we are in the position, if we take that view, of saying to working people, gotcha. First, we told them we would deregulate and we would weaken unions and we would implement technology and we would weaken their position in relative terms, but the compensation would be faster growth. And now that faster growth has been a reality, we have people saying, what, they were kidding; that they did not really mean it when they said if we deregulated we would be more efficient and grow faster; that implementing technology would improve technology?

Because many of the people in the financial community and in the orthodox sector of the economics community are basically saying to workers, yeah, we did all the things that undercut them, and while that has produced more growth, we do not think more growth is really such a good thing after all because we are worried that an inflation, that has not yet even begun to stick up its head yet, might be lurking somewhere around the corner, so we will give workers the worst of both worlds. We will continue the implementation of those things which weaken their relative position vis-a-vis capital, but we will also deny them the benefits of the faster growth that was supposed to come.

Now, with regard to trade, we have an exacerbation of that. Because all of these things together, increased globalization, deregulation, flexibility for the ownership that comes in part from the weakening of labor unions, and the implementation of technology without any restriction, all of those together can be seen to increase the overall pie, although I think the weakening of labor unions is, in fact, not necessary to that, and I reject the notion that we had to undercut the rights of working men and women to bargain collectively to get growth. I think, in fact, the opposite is the case.

□ 1545

But all of these things have been implemented. The result has been faster growth than almost any economist thought possible without inflation, and at the same time increased inequality. What we are being asked now, those of us who believe that growth and fairness are both important goals, we are being asked now to continue with the implementation of policies that will result in faster capacity to grow at the cost of ignoring inequality, and our response is, no, we will not support the request for fast track labor negotiations unless they are accompanied with some equity elements. In effect, what we are saying is we are prepared to support efforts that will provide faster growth but only if they can be somewhat more equitably shared.

That has two aspects. First of all, it means that in the trade agreements themselves, we should be acting to encourage fairer working conditions and environmental standards in our trading partners. It ill behooves those who tell us that we should support increased trade to elevate the status of the poor people overseas to object when we try to take that seriously. When the President asked us to support the loan to Mexico 2½ years ago, and I think ultimately we benefited from making that loan, it was a good thing to do, but what many of us said was we do not want to do it unless at the same time we put a condition on it, we put conditions on that there has to be fair collective-bargaining agreements in Mexico, so that the Mexican workers benefit some from this, which has two advantages. In the first place it raises their standard of living. In the second place, it diminishes the extent to which other countries have a comparative advantage over this solely because of depressed wages.

They will have advantages, no one is denying that, in some cases. They will get to be able to sell us things. But we do not believe that that advantage should be artificially increased by their being able to employ child labor or not have fair representation for their workers or to engage in practices that degrade the environment. So, first, we want within the trade agreements efforts to require those who would benefit from trading with our economy to show some concern for the workers in their own country and for environmental standards.

But that is not all. After all, trade in and of itself, I agree, is not the only cause of the worker insecurity here. It may not even be the major cause. Technology may, according to analyses I have read, be more important. But it clearly exacerbates it and the business community, the financial community that is so eager to see international trade because there will be benefits both for the country as a whole and for themselves. Because the owners of capital will benefit more than any other sector of this economy from the increased trade, they should not expect us to support what will be so much in their interest if they are unprepared to support measures for fairness.

Mr. Speaker, I believe there are moral arguments why we ought to be concerned about fairness. I do not think it is right for 45-year-old people in my district or anybody else's district to be thrown out of work because of a combination of technology and international trade and then to lose their health care and maybe lose their

homes, on which they have been making mortgage payments, and accept a very, very substantially reduced standard of living not because of anything they did wrong, not because of a failure on their part to work hard but because that is what technology and trade led to.

We know there are millions of Americans who have lost jobs over the past few years because of this. Many of them have gotten new jobs, some of those new jobs have been lower in pay, some have not gotten new jobs. We do know also that there has been an erosion of the bargaining power of those who have stayed on the job, and the threat that capital will become mobile and leave behind, as I said, is one of the major advantages that the owners have used to the disadvantage of workers.

I think morally we should do more. I do not think that 7 and 8-year-olds in one part of my district ought on the whole to face a future that is fairly bleak because they do not have access every day to computers and people to teach them how to use it or people in other parts of my district do. I am glad the people in other parts of my district do. I will work to help that. But I also feel the moral obligation to help people in the other part of my district.

Let me address my friends in the financial community, the academic economists who are so distressed that those of us on the liberal side will not join in right away on the free-trade expansion movement. People in the business community, if you are not moved morally, and I should say my liberal economist friends, they share our moral view and many of them told me they regret the fact that we have public policies that leave behind so many working people but, they say, we should still go ahead with trade and then they will be for the other. They have got to learn a little more game theory, a little more bargaining in particular.

There is not any reason in the world for those of us who believe equity is getting the short end of the stick ought to forget about that and join in policies that help one sector more than another without asking for something in return. And to the business community and to the financial services community, I want to quote John Kennedy. When John Kennedy initiated his Alliance for Progress 35 years ago or so, he harkened back to the good neighbor policy of Franklin Roosevelt, the first time America even pretended to be treating our Latin American neighbors on an equal basis, although regrettably we were a long way from reaching that ideal then.

Of course, Franklin Roosevelt called his policy the good neighbor policy for Latin America. John Kennedy, launching the Alliance for Progress said, ''Franklin Roosevelt could be a good neighbor abroad because he was a good neighbor at home.'' Those who want, Mr. Speaker, a more active engagement by the United States with the international economy, those who want America to be a better neighbor abroad must understand that they will not get the support to do that unless they are prepared to start being better neighbors at home.

It is one thing to tell a worker in the garment and textile industry that she will lose her job because of international trade and other factors over which she has no control. It is another to tell her that, oh, and by the way in addition to losing your job, you are going to lose your health care and you are not going to get much in the way of help in finding a new job.

Health care is a big example. We still have a situation in this country in which the penalty for losing your job is to lose your health care in many, many cases. We have made it a little better with Kennedy-Kassebaum and a few other things, but the fundamental gap is still there. Until we have a system in which health care is not determined by your employment, do not be surprised, I say to my friends in the business community, when the average worker reacts so strenuously to the suggestion that he or she may lose their job. Because they do not just lose their job, they suffer by loss of their job in many cases a drastic reduction in their standard of living. And so if you want to implement internationalism, if you want to take full advantage of technology and globalization, I have to say to people in the business community, join us in concern about equity.

Stop doing everything you can to frustrate the right of men and women who work to bargain collectively in an effective manner. Drop your opposition to a health care system in this country that will separate out employment from health care so people will not face the loss of their health care when they lose their jobs. Do not insist that when we come to the Federal budget, we cut back on the retirement benefits for poorer elderly people. People tell us, the CPI is too high, the Consumer Price Index. Old ladies living on 9, $10,000 a year are getting too much when they get a 2 percent increase. Let us cut it to 1 percent. You cannot impose that kind of what I believe is cruelty on people at the low end and then be surprised when we say, we are not going to help you get richer until and unless you are prepared to do a little more sharing.

No one is advocating that we avoid any job loss. Of course it is going to come. International trade will bring more job loss. I believe, properly done, it will bring overall more benefit. But we ought precisely for that reason to be able to share that benefit more fairly than we have. Of course, that has been the case in America, where we have weakened the workers' positions. We look at Western Europe and in Western Europe they have not yet progressed as far as we have, in deregulation and in other ways. We are told that the Western Europeans, therefore, have more unemployment but they also have, of course, greater job protections for the workers there. What the workers of Europe are being told is you must give up much of what you now have so your economy can be more flexible, so you can grow more.

But that gets us back to the point I raised about interest rates. It does not present the very encouraging example to the workers of Western Europe if they look here and they see American workers having been told we are going to deregulate and we are going to implement technological change, we are going to do a lot of things that increase the flexibility of capital so we can grow more. The consequence will be, as I said, a weakened position for you in some ways but overall you will have a work force that is better off because we will generate more jobs. You cannot then turn around and say as orthodox economists and the financial community and others are now saying, ''Oh, but we didn't really mean that and we're not going to give you the benefit of the increase in jobs.'' I cannot stress enough, Mr. Speaker, how much I think these are interrelated. On the one hand, people say give us fast track, knowing that that is going to throw some people out of work because overall we will be better off and then at the same time have a Congressional Budget Office, and I just heard from Ms. O'Neill, our new Congressional Budget Office Director, that she believes if unemployment gets below 5.8 percent it will be inflationary and therefore unemployment is too low.

The economics profession, in general there are some very welcome exceptions, tells us, many of them, that unemployment has to be half a million people more than it is today, 6 or 700,000 more than it is today. These are not going to work together. The point is this. Those who want fast track cannot see it as an isolated element, because it is not. It is one element in an overall economy. It is a part of an overall economy in which growth and inequality have been going together.

Until we get a national consensus that we are going to put concerns for equality back in the mix, you are not going to get the growth. I have had some tell me, well, OK, we agree in general, that would be nice, we would like to have some more growth but we cannot really do anything about it.

We have had two arguments why public policies at the Federal level to try to share the wealth a little better, not make it equal. No one rationally thinks we should even try to do away with inequality. Inequality is the engine of the market system. The fact that people will be unequally rewarded is a very important incentive. But we can reduce the extent of inequality, I believe clearly, without in any way hindering the efficiency of the market.

Now, as I said, there have been two arguments. One is precisely what I have just been talking about. One is people say to us, no, you cannot do that. If you try to minimize or even

mitigate the harshest aspects of inequality, you will so interfere with the market system that it will not work. We have had a couple of tests of that, Mr. Speaker, in the last couple of years.

In 1993, this Congress passed at the request of President Clinton a budget which, by the way, according to CBO did about 3½ times as much to reduce the budget deficit as the package we just passed. The current CBO in which the head was appointed by the Republican majority certifies that the budget deal of 1993 contributed more than $400 billion in deficit reduction while the current budget package, they say, contributed somewhere over $100 billion, about 3½ to 4 times as much in 1993. But the package we passed in 1993 not only contributed to deficit reduction, it contributed a little bit to equity, because its major deficit reduction engine was an increased set of taxes on upper income people, and we were told and told and told again by the Republicans that raising taxes on wealthy people would devastate the economy. The predictions were explicit. The Wall Street Journal editorial page, the Republicans, you are going to cause a recession. You are going to increase unemployment.

We had a test. The Republican Party overwhelmingly argued that the tax increase on upper income people in the 1993 budget deal, which CBO says contributed 3½ times as much in deficit reduction as this year's package, the Republican argument was that in our effort to be equitable, in our effort to raise taxes on upper income people as a way to cut the deficit rather than cut out programs that help the poor or make taxes more regressive, in our effort to combine deficit reduction with equity we were going to destroy the economy.

Mr. Speaker, I cannot remember a time when more people were more wrong about a more important issue. Exactly the opposite happened.

□ 1600

In the year after the budget of 1993, when the Republicans predicted we would begin to see these terrible problems, the Federal Reserve slowed down the economy, because it was growing too fast, by raising interest rates. Since that time we have continued to have growth, which has been not as vigorous as I would like, but more vigorous than the economists tell us is possible. The Republican prediction that you could not combine equity with deficit reduction was absolutely, totally wrong and disproven as conclusively as you can prove an economic argument.

Then we had another case. We were able, this time in Republican control of the House and with the support of a minority of tough-minded Republicans in this regard and the overwhelming support of the Democrats and the President, we raised the minimum wage; not nearly enough, not enough to live on, but we raised the minimum wage.

Once again the Republican mainstream predictions were ''Your concerns for equity may make you feel good, but it will be backfire. You will have more unemployment. The working people you are trying to help will be worse off.''

Mr. Speaker, if it is possible to be more wrong than they were in 1993, that is how wrong they were in 1995. The increase in the minimum wage having gone into effect, it had none of the negative impacts on employment that the conservatives predicted. Unemployment has continued to drop, and it has continued to drop in that sector of the economy where the minimum wage increase has an effect.

So for those who tell us I am wrong and we cannot as an economic fact take public policy steps to reduce inequality without somehow destroying the economy, I will point to the two most recent examples of that, 1993 and 1995, the budget deal of 1993 and the minimum wage bill of 1995, and the fact is we were right and they were wrong in both of those cases.

Well, the other argument is we cannot afford it. There are people who said yes, we would like to do more, but we cannot afford it; to do health care, to keep the CPI as it is. What is the argument for reducing the Consumer Price Index? It is to cut the deficit down. People argue we cannot do that.

Well, here we get to an item we will talk about again next week, the military budget. If the United States were not now subsidizing our Western European and Asian allies, we could get our budget down.

I want to talk here about one of the great intellectual and moral failings of the people who preach to the rest of us about fiscal responsibility, the willful ignoring of military overspending.

Why are we constantly told that we must look to the elderly poor to cut the budget deficit? Why is it 82-year-old women getting a 2-percent increase in their Social Security are singled out as the cause of our fiscal problems? Why is it not a military budget that continues to exceed any rational need? And not just in America, but in much of the world.

The area in the world where governments most overspend is in the military. We are recently now going to sell more arms to Latin America, to countries where no gun has been fired in anger at anybody other than one of their own citizens for anybody's memory.

The business community, shockingly to me, preaches fiscal discipline when it comes to social welfare and preaches the virtues of cutbacks when it comes to trying to alleviate poverty and hunger and distress. But when it comes to worldwide overspending on the military, the only time you hear from elements of the business community is when they are the people who can make some money off the overzealous.

So they are sometimes there as advocates of selling more, but they are collectively shockingly silent on the waste of resources that occurs internationally in the military.

So, Mr. Speaker, let me summarize. I know, Mr. Speaker, you would be delighted to have me summarize. You would have liked for me to summarize 20 minutes ago, I understand that. I appreciate your indulgence.

But I want to summarize and say I and many other Democrats, liberals, supporters of working people, think trade properly done is a very good idea. We want to help lift up people in other parts of the world.

We want the greater growth that comes. We welcome internationalization as a way to reduce tension and, potentially, war in the world. But we are not prepared to support the regime that we are now in internationally and nationally, in which everyone is asked to exalt the complete and total mobility of capital, both physically and legally, in which everyone is asked to be completely supportive of technological change and free trade and currency exchanges, without regard to the negative consequences that can have for equity. And we can have both.

We can have growth through the market. We can encourage the mobility and the most efficient use of capital, if we will, at the same time, put into place public policies that shelter working people from some of its negative different consequences. We can do that in ways which we have seen recently in this country which do not interfere with the advantages we get from the market.

But to tell us what we should get is more trade so that capital can be more mobile, so that working Americans can be more frequently threatened with the loss of their jobs if they do not acquiesce in a reduction in their wages or a cutback in their benefits, if we do not accept untrammeled trade without any offset, then we will say no.

I am pleased to see that we appear now to be in a situation where there are enough of us ready to say no. We are not saying never, Mr. Speaker. We are saying to free trade, not under these conditions. We will not agree to a continuation of public policies in this country and elsewhere which exalt the mobility of capital and do nothing to provide some offset for the inequality that is exacerbated thereby.

In the next few weeks, Mr. Speaker, I hope we will decide not to proceed with fast track, and instead to work together with a package of proposals that will see that trade is accompanied, in addition to greater efficiency, better use of technology, greater mobility of capital, with some concern for working people, with some minimum standards below which people do not go, with some concern that the competition that takes place within the world is not a competition for who can show the least concern for the environment.

And I hope we will also look at what the economists said in 1993, that some

American workers will be hurt by free trade. That is inevitable, and they will be those who have the lease. Under theory of comparative advantage as it will work out, Americans at the lower end of the skill chain, at the lower end of our economic reward system, will on the whole benefit lessor, actually be hurt, than people at the other end.

Let us accompany increased free trade with measures that alleviate the distress that free trade will cause some, even while it is benefiting many others, and let us try to insist to the extent that we can that other countries do well. By the way, I did want to address one other point. We are told we cannot interfere. We shouldn't interfere in their labor relations or their environmental policies.

That is, Mr. Speaker, hypocritical nonsense, because many of the people who tell us that we should not accompany our trade policies with concern about human rights or concern about worker rights or concern about the environment, are perfectly prepared to dictate to these other countries about how much they must respect capital.

We are told that it is perfectly legitimate for the American Government to insist that our trading partners have a complete respect for property rights. I agree. But to insist that we get total respect for property rights, for the rights of contracts, for the rights of ownership, and, on the other hand, claim that we cannot tell them about the rights of workers or environmental protections, is hypocritical nonsense.

What it means is we will do those things which benefit capital and enhance its mobility and the return on it, while doing nothing to cope with the consequences of that.

Mr. Speaker, I look forward to being able to vote for increased trade negotiations. I wanted to do that as part of a package which provides for the health care of Americans that lose their jobs, which makes sure to the extent that we can that Americans are not further disadvantaged if they are at the low end of the spectrum, to make sure that Americans who lose their jobs are not left bereft of an ability to support themselves and their family, to make sure that working people in our trading partner countries are given some reasonable hope that they will be beneficiaries in the increased benefits of trade, and in the hope that we can clean up some of the environmental abuses that would otherwise occur.

Free trade can be a wonderful thing if its benefits are fairly shared. But we are being asked now to provide a free trade expansion which will benefit disproportionately those who are already wealthy, will do either nothing or harm to many of those who are most vulnerable, and that is a proposition, Mr. Speaker, which I very much look forward to joining in defeating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANDLIN (at the request of Mr. GEPHARDT), for today after 1:15 p.m., on account of personal business.

Mrs. MCCARTHY of New York (at the request of Mr. GEPHARDT), for today, on account of her son's wedding.

Mr. PAYNE (at the request of Mr. GEPHARDT), for today through October 29, on account of official business.

Mr. BEREUTER (at the request of Mr. ARMEY) for today, on account of official business in his district.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today after 10 a.m., on account of medical reasons.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on October 28.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on October 28.

Mr. TIAHRT, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. KANJORSKI.

Mr. DOYLE.

Mr. VISCLOSKY.

Ms. HARMAN.

Mr. RUSH.

Mr. CAPPS.

Mr. ETHERIDGE.

Mr. KIND.

Ms. LOFGREN.

Mr. SHERMAN.

Ms. KAPTUR.

Mr. MCNULTY.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BEREUTER.

Ms. ROS-LEHTINEN.

Mr. HULSHOF.

Mrs. CHENOWETH.

Mr. THORNBERRY.

Mr. DAN SCHAEFER of Colorado.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. TAUZIN.

Mr. GINGRICH.

Mr. MENENDEZ.

Mr. CRANE.

Mr. HINOJOSA.

Mr. COSTELLO.

Mr. HUTCHINSON.

Mr. PASCRELL.

Mr. RODRIGUEZ.

Mr. CONYERS.

Mr. BARRETT of Wisconsin.

Mr. KILDEE.

Mr. PAPPAS.

Mrs. TAUSCHER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1266. An act to interpret the term ''kidnaping'' in extradition treaties to which the United States is a party; and to the Committee on International Relations.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 28, 1997, at 10:30 a.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 424. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; with an amendment (Rept. 105–344). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 280. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105–345). Referred to the House Calendar.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; with an amendment (Rept. 105–346, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1702. A bill to encourage the development of a commercial space industry

in the United States, and for other purposes; with an amendment (Rept. 105–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2614. A bill to improve the reading and literacy skills of children and families by improving in-service instructional practices for teachers who teach reading, to stimulate the development of more high-quality family literacy programs, to support extended learning-time opportunities for children, to ensure that children can read well and independently not later than third grade, and for other purposes; with an amendment (Rept. 105–348). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TANNER:

H.R. 2730. A bill to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the ''Jere Cooper Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. TAUZIN (for himself, Mr. CRAMER, Mr. BURR of North Carolina, Mr. BACHUS, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BERRY, Mr. BILIRAKIS, Mr. BRYANT, Mr. CAMP, Mr. CANADY of Florida, Mr. CARDIN, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. DICKEY, Mr. DICKS, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FROST, Mr. GILLMOR, Mr. GOODLING, Mr. GORDON, Mr. GREEN, Mr. HEFLEY, Mr. HEFNER, Mr. HILLEARY, Mr. HOLDEN, Mr. INGLIS of South Carolina, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. KLUG, Mr. LATHAM, Mr. LATOURETTE, Mr. LINDER, Mr. LIVINGSTON, Mr. LUTHER, Mr. MANTON, Mr. MANZULLO, Mr. MATSUI, Mr. MCINNIS, Mr. MCINTYRE, Mr. MINGE, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. PICKERING, Mr. PRICE of North Carolina, Mr. REGULA, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SANDLIN, Mr. SAWYER, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SISISKY, Mr. SKAGGS, Mr. SKEEN, Mr. SMITH of Oregon, Mr. SPRATT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WHITFIELD, and Mr. WICKER):

H.R. 2733. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. SESSIONS, Mr. GOODE, Mr. BARTON of Texas, Mr. WISE, Mr. BUNNING of Kentucky, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. BARCIA of Michigan, Mr. CUNNINGHAM, Mr. WATTS of Oklahoma, and Mr. BRADY):

H.R. 2734. A bill to clarify the standard required for the importation of sporting arms into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DOOLEY of California:

H.R. 2735. A bill to amend the Agricultural Adjustment Act to exempt actions undertaken to administer a marketing order issued under such Act from the antitrust laws; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 2736. A bill to amend the Omnibus Taxpayer Bill of Rights to clarify that quotas and goals shall not be used as a basis for evaulating Internal Revenue Services employees; to the Committee on Ways and Means.

By Mr. HINOJOSA:

H.R. 2737. A bill to redesignate the Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, as the ''Kika de la Garza Subtropical Agricultural Research Center''; to the Committee on Agriculture.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. RUSH, Mr. DELLUMS, and Mr. HEFNER):

H.R. 2738. A bill to amend the Agricultural Fair Practices Act of 1967 to provide for the accreditation of associations of agricultural producers, to promote good faith bargaining between such accredited associations and the handlers of agricultural products, and to strengthen the enforcement authorities to respond to violations of the Act; to the Committee on Agriculture.

By Mr. MCDADE:

H.R. 2739. A bill to amend title 28, United States Code, to create a Judicial Conduct Board and a Court of Judicial Discipline to investigate and make determinations with respect to complaints regarding judicial discipline; to the Committee on the Judiciary.

By Mr. MCINNIS (for himself, Mr. COX of California, and Mr. MCHALE):

H.R. 2740. A bill to limit attorneys' fees in the tobacco settlement; to the Committee on the Judiciary.

By Mr. MCKEON (for himself, Mr. HERGER, Mr. DREIER, Mrs. EMERSON, Mr. CALVERT, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. HORN, Mr. LEWIS of California, and Mr. ROGAN):

H.R. 2741. A bill to provide a conditional exemption under section 404 of the Federal Water Pollution Control Act, relating to discharges of dredged or fill material, for maintenance of certain flood control projects; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (by request):

H.R. 2742. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

By Mr. YOUNG of Alaska (by request):

H.R. 2743. A bill to reduce the fractionated ownership of Indian lands, and for other purposes; to the Committee on Resources.

By Mr. HUNTER (for himself and Mr. CUNNINGHAM):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress regarding the need for a comprehensive management strategy to save the tundra from continued excessive depredations by the mid-continent lesser snow goose; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. DELAY, Mr. BLUNT, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. PITTS, Mr. EHLERS, Mr. ROHRABACHER, Mr. BOB SCHAFFER, Mr. HOYER, Mr. HORN, Mr. ADERHOLT, Mr. PICKERING, Mr. COOK, Ms. SANCHEZ, Mr. WHITFIELD, Mr. KING of New York, Mr. RUSH, Mr. CALVERT, Mr. SNOWBARGER, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. OBERSTAR, Mr. MARKEY, Mr. GORDON, Mr. MEEHAN, Mr. DOYLE, Mr. ACKERMAN, Mr. SOUDER, Mrs. EMERSON, Mr. CUNNINGHAM, Mr. MCNULTY, Mr. PAPPAS, Mr. ADAM SMITH of Washington, Mr. INGLIS of South Carolina, Mr. TALENT, Mr. DEFAZIO, Mr. RYUN, Mr. WICKER, Mr. CRAPO, and Mr. HANSEN):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the RussianFederation should preserve and protect the rights and freedoms currently afforded those of religious faith under the Russian Constitution; to the Committee on International Relations.

By Mr. MINGE:

H. Con. Res. 177. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage; to the Committee on Resources.

By Mr. COSTELLO (for himself, Mr. RUSH, Mr. SHIMKUS, Mr. LAHOOD, Mr. LIPINSKI, Mr. EWING, Mr. JACKSON, Mr. HYDE, Mr. WELLER, Mr. BLAGOJEVICH, Mr. GUTIERREZ, Mr. EVANS, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. POSHARD, and Mr. YATES):

H. Res. 281. A resolution to express support for an interpretive site near Wood River, Illinois, as the point of departure for the Lewis and Clark Expedition; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT:

H.R. 2731. A bill for the relief of Roy Desmond Moser; to the Committee on the Judiciary.

By Mr. DELAHUNT:

H.R. 2732. A bill for the relief of John Andre Chalot; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2744. A bill for the relief of Chong Ho Kwak; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 2745. A bill for the relief of Sylvester Flis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. ENSIGN.

H.R. 38: Mr. GOSS.

H.R. 40: Ms. WATERS, Mr. RANGEL, and Mr. POSHARD.

H.R. 44: Mr. FALEOMAVAEGA.

H.R. 65: Mr. KENNEDY of Rhode Island, and Mr. WELDON of Florida.

H.R. 84: Mr. DINGELL.

H.R. 107: Mr. LOBIONDO, Mrs. CHENOWETH, and Mr. PICKETT.

H.R. 123: Mr. STENHOLM, Mr. FAWELL, Mr. MCINNIS, and Mr. QUINN.

H.R. 145: Mr. BOEHLERT, Mr. HINCHEY, Mrs. KENNELLY of Connecticut, Mr. MENENDEZ, Ms. STABENOW.

H.R. 218: Mr. CHRISTENSEN and Mr. TIAHRT.

H.R. 251: Mr. KLUG and Mr. MCINTYRE.

H.R. 339: Mr. KANJORSKI.

H.R. 399: Ms. DUNN of Washington and Mr. MCINTYRE.

H.R. 438: Mr. POSHARD.
H.R. 620: Mr. BOB SCHAFFER.
H.R. 716: Mr. CAMPBELL.
H.R. 789: Mr. SANFORD.
H.R. 802: Mrs. MYRICK.
H.R. 872: Mr. CAMPBELL, Ms. HARMAN, Mrs. JOHNSON of Connecticut, Mr. SHERMAN, and Mr. WELDON of Pennsylvania.
H.R. 991: Ms. SLAUGHTER.
H.R. 992: Mr. GALLEGLY.
H.R. 1010: Mr. STENHOLM, Mr. ENSIGN, Mr. CRAMER, and Ms. DANNER.
H.R. 1166: Mr. GIBBONS, Ms. PELOSI, Mr. CUMMINGS, Mr. TRAFICANT, Mr. RODRIGUEZ, and Mr. NEY.
H.R. 1174: Mr. LEVIN, Mr. DICKEY, Mr. SABO, and Mr. HOBSON.
H.R. 1194: Mr. SESSIONS and Mr. EHLERS.
H.R. 1195: Mr. SESSIONS and Mr. EHLERS.
H.R. 1356: Mr. JENKINS.
H.R. 1407: Mr. LARGENT.
H.R. 1415: Mr. ROMERO-BARCELO, Mr. MALONEY of Connecticut, Mr. CALVERT, Mr. HANSEN, Mr. HORN, and Mr. GANSKE.
H.R. 1507: Mr. DIAZ-BALART.
H.R. 1625: Mr. WHITE, Mr. ARCHER, Mr. LARGENT, and Mr. SENSENBRENNER.
H.R. 1679: Mr. LANTOS and Mr. FALEOMAVAEGA.
H.R. 1836: Mr. WYNN, Ms. NORTON, Mr. FORD, Mrs. MORELLA, and Mr. WAXMAN.
H.R. 1872: Mr. NORWOOD and Ms. MCCARTHY of Missouri.
H.R. 1984: Mr. RODRIGUEZ.
H.R. 1995: Ms. LOFGREN, Mr. FAZIO of California, Mr. OLVER, Ms. MILLENDER-MCDONALD, Mr. EHLERS, and Mr. PALLONE.
H.R. 2023: Ms. MILLENDER-MCDONALD.
H.R. 2029: Mr. RADANOVICH.
H.R. 2090: Mr. STUPAK.
H.R. 2139: Mr. MCGOVERN and Mr. STUMP.
H.R. 2163: Mr. SAM JOHNSON.
H.R. 2183: Mr. SCARBOROUGH.
H.R. 2221: Mr. CALLAHAN, Mr. LATOURETTE, and Mr. CUNNINGHAM.
H.R. 2321: Ms. STABENOW.
H.R. 2327: Mr. TIAHRT, Mr. RILEY, Mr. SAM JOHNSON, Mr. ARCHER, Mr. SESSIONS, and Mr. METCALF.
H.R. 2351: Mr. KUCINICH, Ms. MILLENDER-MCDONALD, and Mr. RAHALL.
H.R. 2365: Mr. HOUGHTON and Mr. MCNULTY.
H.R. 2397: Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. HINOJOSA, Mr. HOLDEN, and Mr. BURR of North Carolina.
H.R. 2408: Ms. CHRISTIAN-GREEN, Mr. FORD, and Mr. BROWN of California.
H.R. 2432: Mr. MANTON and Mr. COBLE.
H.R. 2454: Mr. KUCINICH and Mr. CONDIT.
H.R. 2457: Mr. KUCINICH and Mr. CONDIT.
H.R. 2468: Mr. CLAY.
H.R. 2481: Mr. UPTON and Mr. ADAM SMITH of Washington.
H.R. 2483: Mr. COOK, Mr. REDMOND, Mr. GOODLATTE, Mr. BONILLA, Mr. THUNE, and Mr. LIVINGSTON.
H.R. 2519: Ms. CARSON.
H.R. 2596: Mr. SMITH of Oregon and Mr. WELLER.
H.R. 2602: Ms. WOOLSEY.
H.R. 2604: Mr. HULSHOF, Mr. LARGENT, Mr. HAYWORTH, Mr. CALVERT, Mr. YATES, Mr. RAHALL, Mr. PICKETT, Ms. FURSE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mr. SHAYS, and Mr. BOEHLERT.
H.R. 2606: Mr. GREEN and Mr. HINOJOSA.
H.R. 2613: Mr. FROST, Mrs. CLAYTON, Mr. BURR of North Carolina, Mr. HEFNER, Mr. KLUG, Mr. SANDLIN, Mr. MCINTYRE, and Mr. EVANS.
H.R. 2614: Mrs. ROUKEMA, Mr. MCKEON, Mr. RIGGS, Mr. GREENWOOD, Mr. NORWOOD, and Ms. DANNER.
H.R. 2626: Mr. BOSWELL and Mr. FOX of Pennsylvania.
H.R. 2637: Mr. METCALF, Mr. COSTELLO, and Mr. MANZULLO.
H.R. 2649: Mr. SERRANO.
H.R. 2650: Mr. MURTHA, Mr. NEAL of Massachusetts, and Mr. SERRANO.
H.R. 2676: Mr. BLILEY, Mr. SHERMAN, Mr. HILL, Mr. PRICE of North Carolina, Mr. GREEN, Mr. COOK, Mr. CANNON, Mr. SALMON, Mr. BALDACCI, Mr. GOODLING, Mr. ETHERIDGE, Mr. GILCHREST, Mr. ADAM SMITH of Washington, Mr. CALVERT, Mr. RIGGS, Mr. BENTSEN, Mr. LOBIONDO, and Mr. BARR of Georgia.
H. Con. Res. 6: Mr. BROWN of Ohio and Mr. LAZIO of New York.
H. Con. Res. 80: Mr. KANJORSKI and Mr. CONDIT.
H. Con. Res. 126: Mr. PITTS and Mr. HYDE.
H. Con. Res. 159: Mr. EVANS, Mr. ROTHMAN, Mr. HINCHEY, Mr. WEYGAND, Mr. KUCINICH, and Mr. STUPAK.
H. Res. 37: Mr. SERRANO.
H. Res. 83: Mr. FALEOMAVAEGA.
H. Res. 139: Mr. TIAHRT and Mr. HILLEARY.
H. Res. 211: Mr. ARCHER, Mr. ADERHOLT, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mrs. CHENOWETH, Mr. COMBEST, Mr. CRAPO, Ms. DANNER, Mr. DEAL of Georgia, Mr. DOYLE, Mrs. FOWLER, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISTOOK, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCINTOSH, Mr. MOLLOHAN, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. OXLEY, Mr. PITTS, Mr. RILEY, Mr. ROHRABACHER, Mr. SESSIONS, Mr. BOB SCHAFFER, Mr. STUMP, Mr. UPTON, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. BACHUS, Mr. DICKEY, Ms. DUNN of Washington, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. GREEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. SAM JOHNSON, Mr. LAHOOD, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCKEON, Mr. MICA, Mr. PEASE, Mr. QUINN, Mr. RIGGS, Mr. SMITH of Michigan, Mr. SOUDER, Ms. STABENOW, Mr. TALENT, Mr. THORNBERRY, Mr. TRAFICANT, Mr. WELDON of Florida, Mr. BARCIA of Michigan, Mr. BONILLA, Mr. CALLAHAN, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COLLINS, Mr. DOOLEY of California, Mr. DUNCAN, Mr. HANSEN, Mr. HASTERT, Mr. KINGSTON, Mr. METCALF, and Mr. JENKINS.
H. Res. 231: Mr. LANTOS.
H. Res. 248: Mr. KILDEE.
H. Res. 267: Mr. BOB SCHAFFER, Mr. PAXON, Mr. CHAMBLISS, Mr. NUSSLE, Mr. BOEHNER, Mr. JENKINS, Mr. MANZULLO, Mr. QUINN, Mr. ABERCROMBIE, Mr. MICA, Mrs. FOWLER, Mr. SPENCE, Mr. GILCHREST, Mr. WATKINS, Mr. GOODLING, Mr. MCHUGH, Mr. GOSS, Mr. CALLAHAN, Mr. LINDER, Mr. DUNCAN, Mr. CUNNINGHAM, Mr. STUMP, Mr. COLLINS, Mr. LIVINGSTON, Mr. CHRISTENSEN, Mr. HORN, Mr. BATEMAN, Mrs. ROUKEMA, Mr. YOUNG of Alaska, Mr. REGULA, Mr. LATOURETTE, Mr. SHUSTER, Mr. ARCHER, Mr. EWING, Mr. SISISKY, Mr. PICKETT, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. GUTKNECHT, Mr. HILL, Ms. DUNN of Washington, Mr. PICKERING, Mr. CASTLE, Mr. TRAFICANT, Mr. RIGGS, Mrs. EMERSON, Mr. COOKSEY, Mr. BUNNING of Kentucky, Mr. GOODE, Mr. LEWIS of Kentucky, Mr. BRYANT, Mr. SHAW, Mr. PORTER, Mr. GREENWOOD, Mr. TIAHRT, Mr. SAM JOHNSON, Mrs. KELLY, Mr. FORBES, Mr. GALLEGLY, Mr. SKEEN, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. CANNON, Mr. DELAY, Mr. POMBO, Mr. KIND of Wisconsin, Mr. LEWIS of California, Mr. MCKEON, Mr. DOOLITTLE, Mr. BALLENGER, Mr. SMITH of Texas, Mr. SESSIONS, Mr. TALENT, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. BARR of Georgia, Mr. EVERETT, Mr. SCARBOROUGH, Mr. MCCRERY, and Mr. YOUNG of Florida.
H. Res. 268: Mr. WATTS of Oklahoma and Mr. GIBBONS.
H. Res. 275: Mr. BARR of Georgia, Mr. NETHERCUTT, and Mr. SOUDER.
H. Res. 279: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. DEGETTE, Ms. NORTON, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. POSHARD, Mr. DELLUMS, and Mr. HOYER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2527: Mr. FRANK of Massachusetts and Mrs. MORELLA.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 3, October 24, 1997, by Mr. BAESLER on House Resolution 259, has been signed by the following Members: Scotty Baesler, Lucille Roybal-Allard, David E. Bonior, David Minge, Christopher Shays, Martin T. Meehan, Pat Danner, Carrie P. Meek, Vic Fazio, Charles W. Stenholm, Bob Etheridge, Thomas H. Allen, Eddie Bernice Johnson, Jesse L. Jackson, Jr., Marge Roukema, Barbara B. Kennelly, Marion Berry, Patrick J. Kennedy, Calvin M. Dooley, John Elias Baldacci, Robert E. Wise, Jr., Robert A. Weygand, John W. Olver, Ron Kind, Julia Carson, James P. McGovern, Bart Stupak, Karen L. Thurman, Ted Strickland, Max Sandlin, Jay W. Johnson, Alcee L. Hastings, William J. Coyne, Elizabeth Furse, Nydia M. Velazquez, Sam Gejdenson, Lane Evans, Silvestre Reyes, Sidney R. Yates, Lloyd Doggett, John S. Tanner, W. G. (Bill) Hefner, George Miller, Karen McCarthy, John Lewis, Thomas C. Sawyer, Bill Luther, Diana DeGette, Earl Pomeroy, Earl Blumenauer, Louise McIntosh Slaughter, James H. Maloney, Neil Abercrombie, Darlene Hooley, Ruben Hinojosa, Richard A. Gephardt, Steven R. Rothman, Gene Green, Nick Lampson, William J. Jefferson, Sanford D. Bishop, Jr., Carolyn C. Kilpatrick, Juanita Millender-McDonald, Vic Snyder, Bruce F. Vento, Ellen O. Tauscher, Carolyn B. Maloney, Marcy Kaptur, Melvin L. Watt, Lynn C. Woolsey, Nancy Pelosi, John F. Tierney, Thomas M. Barrett, Ike Skelton, Gary L. Ackerman, Zoe Lofgren, Jim McDermott, Danny K. Davis, Lynn N. Rivers, Loretta Sanchez, Mike McIntyre, Gary A. Condit, Leonard L. Boswell, Elijah E. Cummings, Joseph P. Kennedy II, Ciro D. Rodriguez, Robert E. Andrews, Robert A. Borski, Ken Bentsen, David E. Price, David E. Skaggs, Jane Harman, Earl F. Hilliard, John M. Spratt, Jr., Bobby L. Rush, Rod R. Blagojevich, John J. LaFalce, Sheila Jackson-Lee, Henry A. Waxman, Norman Sisisky, James P. Moran, James E. Clyburn, Patsy T. Mink, Anna G. Eshoo, Robert T. Matsui, Sam Farr, Maurice D. Hinchey, Luis V. Gutierrez, Jose E. Serrano, Nita M. Lowey, Barney Frank, John D. Dingell, Peter A. DeFazio, Michael R. McNulty, Chaka Fattah, Collin C. Petersen, Sander M. Levin, Owen B. Pickett, Robert Menendez, Benjamin L. Cardin, Frank Pallone, Jr., William O. Lipinski, Bill Pascrell, Jr., Maxine Waters, Steny H. Hoyer, Chet Edwards, Harold E. Ford, Jr., Bob Clement, Tom Lantos, Eva M. Clayton, William D. Delahunt, Esteban Edward Torres, Bob Filner, Jim Turner, Floyd H. Flake, Paul McHale, Sherrod Brown, Thomas J. Manton, Major R. Owens, Adam Smith, Eliot L. Engel, Fortney Pete Stark, Howard L. Berman, Allen Boyd, Walter H. Capps, Charles E. Schumer, Virgil H. Goode, Jr., Cynthia A. McKinney, Thomas M. Foglietta,

Robert E. (Bud) Cramer, Jr., Christopher John, Ronald V. Dellums, Bernard Sanders, Debbie Stabenow, Brad Sherman, Solomon P. Oritz, Dennis J. Kucinich, Corrine Brown, Xavier Becerra, Jerrold Nadler, George E. Brown, Jr., Gerald D. Kleczka, Robert Wexler, Edward J. Markey, Glenn Poshard, Paul E. Kanjorski, Jim Davis, and Bart Gordon.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. PETERSON of Minnesota on H.R. 1984: Bill Barrett and Stephen E. Buyer.