end of the cold war and to a new century. The need for a United Nations remains clear, for, as Madeleine Albright, the U.S. representative to the United Nations, has commented:

> The battle-hardened generation of Roosevelt, Churchill and De Gaulle viewed the U.N. as a practical response to an inherently contentious world; a necessity not because relations among states could ever be brought into perfect harmony, but because they cannot.

This sense of realism seems absent from many of the current discussions of the United Nations. While many rail about the deficiencies of the United Nations, they have not proposed a viable alternative to the United Nations. If we look back at the debate 50 years ago, we see that Senators recognized the necessity of U.N. membership partly because they acknowledged the absence of an alternative.

While the United Nations work for peace and prosperity has never been easy, current challenges to peace have grown more complex partly because the nature of the conflicts the United Nations is asked to address has changed. Complex interethnic conflicts are resurfacing after having been suppressed. Guerrilla warfare is increasingly conducted by warring factions who do not respond to political or economic pressure. Conflict is frequently within borders and involves militias and armed civilians who lack discipline and clear chains of command. Disputes often take place without clear front lines. The fact that combatants often target civilians leads to increasing numbers both of displaced persons and refugees.

In an effort to address such conflicts, the United Nations has expanded its operational responsibilities. As a result, U.N. peacekeeping missions have been deployed in places like Somalia or Rwanda where personnel must grapple with the fact that no effective state structure exists. In many trouble sports, the police and judiciary have collapsed, and general banditry and chaos prevail. Government assets have been destroyed and stolen; experienced officials have been killed or forced to flee the country. These realities are forcing the U.N. personnel to reconsider their terms of reference and to grapple with inadequate mandates. The truth is that the United Nations has been asked to handle some of the most uncertain, intractable, and dangerous cases of conflict.

Clearly, the United Nations must be practical about the limits of its peacekeeping and must not undertake efforts that will drain U.N. resources without achieving the mission's goals. It is frustrating not to be able to resolve all the many conflicts on the international agenda, but do we abandon the United Nations if it cannot completely and successfully solve every problem in our world? Few institutions dealing with such complex matters (or for that matter much simpler ones) have 100-percent success records.

In 1945, President Truman made an observation that is relevant to the current examination of U.N. peacekeeping efforts. He said,

> Building a peace requires as much moral stamina as waging a war. Perhaps it requires even more, because it is so laborious and painstaking and undramatic. It requires undying patience and continuous application. But it can give us, if we stay with it, the greatest reward that there is in the whole field of human effort.

I believe Americans recognize the wisdom of President Truman's words and want to do their part; the United Nations is one means by which they can do so.

While U.N. peacekeeping has recently been the focus of attention, much of the United Nations work takes place in other areas. Less in the spotlight are the steadfast efforts of U.N. agencies working to alleviate poverty, to slow the spread of HIV/A.I.D.S., and to feed and educate the world's children. Where conflict leads to destabilization of families and societies, the United Nations is there to shelter and feed refugees and displaced persons. Progress made on upholding international norms on human rights also stems from the work of U.N. agencies. Finally, the United Nations is responsible for many of the gains made in reducing the use of ozone-depleting substances, evaluating environmental impacts, and conserving biological diversity. These are but a few of the challenges facing the world today. Many of these problems have effects that do not respect national or geographic borders, and the United Nations offers a coherent and coordinated approach for meeting such challenges.

Mr. President, whether Americans feel the responsibility of exercising global leadership, are responding to humanitarian concerns, or seeking to expand opportunities for international trade and commerce, the United Nations offers us a critical world forum. to cripple the United Nations by an erosion or withdrawal of American participation would be a terrible mistake. The United Nations provides the institutional means for leveraging American diplomatic, economic, and military resources in ways that enhance our vital National interests. Opinion surveys consistently indicate that a solid majority of the American people recognize the positive role that the United Nations can play. I hope such recognition of the United Nations value and importance will be demonstrated when the Senate considers U.S. participation in and support for the United Nations. Let us heed the words of warning offered by President Truman in 1945: "The immediate, the greatest threat to us is the threat of disillusionment, the danger of insidious skepticism—a loss of faith in the effectiveness of international cooperation."●

ONE HUNDRED YEARS IN HARDWARE

● Mr. LEVIN. Mr. President, my hearty congratulations to the Michigan Retail Hardware Association on its 100th anniversary. This fine organization has been serving the hardware, home center, and lumber industry since July 9, 1895, when it was founded in Detroit. In reaching this milepost, they have weathered the years, surviving wars and depression, growing to be a robust and vigorous organization.

The backbone of this association is in the ranks of the hundreds of small business men and women who stand behind those hardware store counters each day, ready to serve their customers with a smile and a helping hand. Those weekend chores we all face, to fix up or cleanup our homesteads, becomes a pleasant endeavor after that cheerful visit to the neighborhood hardware store.

Over the years business leaders in this enterprise have come together and prospered, exercising that grand democratic tradition of flexing their common interests and gathering strength in numbers. By coming together, the members of the Michigan Retail Hardware Association make our communities and our economy solid, the skills of managers and workers are fortified, and camaraderie and good fellowship grows.

The trip to the hardware store has become a valued ritual for American families as they labor to make improvements on hearth and home. As we build and fix and sand and paint, we look to our hardware centers to give us the tools and gadgets we need to make our lives more comfortable and bright. For me, the nostalgia of the hardware store is that no small town in America really seems complete without a hardware store plunked down in the middle of Main Street.

My best wishes for this business group on the centennial anniversary of their founding. My best hopes for many more additional years of productivity ahead.●

HOUSE CUTS CRIME-FIGHTING DOLLARS

● Mr. BIDEN. Mr. President, I rise to offer my strong opposition to actions taken by the House Commerce/State/Justice Appropriations Subcommittee earlier this week. In passing the 1996 appropriation's bill the subcommittee Republicans have set off on a course which would cripple Federal, State, and local efforts to combat crime. If the subcommittee Republicans' plan is adopted: New FBI agents will not be hired; 20,000 State and local police will

not be hired; thousands of wife-beaters will not be arrested, tried or convicted; new DEA agents will not be hired; 80,000 offenders released on probation will not be tested for drugs or subject to certain punishment; and digital telephone technology vital to law enforcement will not be developed.

First, let me address the cuts to Federal law enforcement. The President requested an increase of $122 million for FBI agents and other FBI activities—but the subcommittee Republicans cut $45 million from that request.

I would also point out that the subcommittee Republicans provide no dollars of the $300 million authorized for FBI in the Dole/Hatch counter-terrorism bill. This legislation has not passed into law, so some might say that is the reason that none of these dollars are made available. But, the subcommittee Republicans did find a way to add their block grant which passed the House, but not the Senate.

So, I do not think there is any explanation for cutting the FBI other than a fundamental lack of commitment to Federal law enforcement by the subcommittee Republicans. I have heard time and again over the past several months from my Republican colleagues in the Senate that the President was not committed to Federal law enforcement. I have heard time and again from my Republican colleagues that they would increase funding for Federal law enforcement.

Well, something just does not add up—House subcommittee Republicans will not give the President the increase he requested for the FBI, despite all the rhetoric I have heard over the past several months.

The cuts to Federal law enforcement do not even stop there. The House subcommittee Republicans cut $17 million from the $54 million boost requested for DEA agents by the administration. That is more than a 30-percent cut. The House subcommittee Republicans provide no dollars of the $60 million authorized for DEA in the Dole/Hatch counterterrorism bill.

Let me review another area where the actions of these subcommittee Republicans are completely opposite the rhetoric I have heard from the other side here in the Senate.

The Violence Against Women Act—having first introduced the Violence Against Women Act 5 years ago, I had welcomed the bipartisan support finally accorded the act last year. I would note the strong support provided by Senators HATCH and DOLE.

But, when we have gotten past the rhetoric and it came time to actually write the check in the Appropriations Subcommittee, the women of America were mugged. The President requested $175 million for the Justice Department's violence against women programs, and the House subcommittee Republicans have provided less than half—$75 million.

While the specific programs have not been yet identified, that $100 million will mean the key initiatives will not get the funding that everyone on both sides of the aisle agreed they should: $130 million was requested for grants to State and local police, prosecutors and victims groups; $28 million was requested to make sure that every man who beats his wife or girlfriend is arrested; $7 million was requested for enforcement efforts against family violence and child abuse in rural areas; and $6 million was requested to provide special advocates for abused children who come before a court.

I keep hearing about how the Violence Against Women Act is a bipartisan effort. In all the new so-called crime bills I have seen proposed by Members of the other side, not once have I seen any effort to repeal or cut back on any element of the Violence Against Women Act. But, the actions of the House subcommittee Republicans tell a completely different story.

To discuss yet another troubling aspect of the House subcommittee Republican bill—this bill eliminates the $1.9 billion sought for the second year of the 100,000 police program. That $1.9 billion would put at least 20,000 more State and local police officers on the streets—and probably many more, for the $1.1 billion spent so far this year has put well over 16,000 more police on the streets.

What happens to the $1.9 billion? In the House Republican bill, these dollars are shifted to a LEAA-style block grant for "a variety of programs including more police officers, crime prevention programs, drug courts and equipment and technology," quoting the summary provided by the House Republicans on the subcommittee.

In other words, not $1 must be spent to add State and local police officers. I keep hearing about support for State and local police from the other side of the aisle. But, just when it really matters, just when we are writing checks and not just making speeches, America's State and local police officers are being ripped-off. Instead of a guarantee that police officers and police departments get each and every one of these $1.9 billion, the House subcommittee Republicans propose empty deal—money in the same type of grants that failed in the 1970's and under standards so lax that America's police could wait through all next year without a single dollar.

Mr. President, I hope that the actions of the House Republicans on the subcommittee are reversed in the full Appropriations Committee. And if not there, then I hope these actions will be reversed on the floor of the House.

But, if the House Republicans stand with the subcommittee and against Federal law enforcement, against FBI agents, against DEA agents, against the women of America, and against State and local police officers, I urge all my colleagues in the Senate to stand by the positions they have taken all year and stand up to the House Republicans.●

SENATOR PELL AND THE U.N. CHARTER

● Mr. MOYNIHAN. Mr. President, last weekend I was honored to have participated in the ceremonies in San Francisco commemorating the 50th anniversary of the signing of the U.N. Charter. The event was an important reaffirmation of the commitment of member nations to abide by the rule of law.

The ceremonies were enriched by the participation of those who had participated in the conference 50 years ago. We in the Senate are honored to have the beloved former chairman of the Senate Foreign Relations Committee, CLAIBORNE PELL, counted among those who were "Present at the Creation" of the Charter.

Senator PELL served throughout World War II in the Coast Guard. He continued to serve his country, as he has all his life, when he was called to be a member of the International Secretariat of the San Francisco Conference, as it worked to draft the Charter. Senator PELL served as the Assistant Secretary of Committee III, the Enforcement Arrangements Committee, and worked specifically on what became articles 43, 44, and 45 of the Charter.

In an article in the New York Times by Barbara Crossette, Senator PELL recalls the trip to San Francisco:

> It started out just right, he recalled in a recent conversation in his Senate office. Instead of flying us to San Francisco, they chartered a train across the United States.
>
> You could see the eyes of all those people who had been in wartorn Europe boggle as we passed the wheat fields, the factories, he said. You could feel the richness, the clean air of the United States. It was a wonderful image. We shared a spirit, a belief, that we would never make the same mistakes; everything would now be done differently.

Senator PELL's commitment to the Charter was properly noted by the President, when during his address in San Francisco on Monday, he stated "Some of those who worked at the historic conference are still here today, including our own Senator CLAIBORNE PELL, who to this very day, every day, carries a copy of the U.N. Charter in his pocket."

On Sunday, the Washington Post carried an article by William Branigin on the drafting of the Charter. I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, June 25, 1995]

U.N.: 50 YEARS FENDING OFF WWIII—CHARTER FORGED IN HEAT OF BATTLE PROVES DURABLE, AS DO ITS CRITICS

(By William Branigin)

UNITED NATIONS.—It was the eve of her first speech before the 1945 organizing conference of the United Nations, and Minerva Bernardino was eager to seize the opportunity to push for women's rights. Then, while serving drinks to fellow delegates in her San Francisco hotel suite, she fell and broke her ankle.

For the determined diplomat from the Dominican Republic, however, nothing was more important than delivering her speech. So after being rushed to the hospital in an ambulance, she refused a cast, had doctors tape up her ankle instead and enlisted colleagues the next day to help her hobble to the podium.

Bernardino, 88, is one of four surviving signatories of the U.N. Charter, which was hammered out during the two-month conference by representatives from 50 nations and signed in San Francisco on June 26, 1945. With a handful of other women delegates, she claims credit for the charter's reference to "equal rights of men and women."

Just as she witnessed the birth of the United Nations that day in the presence of President Harry S. Truman, Bernardino plans to be in the audience Monday when President Clinton caps the 50th birthday ceremonies with a speech at San Francisco's War Memorial Opera House, scene of the historic conference. Truman, whose first decision after taking office in April 1945 was to go ahead with the conference, had flown to San Francisco to carry the charter back to Washington for ratification by the Senate.

Gathering for the anniversary are envoys from more than 100 countries, senior U.N. officials led by Secretary General Boutros Boutros-Ghali, Britain's Princess Margaret and several Nobel peace prize laureates, including Polish President Lech Walesa and South Africa's Archbishop Desmond Tutu.

In creating the United nations 50 years ago, the more than 1,700 delegates and their assistants were driven by the horror of a war that had cost an estimated 45 million lives. Among the founders were prominent diplomats: Vyacheslav Molotov and Andrei Gromyko of the Soviet Union, Edward R. Stettinius of the United States and Anthony Eden of Britain. The sole surviving U.S. signatory is Harold Stassen, the former Republican governor of Minnesota and presidential aspirant, now 88.

The leading conference organizer was its secretary general, Alger Hiss, then a rising star in the State Department. He later spent four years in prison for perjury in a controversial spy case that launched the political ascent of Richard M. Nixon. Now 90, in poor health and nearly blind, Hiss has been invited to the commemoration but is unable to attend.

"We had a sense of creation and exhilaration," said Sen. Claiborne Pell (D-R.I.), who was then a young Coast Guard officer attached to the conference's secretariat. World War II was drawing to a close, and the assembled delegates were determined to put into practice their lofty ideals of a peaceful new world order.

As the United Nations celebrates its golden anniversary, however, the world body seems to be under criticism as never before. The credibility it gained after the end of the Cold War and its role in the Persian Gulf conflict seem to have been largely squandered by debacles in Somalia, Angola and Bosnia, by its tardy response to carnage in Rwanda and by its inability so far to undertake serious internal reforms.

From relatively lean beginnings with 1,500 staffers, the United Nations has burgeoned into a far-flung bureaucracy with more than 50,000 employees, plus thousands of consultants. In many areas, critics say, it has become a talk shop and paper mill plagued by waste, mismanagement, patronage and inertia.

Although most Americans strongly support the United Nations, a "hard core of opposition" to the body appears to be growing, according to a new poll by the Times Mirror Center for the People and the Press. It showed that 67 percent of Americans hold a favorable attitude toward the United Nations, compared to 53 percent for Congress and 43 percent accorded the court system.

However, the poll showed, 28 percent expressed a "mostly" or "very" unfavorable opinion of the United Nations, the highest of four such polls since 1990.

In fact, after the demise of the "red menace" with the end of the Cold War, the organization seems to have become something of a lightning rod for extreme right-wing groups, which see it as part of a plot to form a global government.

For the United Nations, the 50th birthday bash is an opportunity to trumpet a list of achievements. To celebrate the occasion, the organization is spending $15 million, which it says comes entirely from voluntary contributions.

Over the years, U.N. officials point out, the world body and its agencies have performed dangerous peacekeeping missions, promoted decolonization, assisted refugees and disaster victims, helped eradicate smallpox, brought aid and services to impoverished countries and won five Nobel peace prizes.

At the same time, the anniversary is focusing attention on the organization's shortcomings and on efforts to chart a new course for its future. Among the proposals in a recent study funded by the Ford Foundation, for example, are expanding the Security Council, curtailing veto powers, establishing a permanent U.N. armed force and creating an international taxation system to help finance the organization.

As the United Nations has expanded, some of its agencies have lost their focus and become bogged down in tasks that duplicate efforts elsewhere in the system or serve little purpose but to employ bureaucrats, critics charge. Meanwhile, financing problems have grown acute, especially with the explosion in recent years of expenses for peacekeeping, a function that was not specifically spelled out in the original charter.

The U.N. peacekeeping budget this year bulged to $3.5 billion, far exceeding the regular U.N. budget of $2.6 billion. Moreover, several countries, including the United States, owe U.N. dues totaling hundreds of millions of dollars. Unpaid peacekeeping dues for Bosnia alone come to $900 million.

The Bosnian quagmire has underscored the limits of U.N. peacekeeping. Critics, notably in the U.S. Congress, have tended to blame U.N. bureaucrats for the mess, while U.N. officials say the operation exemplifies a penchant by member states for setting heavy new mandates without providing the resources to carry them out.

"Member countries should take advantage of the 50th anniversary to really look hard at the U.N. and to revise and strengthen it," said Catherine Gwin of the Washington-based Overseas Development Council. "Increased demands are being made on an organization that has been neglected, misused and excessively politicized by its member governments for years, and it is showing the strain."

As the United Nations has expanded, forming entities that deal with topics from outer space to seabeds, the original purpose often has been overlooked. That is, as the U.N. Charter's preamble states, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."

While scores of conflicts costing millions of lives have broken out since that signing 50 years ago, some of the organization's promoters say it deserves a share of credit for averting its founders' worst nightmare: World War III. Clearly, the atomic bombing of Hiroshima and Nagasaki and the subsequent nuclear standoff between the United States and the Soviet Union may have been the main deterrents, but the world body also played a role, U.N. supporters say.

"If we didn't have the United Nations, we would have had another world war," said Bernardino in an interview in her New York apartment, where she keeps an office filled with U.N. mementos. On her desk is a large silverframed, personally dedicated photograph of her role model, Eleanor Roosevelt, and in her drawer is an original signed copy of the U.N. Charter.

At the time of the signing, U.S. public opinion held that there would be a third world war by the early 1970s, Stassen said.

"We believed we were going to stop future Hitlers from future acts of aggression," said Brian Urquhart, a Briton who joined the United Nations shortly after the conference and rose to become an undersecretary general. "There was an enormous sense of confidence and optimism in the charter . . . led by the Untied States. This was predominantly a U.S. achievement."

Indeed, the United Nations was principally the brainchild of President Franklin D. Roosevelt, who gave the organization its name and reached agreement on its formation with British Prime Minister Winston Churchill and Soviet leader Joseph Stalin.

At the San Francisco conference, however, major problems developed over decolonization and the Soviets' insistence on a broad veto power over virtually all Security Council business, even the setting of agenda items and the discussion of disputes. Initially, the Soviets had also wanted 16 votes in the General Assembly, adding one for each of their 15 republics. They eventually settled for three after it was pointed out that by that logic, the United States ought to have 49 votes.

According to Stassen, who served as Minnesota's youngest governor before joining the Navy during the war and who went on to seek the Republican nomination for president four times, his wife Esther played a key role in resolving the veto impasse. Some of the Soviet delegates' wives had told her that Stalin had set the veto position and none of their husbands dared ask the dictator to modify it, Stassen said. But if the Americans could present their arguments directly to Stalin, he might change his mind, the wives advised.

Stassen said he reported this to President Truman, who had taken office upon Roosevelt's death. Truman dispatched Harry Hopkins, Roosevelt's closest adviser, to Moscow, and Stalin was persuaded to limit the veto to the Security Council's final resolutions.

The lone American woman delegate, Virginia Gildersleeve, the dean of Barnard College, played a key role in drafting the U.N. Charter's preamble.

Stassen recalls her exasperation after the drafting committee's first meeting, where language along the lines of "the high contracting parties have assembled and entered this treaty" was proposed. "That's no way to start a charter for the future of the world," fumed Gildersleeve. "It's got to say, 'We the peoples of the United Nations . . .'" Her proposal was ridiculed by diplomats, who insisted that the charter could not be formed by "peoples," but only by the representatives of governments. Eventually, however, she prevailed and eloquence overcame diplomatese.

For Stassen, the defining moment came five days before the signing when Secretary of State Stettinius, the conference chairman, announced that there was nothing else on his agenda. He then asked all heads of delegations who were ready to sign the charter to stand.

"Chairs began to scrape . . . and suddenly the delegations realized that every one of the 50 chairmen was standing, and they broke out into applause for the first time in those sessions," Stassen recalled.

Still, the seeds of the Cold War evidently had been planted. Pell, now 76 and the ranking Democrat on the Senate Foreign Relations Committee, recalls walking to a restaurant with a Soviet admiral when a big black car suddenly pulled over and picked up the Russian.

"He wasn't supposed to go to lunch with capitalists," Pell said.

The senator also vividly remembers traveling to San Francisco by train from the East Coast with other young officers from Europe. As the train rolled past the seemingly endless grain fields and the unscathed cities and towns of America's heartland, the Europeans were stunned by the contrast with their own war-ravaged countries. "Their eyes got wider and wider," Pell said, and they arrived in San Francisco with a sense of awe for the power and resources of the United States.

Bernardino's most vivid memory was of the day the war in Europe ended while the conference was underway in may 1945. A Honduran delegate, who had just heard the news of the street, burst into her committee meeting and shouted, "The war is over!" and the room erupted in celebration, she said.

For Betty Teslenko, then a 22-year-old stenographer at the conference, the imposing cast of characters was most impressive. One who deserved special credit as a mediator of many disputes was the Australian foreign minister, Herbert Evatt, whose broad accent prompted some good-natured ribbing, she recalled. One joke that made the rounds: What's the difference between a buffalo and a bison? Answer: a bison is what Evatt uses to wash his hands in the morning.

According to Teslenko, Hiss was so efficient in organizing the conference that he became the choice of many delegates to be the United Nations' first secretary general. However, an unwritten rule that the organization's head should not come from one of the five permanent, veto-wielding members of the Security Council—the United States, Soviet Union, Britain, France and China—made that impossible.

For Piedad Suro, then a young reporter from Ecuador, the conference was memorable chiefly for the difficulties of finding out what was going on in the closed sessions—and for a whirlwind courtship by the man who became her husband, Guillermo Suro, the State Department's chief of language services. Their son, Roberto Suro, is now a Washington Post editor.

"That was where we dated and he proposed," Suro said of the San Francisco conference. "We became engaged the last week and were married in New York two months later." She denies, however, that her fiance ever gave her a scoop.

As Truman arrived in San Francisco to witness the signing 50 years ago, an estimated 250,000 cheering people turned out to greet his mile-long motorcade, giving him what The Washington Post at the time described as "the most tumultuous demonstration since he entered the White House."

"You have created a great instrument for peace," Truman said at the signing ceremony to a standing ovation, "Oh, what a great day this can be in history."

Today a common view among both U.N. supporters and critics seems to be that if the world body were to disappear, it would have to be quickly reinvented.

"While it hasn't been altogether a 100 percent success," said Sen. Pell, "we're certainly far better off for having the United Nations exist than we would be without it."●

CHANGING TIME FOR VOTE

Mr. DOLE. Mr. President, I ask unanimous consent that the previously scheduled vote on Monday, July 10, be changed to begin at 5:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. DOLE. Mr. President, I ask unanimous consent, notwithstanding adjournment of the Senate, that on Wednesday, July 5, committees have from 10 a.m. to 2 p.m. to file any legislative or executive reported business

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—EXCHANGE OF NOTES RELATING TO THE TAX CONVENTION WITH UKRAINE (TREATY DOCUMENT NO. 104–11)

Mr. DOLE. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Exchange of Notes Relating to the Tax Convention of the Ukraine (Treaty Document No. 104–11), transmitted to the Senate by the President on June 28, 1995; and that the treaty be considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith an exchange of notes dated at Washington May 26 and June 6, 1995, for Senate advice and consent to ratification in connection with the Senate's consideration of the Convention Between the Government of the United States of America and the Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a related Protocol, signed at Washington on March 4, 1994 ("the Taxation Convention"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the exchange of notes.

This exchange of notes addresses the interaction between the Taxation Convention and other treaties that have tax provisions, including in particular the General Agreement on Trade in Services (GATS), annexed to the Agreement Establishing the World Trade Organization, done at Marrakesh April 15, 1994.

I recommend that the Senate give favorable consideration to this exchange of notes and give its advice and consent to ratification in connection with the Taxation Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 28, 1995.*

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations, executive calendar nomination numbers 178 through 183, and 206, 207, 208, and 210 through 231.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL INSURANCE TRUST FUNDS

Stephen G. Kellison, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Marilyn Moon, on Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

FEDERAL HOSPITAL INSURANCE TRUST FUND

Stephen G. Kellison, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

Stephen G. Kellison, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

FEDERAL HOSPITAL INSURANCE TRUST FUND

Marilyn Moon, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

Marilyn Moon, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

DEPARTMENT OF LABOR

Edmundo A. Gonzales, of Colorado, to be Chief Financial Officer, Department of Labor. (New Position)

NATIONAL COUNCIL ON DISABILITY

John D. Kemp, of the District of Columbia, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Clifford Gregory Stewart, of New Jersey, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

THE JUDICIARY

Carlos F. Lucero, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

Peter C. Economus, of Ohio, to be United States District Judge for the Northern District of Ohio.

Wiley Y. Daniel, of Colorado, to be United State District Judge for the District of Colorado.

Nancy Friedman Atlas, of Texas, to be United States District Judge for the Southern District of Texas.

Donald C. Nugent, of Ohio, to be United States District Judge for the Northern District of Ohio.

DEPARTMENT OF JUSTICE

Andrew Fois, of New York, to be an Assistant Attorney General.

STATE JUSTICE INSTITUTE

Janie L. Shores, of Alabama, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1997.

Terrence B. Adamson, of the District of Columbia, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1997. (Reappointment)

EXECUTIVE OFFICE OF THE PRESIDENT

Martin Neil Baily, of Maryland, to be a Member of the Council of Economic Advisers.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Steve M. Hays, of Tennessee, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1997.

SECURITIES INVESTOR PROTECTION CORPORATION

Charles L. Marinaccio, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1996.

Deborah Dudley Branson, of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1996.

Marianne C. Spraggins, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1997.

Albert James Dwoskin, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1998. (Reappointment)

NATIONAL CONSUMER COOPERATIVE BANK

Tony Scallon, of Minnesota, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Sheila Anne Smith, of Illinois, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

EXECUTIVE OFFICE OF THE PRESIDENT

Ira S. Shapiro, of Maryland, for the rank of Ambassador during his tenure of service as Senior Counsel and Negotiator in the Office of the United States Trade Representative.

AIR FORCE

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Lt. Gen. Richard E. Hawley, [redacted], United States Air Force.

THE JUDICIARY

Diane P. Wood, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

George H. King, of California, to be United States District Judge for the Central District of California vice a new position created by Public Law 101-650, approved December 1, 1990.

Robert H. Whaley, of Washington, to be United States District Judge for the Eastern District of Washington.

Tena Campbell, of Utah, to be United States District Judge for the District of Utah.

STATEMENT ON NOMINATION OF TENA CAMPBELL

Mr. HATCH. Mr. President, I rise today to urge my colleagues to support the nomination of Tena Campbell for the position of U.S. district judge for the district of Utah.

As chairman of the Judiciary Committee, I am keenly aware of the importance of the Federal judiciary and its impact on our citizens; not only litigants whose cases are decided by Federal courts, but all Americans who, in so many ways, are affected in their daily lives by rulings handed down by Federal judges. It is for this reason that I have always believed that nominees for Federal judicial positions must be individuals of the highest caliber, both professionally and personally. I am pleased to say that Tena Campbell is such a nominee.

Tena Campbell is an individual whose accomplishments and qualifications for the position of Federal district court judge speak for themselves. After working in private practice and in the Salt Lake County attorney's office, Mrs. Campbell became an assistant U.S. attorney in Utah, where she has served with distinction since 1982. During that time, she has tried more than 60 felony cases—more cases than most lawyers try in their entire career.

She has risen to become the Financial Institution Fraud Coordinator for the U.S. attorney's office, in charge of all cases involving federally insured institutions, in addition to prosecuting other complex white-collar crime cases. It is a measure of her dedication that despite the complexity and time-consuming nature of white-collar crime cases, she has also chosen to continue to prosecute violent crime cases.

Throughout her service as an assistant U.S. attorney, Tena Campbell has earned the respect of the Federal bench and a reputation as a hardworking, tough, yet compassionate, prosecutor. She has received the highest rating, Well Qualified, from the American Bar Association. I am convinced that as a Federal judge, where she would be the first woman in Utah history to serve in that position, Tena Campbell will be fair, honest, and knowledgeable, and I am proud to support her nomination.

For these reasons, I urge my colleagues to support her nomination.

STATEMENT OF THE NOMINATION OF CLIFFORD GREGORY STEWART

Mr. LAUTENBERG. Mr. President, I rise in strong support of the nomination of Greg Stewart to be general counsel of the Equal Employment Opportunity Commission [EEOC].

Greg Stewart is a native New Jerseyan and has most recently served as the director of the division of civil rights for the State of New Jersey. I believe that Greg Stewart has the qualifications and the experience to make an excellent general counsel at EEOC.

Mr. President, Greg Stewart has been involved in civil rights issues for over 13 years. He has served as the director of the division of civil rights in New Jersey under both a Democratic and Republican governor. He has also worked for the department of the public advocate in New Jersey, again under Democratic and Republican Governors. During whatever free time he has had since he graduated from Rutgers Law School in 1981, he has taught constitutional and civil rights law at Rutgers School of Law and John Jay College.

Greg Stewart has an outstanding scholar. He has three degrees from Rutgers; a B.A. in political science, an M.A. in political science, and a J.D. from the Rutgers Law School in Newark. He has received several academic honors including an Eagleton Institute of Politics fellowship. In addition to his academic accomplishments, Greg has also been involved in community service. In fact, he received the Community Service Award for the New Jersey Conference of the NAACP branches and the Equal Justice Medal for the Legal Services of New Jersey.

Mr. President, our country is on the brink of a national debate on affirmation action and civil rights laws. I think Greg Stewart can make an excellent contribution to this debate as general counsel to the EEOC. He has a vast amount of experience in civil rights law and he has served under Republicans and Democrats with a sincere respect for the law, objectivity, and a

unique sense of balance. I am proud to support his nomination and urge the Senate to confirm his nomination to EEOC general counsel.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

THE FEDERAL COURT CASE REMOVAL ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 32 S. 533.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 533) to clarify te rules governing removal of cases to Federal court, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. I ask unanimous consent that the bill be considered, deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements appear in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 533) was deemed read for the third time, and passed as follows:

S. 533

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

SECTION 1. REMOVAL.

The first sentence of section 1447(c) of title 28, United States Code, is amended by striking "any defect in removal procedure" and inserting "any defect other than lack of subject matter jurisdiction".

REDUNDANT VENUE REPEAL ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of calendar No. 112, S. 677.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 677) to repeal a redundant venue provision, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider of the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be considered and deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 677) was deemed read for the third time, and passed as follows:

S. 677

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

SECTION 1. REPEAL.

(a) REPEAL.—Subsection (a) of section 1392 of title 28, United States Code, is repealed.

(b) TECHNICAL AMENDMENT.—Subsection (b) of section 1392 of title 28, United States Code, is amended by striking "(b) Any" and inserting "Any".

REGARDING THE ARREST OF HARRY WU BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. DOLE. Mr. President, I ask unanimous consent that Senate proceed to immediate consideration of Senate Resolution 148, submitted earlier today by Senator HELMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 148) expressing the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

The PRESIDING OFFICER. Is there objection to proceeding to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

RED CHINESE UP TO NO GOOD—AGAIN

Mr. HELMS. The resolution condemns the arrest of Mr. Peter H. W., a personal friend of mine who has been arrested by the Red Chinese. I understand the House of Representatives Committee on International Relations reported a similar resolution yesterday that is expected to be considered by the House this morning.

Peter Hongda Wu, known to all of us as Harry Wu, entered China last week on a valid United States passport and a valid visa issued by the Chinese themselves.

Harry submitted his papers at the border and was immediately placed under house arrest by Chinese authorizes and held for 3 days, after which a caravan of Communist-style cars arrived in the small border town near Kazakhstan and whisked Harry away.

Harry Wu has not been seen or heard from since. Mr. President, the cruelty the Chinese Communists can inflict, especially on humans they claim have committed crimes against the state. Unfortunately, because Harry has devoted his life to exposing human rights abuses in China, the Chinese have taken purely punitive action against him.

Harry Wu has worked and cooperated with the Senate for many years. It was Harry who first informed me that the Chinese were forcing their own prisoners, many of them political prisoners, to produce products for sale to other countries. Harry was extraordinarily familiar with these practices since he spent 19 years in a Chinese prison.

More recently, Mr. President, at my invitation, Harry testified before the Foreign Relations Committee regarding the Chinese Government's practice of selling organs removed from the bodies of just-executed prisoners, including political prisoners. The Chinese make these organs available on the international market—for cold cash—for example, $10,000 for a liver and varying amounts for corneas and other human organs.

Harry's video footage filmed in China, proved that the Chinese even have gone so far as to harvest both kidneys from living prisoners. Understandably, the hearing received a great deal of international attention, and the Chinese are obviously punishing Harry Wu for informing the U.S. Congress about this and other matters.

Mr. President, the Chinese have already usurped 19 years of Harry Wu's life. They must not persecute him further. He is a faithful and honest American citizen devoted to ensuring the wellbeing of Chinese citizens. I urge Senators and the President to do everything within their power to press for Harry Wu's immediate release and safe return. As his friend, I appeal to all Senators for their support.

Mr. President, my resolution expresses condemnation of the arrest and detention of Harry Wu. It further calls upon China to comply immediately with its commitments under the United States-People's Republic of China Consular Convention by providing the United States Government with a full accounting for Harry's arrest and detention. I urge the Senate to adopt the resolution.

Mr. DOLE. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows: 6se

S. RES. 148

Whereas Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995, near the China-Kazakhstan border;

Whereas Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

Whereas the Chinese authorities confined Harry Wu to house arrest for 3 days, after which time he has not been seen or heard from;

Whereas the Chinese Foreign Ministry notified the United States Embassy in Beijing of Mr. Wu's detention on Friday, June 23;

Whereas the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

Whereas the terms of the United States-People's Republic of China Consular convention on February 19, 1982, require that United States Government officials shall be accorded access to an American citizen as soon as possible but not more than 48 hours after the United States has been notified of such detention;

Whereas on Wednesday, June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

Whereas the Government of the People's Republic of China is in violation of the terms of its Consular Convention;

Whereas Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

Whereas Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

Whereas Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

Whereas Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about the Chinese government practice of murdering Chinese prisoners, including political prisoners, for the purpose of harvesting their organs for sale on the international market;

Whereas on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93-618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

Whereas this waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 3, 1995; and

Whereas the Chinese government and people benefit substantially from the continuation of such trading benefits: Now, therefore, be it

Resolved, That (a) the United States Senate expresses its condemnation of the arrest of Peter H. Wu and its deep concern for his well-being.

(b) It is the sense of the Senate that—

(1) the People's Republic of China must immediately comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982, by allowing consular access to Peter H. Wu;

(2) the People's Republic of China should provide immediately a full accounting of Peter Wu's whereabouts and the charges being brought against him; and

(3) the President of the United States should use every diplomatic means available to ensure Peter Wu's safe and expeditious return to the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the request that the President further transmit such copy to the Embassy of the People's Republic of China in the United States.

FISHERIES ACT

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 119, S. 267.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 267) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 267

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 "Fisheries Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the "High Seas Fisheries Licensing Act of 1995".

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.

(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term "international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term "length" means —

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is [greater. In] *greater, except that in* ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "vessel of the United States" means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms "vessel subject to the jurisdiction of the United States" and "vessel without nationality" have the same meaning as in section [1903(c) of title 46, United States Code Appendix.] *3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).*

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its resporsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) FEES.—

(1) The Secretary shall by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee may be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for 5 years. A license issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and

give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable *in rem* for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Northwest Atlantic Fisheries Convention Act of 1995".

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives

may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. [App. §1 et seq.)] *App.*) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. [App. §1 et seq.)] *App.*) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternate Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term "authorized enforcement officer" means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term "General Council" means the General Council provided for by Articles II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, [1997] *1997*, and 1998.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Atlantic Tunas Convention Authorization Act of 1995".

SEC. 302. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) RESEARCH AND MONITORING PROGRAM.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting "(a) BIENNIAL REPORT ON BLUEFIN TUNA.—" before "The Secretary of Commerce shall"; and

(4) by adding at the end the following:

"(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

"(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

"(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

"(B) provide for appropriate participation by nations which are members of the Commission.

"(2) The program shall provide for, but not be limited to—

"(A) statistically designed cooperative tagging studies;

"(B) genetic and biochemical stock analyses;

"(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

"(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

"(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

"(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

"(G) integration of data from all sources and the preparation of data bases to support management decisions; and

"(H) other research as necessary.

"(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.".

SEC. 303. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following:

"(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

"(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

"(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

"(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

"(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

"(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

"(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. [App. §1 et seq.).".] *App.).*".

SEC. 304. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding "or fishery mortality level" after "quota of fish" in the last sentence.

SEC. 305. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

"(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"§ 10. Authorization of appropriations

"There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

"(1) For fiscal year 1995, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

"(2) For fiscal year 1996, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(3) For fiscal year 1997, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

"(4) For fiscal year 1998, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

SEC. 307. REPORT AND CERTIFICATION.

The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

"§ 11. Annual report

"Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

"(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations

fishing on Atlantic stocks of such species that are subject to management by the Commission;

"(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

"(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

"(4) describes actions taken by the Secretary under section 12.

"§ 12. Certification

"(a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

"(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

"(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.".

SEC. 308. MANAGEMENT OF YELLOWFIN TUNA.

(a) Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce in accordance with this section shall publish a preliminary determination of the level of the United States recreational and commercial catch of yellowfin tuna on an annual basis since 1980. The Secretary shall publish a preliminary determination in the Federal Register for comment for a period not to exceed 60 days. The Secretary shall publish a final determination not later than 140 days from the date of the enactment of this section.

(b) Not later than June 1, 1996, the Secretary of Commerce shall implement the recommendations of International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

SEC. 401. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the "Inside Passage" off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a "license which authorizes transit" through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 402. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"SEC. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

"(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

"(1) a copy of the receipt for payment;

"(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

"(3) a copy of the vessel's certificate of documentation.

"(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

"(d) [such] *Such* funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

"(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

"(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

"(g) This section shall remain in effect until October 1, 1996.".

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

"SEC. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

"(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

"(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

"(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).".

SEC. 403. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1993" and inserting "October 1, 2000".

SEC. 404. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking "April 1, 1994," and inserting "May 1, [1994,".] *1994,".*

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102-567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

"(C) any vessel supporting a vessel described in subparagraph (A) or (B).".

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 501. SHORT TITLE.

This title may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1995".

SEC. 502. FISHING PROHIBITION.

(a) ADDITION OF CENTRAL SEA OF OKHOTSK.—Section 302 of the Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea".

(b) DEFINITION.—Section 306 of such Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

TITLE VI—DRIFTNET MORATORIUM

SEC. 601. SHORT TITLE.

This title may be cited as the "High Seas Driftnet Fishing Moratorium Protection Act".

SEC. 602. FINDINGS.

The Congress finds that—

(1) Congress has enacted and the President has signed into law numerous Acts to control or prohibit large-scale driftnet fishing both within the jurisdiction of the United States and beyond the exclusive economic zone of any nation, including the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (title IV, Public Law 100–220), the Driftnet Act Amendments of 1990 (Public Law 101–627), and the High Seas Driftnet Fisheries Enforcement Act (title I, Public Law 102–582);

(2) the United States is a party to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention;

(3) the General Assembly of the United Nations has adopted three resolutions and three decisions which established and reaffirm a global moratorium on large-scale driftnet fishing on the high seas, beginning with Resolution 44/225 in 1989 and most recently in Decision 48/445 in 1993;

(4) the General Assembly of the United Nations adopted these resolutions and decisions at the request of the United States and other concerned nations;

(5) the best scientific information demonstrates the wastefulness and potentially destructive impacts of large-scale driftnet fishing on living marine resources and seabirds; and

(6) Resolution 46/215 of the United Nations General Assembly calls on all nations, both individually and collectively, to prevent large-scale driftnet fishing on the high seas.

SEC. 603. PROHIBITION.

The United States, or any agency or official acting on behalf of the United States, may not enter into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the global moratorium on large-scale driftnet fishing on the high seas, as such moratorium is expressed in Resolution 46/215 of the United Nations General Assembly.

SEC. 604. NEGOTIATIONS.

The Secretary of State, on behalf of the United States, shall seek to enhance the implementation and effectiveness of the United Nations General Assembly resolutions and decisions regarding the moratorium on large-scale driftnet fishing on the high seas through appropriate international agreements and organizations.

SEC. 605. CERTIFICATION.

The Secretary of State shall determine in writing prior to the signing or provisional application by the United States of any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that the prohibition contained in section 603 will not be violated if such agreement is signed or provisionally applied.

SEC. 606. ENFORCEMENT.

The President shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 701. AGREEMENT WITH ESTONIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Estonia as contained in the message to Congress from the President of the United States dated January 19, 1995, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

AMENDMENT NO. 1488

(Purpose: To correct certain minor and technical errors in the bill)

Mr. DOLE. I ask unanimous consent the reported committee amendment be withdrawn and I send a substitute to the desk on behalf of Senators STEVENS, KERRY, SNOWE, and BREAUX.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. STEVENS, for himself, Mr. KERRY, Ms. SNOWE, and Mr. BREAUX, proposes an amendment numbered 1488.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, today I urge the Senate to support the passage of S. 267, the Fisheries Act of 1995—what the Subcommittee on Oceans and Fisheries calls "the international fish package."

I introduced S. 267 on January 24, 1995. It was approved by the Commerce Committee in executive session on March 23, 1995 and reported to the full Senate on May 26, 1995.

Senators KERRY, GORTON, BREAUX, PACKWOOD, MURKOWSKI, and MURRAY join me as cosponsors to the bill.

What I am presenting today with Senator KERRY is a bipartisan substitute to the reported bill, which includes additions and minor changes I will briefly address.

We've added an important new section—title VII—to the bill that will implement the agreement reached between the United States and Canada on February 3, 1995 to conserve and manage Yukon River salmon stocks.

This agreement and the necessary implementing legislation will help assure commercial and subsistence fishermen living along the Yukon River in both Alaska and Canada that our shared salmon resources are carefully managed and restored in the years ahead.

I introduced the Yukon legislation (S. 662) on April 3, 1995. The committee received testimony on it at our Magnuson Act reauthorization field hearing in Seattle, WA, on March 18, 1995.

The agreement requires the United States to pay $400,000 annually into a Yukon River restoration and enhancement fund for mutually beneficial salmon restoration and enhancement activities along the Yukon River.

The agreement also creates a joint United States/Canada Yukon River panel to make conservation and management recommendations and to help determine how to spend the restoration and enhancement funds.

My provision establishes the U.S. section of the Yukon River panel and authorizes spending for: The U.S. payment, the necessary costs of the panel and an advisory committee, and other costs associated with the conservation and management of Yukon River salmon.

Title III of the bill—which includes amendments to, and the reauthorization of, the Atlantic Tunas Convention Act—has been revised to require a listing procedures by the United States of nations whose vessels are operating in a way that diminishes the effectiveness of conservation efforts in the Atlantic tunas convention area.

We've also added a new provision to require a review of bluefin tuna regulations.

Minor changes have been made in title IV relating to the source of funds to be used to reimburse United States fishermen who paid Canada's transit fee in 1994.

A new provision has been added to title IV to reimburse the legal and travel costs—not to exceed a total of $25,000—of owners of scallop vessels seized by Canada in 1994, who were fishing for sedentary species outside of Canada's exclusive economic zone.

We've deleted a Governing International Fisheries Agreement [GIFA]

with Estonia, which already went into effect since the time we introduced S. 267.

We've added a new section—section 801—which amends the South Pacific Tuna Act of 1988 to authorize vessels documented under the laws of the United States to fish for tuna in all waters of the treaty area, including the U.S. exclusive economic zone of that area.

This new section also lifts certain restrictions for fishing for tuna in the treaty area so long as purse seines are not used to encircle any dolphin or other marine mammal.

Finally, we've added a new section—section 802—at Senator SNOWE's request and with Senator KERRY's assistance, to prohibit a foreign allocation in any fishery within the U.S. exclusive economic zone unless a fishery management plan is in place for the fishery.

The new section 802 prohibits the Secretary of Commerce from approving fishing under a permit application by a foreign vessel for Atlantic herring or mackerel unless the appropriate regional fishery management council has approved the fishing—and unless the Secretary of Commerce has included in the permit any restrictions recommended by the council.

I want to thank Senator KERRY and his staff, Penny Dalton, Lila Helms and Steve Metruck for their work on this package. I also want to thank the staff who assisted me with this: Trevor McCabe, Tom Melius and Rebecca Metzner.

We urge the Senate to pass S. 267. We've worked in recent weeks with House members and staff on the House Resources Committee, and believe the package we are presenting today will be acceptable in the House, so that quick action may be possible in getting this passed into law.

Below is a brief summary of the bill:

SUMMARY

Title I (The High Seas Fishing Compliance Act of 1995) provides for the domestic implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which was adopted by the U.N. Food and Agriculture Organization in 1993. It would establish a system of permitting, reporting, and regulation for U.S. vessels fishing on the high seas.

Title II (The Northwest Atlantic Fisheries Convention Act) would implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The Treaty calls for establishment of the Northwest Atlantic Fisheries Organization (NAFO) to assess and conserve high seas fishery resources off the coasts of Canada and New England. Among other provisions, this title would provide for: 1) U.S. representation in NAFO; 2) coordination between NAFO and appropriate Regional Fishery Management Councils; and 3) authorization for the Secretaries of Commerce and State to carry out U.S. responsibilities under the Convention.

Title III (Atlantic Tunas Convention Act) extends the authorization of appropriations for the Atlantic Tunas Convention Act through fiscal year 1998; provides for the development of a research and monitoring program for bluefin tuna and other wide-ranging Atlantic fish stocks; establishes operating procedures for the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee; calls for an annual report to be made and addresses actions to be taken with nations that fail to comply with ICCAT recommendations.

Title IV (Fishermen's Protective Act) reauthorizes and amends the Fishermen's Protective Act of 1967 to allow the Secretary of State to reimburse U.S. fishermen forced to pay transit passage fees by a foreign country regarded by the U.S. to be inconsistent with international law. The amendment responds to the $1,500 (Canadian $) transit fee charged to U.S. fishermen last year for passage off British Columbia.

Title V (Sea of Okhotsk) would prohibit U.S. fishermen from fishing in the Central Sea of Okhotsk (known as the "Peanut Hole") except where such fishing is conducted in accordance with a fishery agreement to which both the U.S. and Russia are parties.

Title VI (Relating to U.N. Driftnet Ban) would prohibit the U.S. from entering into any international agreement with respect to fisheries, marine resources, the use of the high seas, or trade in fish or fish products that would prevent full implementation of the United Nations global moratorium on large-scale driftnet fishing on the high seas.

Title VII (Yukon River Salmon Act) would provide domestic implementing legislation for the agreement reached between the United States and Canada on February 3, 1995 to conserve and manage Yukon River salmon stocks. It provides for U.S. representation on the Yukon River Panel; establishes voting procedures for the U.S. section of the panel; and authorizes appropriations for the $400,000 annual contribution required by the United States under the agreement for Yukon River salmon restoration and enhancement, as well as other costs associated with salmon conservation on the Yukon River.

Title VIII (Miscellaneous) includes two sections. Section 801 amends the South Pacific Tuna Act of 1988 to authorize vessels documented under the laws of the United States to fish for tuna in all waters of the Treaty Area, including the U.S. Exclusive Economic Zone of that area. It also lifts certain restrictions for fishing for tuna in the Treaty area so long as purse seines are not used to encircle any dolphin or other marine mammal.

Section 802 prohibits a foreign allocation in any fishery within the U.S. exclusive economic zone unless a fishery management plan is in place for the fishery. Section 802 also prohibits the Secretary of Commerce from approving fishing under permit application by a foreign vessel for Atlantic herring or mackerel unless the appropriate regional fishery management council has approved the fishing; and unless the Secretary of Commerce has included in the permit any restrictions recommended by the Council.

ADOPTION OF S. 267

Mr. PRESSLER. Mr. President, S. 267 the Fisheries Act of 1995, is a bill I am pleased to bring to the floor for consideration today. It is comprised of a number of measures that would strengthen international fishery conservation and management.

I would like to recognize the efforts of Senator STEVENS, our Oceans and Fisheries Subcommittee chairman, who along with Senators KERRY, GORTON, MURRAY, and MURKOWSKI introduced the bill. The bill also was cosponsored by Senator BREAUX and Senator PACKWOOD.

Many of the titles in S. 267, were bills introduced in the 103d Congress but not enacted. The Committee on Commerce, Science, and Transportation held a hearing on these matters on July 21, 1994, indicating a strong bipartisan support for these fishery conservation measures.

The Committee on Commerce, Science, and Transportation reported the bill by unanimous vote on March 23, 1995. While only technical amendments were adopted, it was noted that Senator SNOWE was considering an amendment to restrict directed foreign fishing within the EEZ for Atlantic herring and Atlantic mackerel. We have worked with Senator SNOWE to incorporate her concerns into the committee substitute before us and we appreciate her efforts in reaching this compromise.

We also have incorporated provisions addressing conservation of salmon stocks of the Yukon River and regulations and enforcement actions for migratory species managed under the Atlantic Tunas Convention and the South Pacific Tuna Act.

I also want to note that the committee has worked with Senator PACKWOOD, chairman of the Finance Committee and an active member of the Commerce Committee, to address a provision of the bill that deals with amendments to the Atlantic Tunas Convention Act. We appreciate the cooperation that he and his staff have given us on this provision.

I strongly believe that through the proper conservation and management of our Nation's living marine resources, we will enhance economic opportunities for future generations. The bill before us contains a number of provisions important to the conservation of fishery resources in our oceans. It is a noncontroversial bill with bipartisan support.

Mr. President, I strongly support S. 267 and ask my colleagues to join me in it's adoption.

Ms. SNOWE. Mr. President, I am a cosponsor of the substitute to S. 267 offered by Senator STEVENS, and I rise to express support for the amendment.

Before proceeding to discuss the substitute, I want to offer my sincere thanks to the chairman of the Commerce Committee, Senator PRESSLER, and the chairman of the Oceans and Fisheries Subcommittee, Senator STEVENS, for their assistance to me throughout the process of considering S. 267. Early on, I expressed an interest in offering an amendment to the bill, and the two chairmen and their staffs always showed a willingness to help me

as a freshman member of the committee. S. 267 is the first fisheries bill considered by the Commerce Committee in the 104th Congress, and the leadership and skillfulness that the Senators demonstrated in this effort deserves to be commended.

Mr. President, the substitute includes an amendment that I sponsored which is designed to protect two of the few remaining healthy fish stocks in U.S. waters—Atlantic herring and Atlantic mackerel—from foreign fishing pressures. I consider this amendment and the issues that it addresses to be very important for the health of our domestic fishing industry as well as our domestic fish stocks.

As media stories over the last year have reported, the New England groundfish fishery is now experiencing the most serious crisis in its long history. Groundfish stocks in the region have dwindled to record lows, threatening the future viability of this essential resource. Stringent conservation regulations have been implemented in response to the stock decline in an attempt to prevent a collapse of the fishery. In combination, these two factors have drastically reduced fishing opportunities, threatening a centuries-old industry and the livelihoods of thousands of people in coastal communities across the region who depend on it.

And the regulations approved to date are not the end of it. The New England Fishery Management Council is now developing a public hearing document for new fishing effort reduction measures that are even more draconian than the existing regulations.

To survive in the face of such adversity, many fishermen who want to remain on the water will have to catch species besides groundfish. But unfortunately, given present rates of fishing effort, few species offer much opportunity for new harvesting capacity. Two that do are Atlantic herring and Atlantic mackerel. The National Marine Fisheries Service has determined that these stocks are healthy, and that they can withstand higher rates of harvest without endangering the resource.

Utilization of these species by Northeast fishermen has been limited to date because they generate less value in the market than groundfish. Maine has a viable sardine industry that uses a modest portion of the herring resource, and herring are harvested for bait to supply other fisheries like lobster and bluefin tuna. With regard to mackerel, several processors in the Northeast have established markets serving Canada and the Caribbean.

But significant potential for expansion of these domestic industries exists. The mackerel industry hopes to increase market share in the Caribbean and gain a foothold in West Africa, the Middle East, and Eastern Europe. The Maine sardine industry has been trying to expand its markets in Mexico and the Caribbean. As groundfish landings decline, new players are actively pursuing new opportunities in the sustainable development of herring and mackerel. Resource Trading Company of Portland, Maine, has negotiated a deal to sell 25,000 tons of Atlantic herring to China—a market of enormous potential for New England fishermen.

New England fishing interests are not the only ones pursuing our herring and mackerel, however. Foreign countries like Russia and the Netherlands have shown a keen interest in obtaining fishing rights for these species in U.S. waters. In 1993, the Russians and their domestic partner came close in persuading the Administrator of the National Marine Fisheries Service to approve an application to harvest 10,000 tons of Atlantic mackerel—despite the fact that the Mid-Atlantic Fishery Management Council had specified that no foreign fishing rights for mackerel be granted. Since that time, the Dutch, acting through the European Union, have aggressively pursued foreign fishing rights for mackerel, and the Russians have continued to push for a portion of the stock.

Mr. President, it would be unconscionable for the U.S. Government to allow foreign countries to begin harvesting two of the only healthy stocks left in U.S waters while New England fishermen lose their jobs as a result of the groundfish crisis. Since the process of developing strict fishing regulations for groundfish began four years ago, Federal fisheries managers and policymakers have encouraged groundfishermen to pursue alternatives or "underutilized" species like herring and mackerel. They have cited this option as an important way to help some fishermen stay in business during the recovery period for goundfish. To give away our fish to foreign fishermen at this critical time, after all of the rhetoric about developing underutilized species, would be a slap in the face to our fishermen. We should instead help fishermen and processors develop these resources in a sustainable manner, and the best way that we can do that is to provide assurances that sufficient quantities of fish will be available to meet the needs of our industry. We need to give entrepreneurs and fishermen the time to develop new products and markets so that they can compete all over the world with the same countries who seek the last of our healthy fish stocks.

Out of my great concern for the future of the fishing industry in Maine and New England, and out of my strong desire to see American fishermen sustainable utilize Atlantic herring and mackerel, I offered an amendment during committee consideration of S. 267 which would have imposed a 4-year moratorium on the granting of foreign harvesting rights for these two species. This moratorium would have given our industry adequate time to create new products, markets, and associated infrastructure in herring and mackerel. It would have preserved valuable jobs in the New England fishing industry, and it would have done so without strengthening the position of our foreign competitors. The Resource Trading Company deal that I mentioned earlier, which involves only U.S. fishermen, shows clearly the great potential that exists.

In committee, however, Senator GORTON expressed reservations about my amendment. A company based in Washington State that has operated in Russian waters and that is pursuing new markets in Russia was concerned that such a strong statement from the United States on fisheries could negatively affect some of its ongoing business. I agreed to work with Senator GORTON, as well as Senators KERRY, STEVENS, and PRESSLER, to work out a compromise acceptable to all parties.

Fortunately, we were able to reach an agreement on a new amendment that I sponsored and that Senator Kerry agreed to cosponsor. The amendment is contained in the Stevens Substitute under consideration today. It has two provisions.

First, the amendment prohibits the awarding of any foreign harvesting rights for any fishery that is not subject to a fishery management plan under the Magnuson Act. At a bare minimum, no foreign harvesting should be allowed unless a strict regime for managing the harvest is in place. Atlantic herring does not have a council-approved fishery management plan at the present time, so this provision will protect the herring resource from foreign fishing pressure until the New England Fishery Management Council approves a plan.

Second, the amendment adds a new layer of scrutiny to any applications submitted by foreign countries for the harvest of Atlantic herring and mackerel in U.S. waters. Under the current procedures in the Magnuson Act, the regional fishery management council of jurisdiction is required to specify whether foreign harvesting of a particular species should be allowed. The Secretary of Commerce is encouraged to follow the Council's guidance on foreign fishing, but he is not bound by it. In effect, the Secretary can disagree with the Council, and approve a foreign fishing application despite the Council's reservations.

My amendment prohibits the Secretary from approving a foreign fishing application for herring and mackerel unless the council of jurisdiction recommends approval of it. In the absence of explicit Council agreement, the Secretary will no longer be able to grant foreign fishing rights. A foreign applicant will therefore have to convince not only the Commerce and State departments, but the regional council

that was established to conserve the marine fisheries resources of the region, and whose membership is drawn in part from the regional fishing industry. While I would have preferred a moratorium, this new provision will make it more difficult for foreign countries to gain access to our important herring and mackerel resources.

Mr. President, I also wanted to mention a couple of additional amendments contained in the substitute that I cosponsored. Both amendments relate to the management and conservation of Atlantic bluefin tuna and other highly migratory species in the Atlantic.

Last year, pursuant to a request from the Maine and Massachusetts congressional delegations, a scientific peer review panel convened under the auspices of the National Research Council issued an important report that criticized NOAA's scientific work on Atlantic bluefin tuna. The report contained a number of significant findings, but perhaps most significant was the panel's finding that NOAA scientists had erroneously estimated Western Atlantic bluefin population trends since 1988. Rather than a continuing decline during that period, the NRC panel concluded that the stock had remained stable.

Because the International Commission for the Conservation of Atlantic Tunas, to which the United States belongs, relies heavily on NOAA's bluefin science, the NRC peer review report had a profound impact on Atlantic bluefin management. Whereas ICCAT and NOAA had been advocating a 40 percent cut in the Western Atlantic bluefin quota before the report was issued, ICCAT actually approved a slight increase in the existing quota after the report's findings were published. Tuna fishermen in New England, where most of the commercial fishery for the species in the United States exists, had long criticized the quality of NOAA's bluefin science. The NRC report reinforced those criticisms.

This episode points out the need for improved fisheries science in general, and improved research on highly migratory species like Atlantic bluefin tuna, in particular. One way that we can improve research on bluefin and other highly migratory species is to ensure that the scientists who conduct stock assessments and monitoring programs are wholly familiar with the conditions of the primary fisheries for the species. In the case of Atlantic bluefin tuna, most of the scientific activity is conducted at NOAA's Southeast Fisheries Science Center in Miami, even though the overwhelming majority of the commercial fishing activity for the species takes place in the Northeast, and much of the data used by scientists is collected from this fishery.

Senator KERRY sponsored an amendment, which I cosponsored, that requires NOAA to ensure that the personnel and resources of each regional fisheries research center participate substantially in the stock assessments and monitoring of highly migratory species that occur in the region. Hopefully, this provision will bring scientists closer to the fishery, stimulate fresh thinking about fisheries science, and lead to improvements in NOAA's scientific program. Senator KERRY and I have also asked for administrative action on this matter, and we will continue our efforts in that regard after S. 267 is enacted.

I had also cosponsored another amendment offered by Senator BREAUX pertaining to the enforcement of ICCAT conservation measures. Western Atlantic fishermen, particularly American fishermen, have abided by ICCAT's rules since the first stringent quotas were implemented in the early 1980's. Unfortunately, some fishermen from other countries don't appreciate the need for conservation or international agreements the way that our fishermen do, and they harvest highly migratory species in the Atlantic in a reckless and unsustainable manner.

To give ICCAT conservation recommendations greater force, Senator BREAUX drafted an amendment which would have required the Secretary of Commerce to certify that ICCAT has adopted an effective multilateral process providing for restrictive trade measures against countries that fail to address reckless and damaging fishing practices by their citizens. If ICCAT failed to adopt such a process, the Breaux/Snowe amendment would have required the administration to initiate bilateral consultations with problem nations. And in the event that consultations proved unsuccessful and the country in question failed to address unsustainable fishing practices by its nationals, the amendment would have required the Secretary of the Treasury to impose a ban on the imports of certain fish and fish products from that country.

Unfortunately, due to jurisdictional problems in the House that threatened to derail this entire bill, it was decided that the sanctions language in the original Breaux-Snowe amendment would not be included in the substitute. We did, however, include language similar to the other provisions of the amendment which require the Secretary to identify problem nations, and which authorize the President to initiate consultations on conservation-related issues with the governments of these problem nations. I would have preferred the original language, but this was the best that we could do without risking the entire bill.

Let me state, Mr. President, that I do not think the issue of foreign compliance with ICCAT recommendations ends here. I intend to continue monitoring this issue, and if no more progress is made, I think that the Commerce Committee should be prepared to revisit it. We owe it to American fishermen who play by the rules, and to our highly migratory fisheries resources, to ensure that foreign countries are doing their part to conserve these important natural resources.

Mr. President, the amendments that I have described will significantly improve S. 267, and improve U.S. efforts to manage its marine fisheries. I urge my colleagues to support the substitute, and to support S. 267 as amended.

Mr. KERRY. Mr. President, I am pleased to express my pleasure as the Senate prepares to pass the Fisheries Act of 1995. This legislation addresses an issue of great importance to the people of Massachusetts, the Nation, and, indeed, the world—the promotion of sustainable fisheries on a worldwide basis.

One of the world's primary sources of dietary protein, marine fish stocks were once thought to be an inexhaustible resource. However, after peaking in 1989 at a record 100 million metric tons, world fish landings now have begun to decline. The current state of the world's fisheries has both environmental and political implications. Last year, the United Nations Food and Agriculture Organization [FAO] estimated that 13 of 17 major ocean fisheries may be in trouble. Competition among nations for dwindling resources has become all too familiar in many locations around the world.

The bill we are passing today will strengthen international fisheries management. Among the provisions reinforcing U.S. commitments to conserve and manage global fisheries, are the following: First, implementation of the FAO Agreement to Promote Compliance with International Convention and Management Measures by Fishing Vessels on the High Seas that would establish a system regulating U.S. vessels fishing on the high seas; second, implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries that would provide for U.S. representation in the Northwest Atlantic Fisheries Organization [NAFO] and coordination between NAFO and appropriate Regional Fishery Management Councils; third, improved research and international cooperation with respect to Atlantic bluefin tuna and other valuable highly migratory species; fourth, reimbursement of U.S. fishermen for illegal transit fees charged by the Canadian Government and for legal fees and costs incurred by the owners of vessels that were seized by the Canadian Government in a jurisdictional dispute that were necessary and related to securing the prompt release of the vessel; fifth, a ban on U.S. fishing activities in the central Sea of Okhotsk except where such fishing is conducted in accordance with a fishery agreement to

which both the United States and Russia are parties; sixth, a prohibition on U.S. participation in international agreements on fisheries, marine resources, the use of the high seas, or trade in fish or fish products which undermine the United Nations moratorium on large-scale driftnet fishing on the high seas; seventh, implementation of an interim agreement between the United States and Canada for the conservation of salmon stocks originating from the Yukon River in Canada; eighth, permission for U.S. documented vessels to fish for tuna in waters of the South Pacific Tuna Act of 1988 Area; and ninth, prohibition of a foreign allocation in any fishery within the United States exclusive economic zone unless a fishery management plan is in place for the fishery and the appropriate regional fishing council recommends the allocation.

This bill will make a substantial contribution to U.S. leadership in the conservation and management of international fisheries. I want to acknowledge the leadership on this issue of the chairman of the Oceans and Fisheries Subcommittee, my friend the senior Senator from Alaska. It has been a pleasure working with him. I also want to thank the committee's distinguished ranking member, Senator HOLLINGS, for his support on this bill. I also would like to recognize the staffs of the Commerce Committee for their diligence and their truly bipartisan efforts to bring this bill to the floor, specifically Penny Dalton and Lila Helms from the Democratic Staff and Tom Melius and Trevor Maccabe on the Republican side.

Mr. DOLE. I ask unanimous consent the substitute amendment be agreed to, the bill be deemed read a third time; further that the Commerce Committee be immediately discharged from further consideration of H.R. 716 and the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 267, as amended, be inserted in lieu thereof, further that H.R. 716 be considered read a third time, passed as amended, the motion to reconsider be laid upon the table, and any statements related to the bill appear at appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 716), as amended, was considered read the third time and passed.

Mr. DOLE. Mr. President, I now ask unanimous consent S. 267 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 67, H.R. 400.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995".

TITLE I—ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range, is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

SEC. 102. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—The terms, conditions, procedures, covenants, reservations and other provisions set forth in the document entitled "Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America" (hereinafter referred to in this Act as "the Agreement"), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this Act, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(2) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(b) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled "Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 135/80,039 shall be controlling.

SEC. 103. NATIONAL PARK SYSTEM WILDERNESS.

(a) GATES OF THE ARCTIC WILDERNESS.—

(1) REDESIGNATION.—Section 701(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres as wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(2) MAP.—The lands redesignated by paragraph (1) are depicted on a map entitled "Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve", Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

(b) NOATAK NATIONAL PRESERVE.—Section 201(8)(a) of the Alaska National Interest Land Conservation Act (94 Stat. 2380) is amended by—

(1) striking "approximately six million four hundred and sixty thousand acres" and inserting in lieu thereof "approximately 6,477,168 acres"; and

(2) inserting "and the map entitled 'Noatak National Preserve and Noatak Wilderness Addition' dated September 1994" after "July 1980".

(c) NOATAK WILDERNESS.—Section 701(7) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417) is amended by striking "approximately five million eight hundred thousand acres" and inserting in lieu thereof "approximately 5,817,168 acres".

SEC. 104. CONFORMANCE WITH OTHER LAW.

(a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All of the lands, or interests therein, conveyed to and received by Arctic Slope Regional Corporation or Nunamiut Corporation pursuant to the Agreement shall be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)). All of the lands or interests in lands conveyed pursuant to the Agreement shall be conveyed subject to valid existing rights.

(b) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this Act or the Agreement, nothing in this Act or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence

uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

TITLE II—ALASKA PENINSULA SUBSURFACE CONSOLIDATION

SEC. 201. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term agency—

(A) means—

(i) any instrumentality of the United States; and

(ii) any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" has the same meaning as is provided for "Native Corporation" in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) KONIAG.—The term "Koniag" means Koniag, Incorporated, which is a Regional Corporation.

(4) KONIAG ACCOUNT.—The term "Koniag Account" means the account established under section 4.

(5) PROPERTY.—The term "property" has the same meaning as is provided in section 12(b)(7)(vii) of Public Law 94-204 (43 U.S.C. 1611 note).

(6) REGIONAL CORPORATION.—The term "Regional Corporation" has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(7) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of the Interior.

(8) SELECTION RIGHTS.—The term "selection rights" means those rights granted to Koniag, pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title to the oil and gas rights and other interests in the subsurface estate of the approximately 275,000 acres of public lands in the State of Alaska identified as "Koniag Selections" on the map entitled "Koniag Interest Lands, Alaska Peninsula", dated May 1989.

SEC. 202. ACQUISITION OF KONIAG SELECTION RIGHTS.

(a) The Secretary shall determine, pursuant to subsection (b) hereof, the value of Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(b) VALUE.—

(1) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

(A) the oil and gas interests in the lands or interests in lands that are the subject of the selection rights; and

(B) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(2) APPRAISAL.—

(A) SELECTION OF APPRAISER.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to clause (ii), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(ii) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in clause (i), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(B) STANDARDS AND METHODOLOGY.—The appraisal shall—

(i) be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9)); and

(ii) utilize risk adjusted discounted cash flow methodology.

(C) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to subparagraph (A), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(3) DETERMINATION OF VALUE.—

(A) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under paragraph (2)(C), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(B) ALTERNATIVE DETERMINATION OF VALUE.—

(i) IN GENERAL.—Subject to clause (ii), if Koniag does not agree with the value determined by the Secretary under subparagraph (A), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(ii) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be more than $300.

SEC. 203. KONIAG ACCOUNT.

(a) IN GENERAL.—

(1) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Koniag Selection Rights referred to in section 202.

(2) If the value of the Federal lands to be exchanged is less than the value of the Koniag Selection Rights established in section 202, then the Secretary may exchange the Federal lands for an equivalent portion of the Koniag Selection Rights. The remaining selection rights shall remain available for additional exchanges.

(3) For purposes of this section, the term "Federal lands" means lands or interests therein located in Alaska, administered by the Secretary and the title to which is in the United States but excluding all lands and interests therein which are located within a conservation system unit as defined in the Alaska National Interest Lands Conservation Act section 102(4).

(b) ACCOUNT.—

(1) IN GENERAL.—With respect to any Koniag Selection Rights for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining selection rights"), the Secretary of the Treasury, in consultation with the Secretary, shall, notwithstanding any other provision of law, establish in the Treasury of the United States, an account to be known as the Koniag Account. Upon the relinquishment of the remaining selection rights to the United States, the Secretary shall credit the Koniag Account in the amount of the appraised value of the remaining selection rights.

(2) INITIAL BALANCE.—The initial balance of the Koniag Account shall be equal to the value of the selection rights as determined pursuant to section 3(b).

(3) USE OF ACCOUNT.—

(A) IN GENERAL.—Amounts in the Koniag Account shall—

(i) be made available by the Secretary of the Treasury to Koniag for bidding on and purchasing property sold at public sale, subject to the conditions described in this paragraph; and

(ii) remain available until expended.

(B) ASSIGNMENT.—

(i) IN GENERAL.—Subject to clause (ii) and notwithstanding any other provision of law, the right to request the Secretary of the Treasury to withdraw funds from the Koniag Account shall be assignable in whole or in part by Koniag.

(ii) NOTICE OF ASSIGNMENT.—No assignment shall be recognized by the Secretary of the Treasury until Koniag files written notice of the assignment with the Secretary of the Treasury and the Secretary.

(C) BIDDING AND PURCHASING.—

(i) IN GENERAL.—Koniag may use the Koniag Account to—

(I) bid, in the same manner as any other bidder, for any property at any public sale by an agency; and

(II) purchase the property in accordance with applicable laws, including the regulations of the agency offering the property for sale.

(ii) REQUIREMENTS FOR AGENCIES.—In conducting a transaction described in clause (i), an agency shall accept, in the same manner as cash, an amount tendered from the Koniag Account.

(iii) ADJUSTMENT OF BALANCE.—The Secretary of the Treasury shall adjust the balance of the Koniag Account to reflect each transaction under clause (i).

(4) SPECIAL PROCEDURES.—The Secretary of the Treasury, in consultation with the Secretary, shall establish procedures to permit the Koniag Account to—

(A) receive deposits;

(B) make deposits into escrow when an escrow is required for the sale of any property; and

(C) reinstate to the Koniag Account any unused escrow deposits if a sale is not consummated.

(c) TREATMENT OF AMOUNTS FROM ACCOUNT.—The Secretary of the Treasury shall—

(1) deem as a cash payment any amount tendered from the Koniag Account and received by an agency as a proceed from a public sale of property; and

(2) make any transfer necessary to permit the agency to use the proceed in the event an agency is authorized by law to use the proceed for a specific purpose.

(d) REQUIREMENT FOR THE ADMINISTRATION OF SALES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury and the heads of agencies shall administer sales described in subsection (a)(3)(C) in the same manner as is provided for any other Alaska Native Corporation that—

(A) is authorized by law as of the date of enactment of this Act; and

(B) has an account similar to the Koniag Account for bidding on and purchasing property sold for public sale.

(2) PROHIBITION.—Amounts in an account established for the benefit of a specific Alaska Native Corporation may not be used to satisfy the property purchase obligations of any other Alaskan Native Corporation.

(e) REVENUES.—The Koniag Account shall be deemed to be an interest in the subsurface for purposes of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 204. CERTAIN CONVEYANCES.

(a) INTERESTS IN LAND.—For the purpose of section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), the following shall be deemed to be an interest in land:

(1) The establishment of the Koniag Account and the right of Koniag to request the Secretary of the Treasury to withdraw funds from the Koniag Account.

(2) The receipt by a Settlement Trust (as defined in section 3(t) of such Act (43 U.S.C.

1602(t)) of a conveyance by Koniag of any right in the Koniag Account.

(b) AUTHORITY TO APPOINT TRUSTEES.—In establishing a Settlement Trust under section 39 of such Act (43 U.S.C. 1629e), Koniag may delegate the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the Settlement Trust under this section.

AMENDMENT NO. 1489

(Purpose: To amend title II of the committee amendment)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MURKOWSKI, proposes an amendment numbered 1489.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12 of the reported measure, beginning on line 13, delete all of Title II and insert in lieu thereof the following:

TITLE II—ALASKA PENINSULA SUBSURFACE CONSOLIDATION

SEC. 201. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term agency—

(A) means—

(i) any instrumentality of the United States; and

(ii) any Government corporation (as defined in section 9101(1) of title 31 United States Code); and

(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" has the same meaning as is provided for "Native Corporation" in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) FEDERAL LANDS OR INTEREST THEREIN—The term "Federal lands or interests therein" means any lands or properties owned by the United States (i) which are administered by the Secretary, or (ii) which are subject to a lease to third parties, or (iii) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties; provided, however, excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

(4) KONIAG.—The term "Koniag" means Koniag, Incorporated, which is a Regional Corporation.

(5) REGIONAL CORPORATION.—The term "Regional Corporation" has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of the Interior.

(7) SELECTION RIGHTS.—The term "selection rights" means those rights granted to Koniag, pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title to the oil and gas rights and other interests in the subsurface estate of the approximately 275,000 acres of public lands in the State of Alaska identified as "Koniag Selections" on the map entitled "Koniag Interest Lands, Alaska Peninsula," dated May 1989.

SEC. 202. VALUATION OF KONIAG SELECTION RIGHTS.

(a) Pursuant to the provisions of subsection (b) hereof, the Secretary shall value the selection rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(b) VALUE.—

(1) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

(A) the oil and gas interests in the lands or interests in lands that are the subject of the selection rights; and

(B) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(2) APPRAISAL.—

(A) SELECTION OF APPRAISER.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to clause (ii), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(ii) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in clause (i), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meeting, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(B) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of the Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9)).

(C) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to subparagraph (A), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(3) DETERMINATION OF VALUE.—

(A) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under paragraph (2)(C), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(B) ALTERNATIVE DETERMINATION OF VALUE.—

(i) IN GENERAL.—Subject to clause (ii), if Koniag does not agree with the value determined by the Secretary under subparagraph (A), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(ii) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed $300.

SEC. 203. KONIAG EXCHANGE.

(a) IN GENERAL.—

(1) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the selection rights.

(2) if the value of the federal property to be exchanged is less than the value of the selection rights established in Section 202, and if such federal property to be exchanged is not generating receipts to the federal government in excess of one million dollars per year, than the Secretary may exchange the federal property for that portion of the selection rights having a value equal to that of the federal property. The remaining selection rights shall remain available for additional exchanges.

(3) For the purposes of any exchange to be consummated under this Title II, if less than all of the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined pursuant to Section 202 hereof and the denominator of which is the total number of acres of selection rights.

(2) ADDITIONAL EXCHANGES.—If, after ten years from the date of enactment of this Act, the Secretary has been unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not generating receipts to the federal government in excess of one million dollars per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the Secretary solely for the purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (i) declining to proceed with the exchange and identifying other property or (ii) paying the difference in value between the property rights.

(c) REVENUES.—Any property received by Koniag in an exchange entered into pursuant to subsection (a) or (b) of this section shall be deemed to be an interest in the subsurface for purposes of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*); provided, however, should Koniag make a payment to equalize the value in any such exchange, then Koniag will be deemed to hold an undivided interest in the property equal in value to such payment which interest shall not be subject to the provisions of section 9(j).

SEC. 206. CERTAIN CONVEYANCES.

(a) INTERESTS IN LAND.—For the purposes of section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)), the receipt of consideration, including, but not limited to, lands, cash or other property, by a Native Corporation for the relinquishment to the United States of land selection rights

granted to any Native Corporation under such Act shall be deemed to be an interest in land.

(b) AUTHORITY TO APPOINT AND REMOVE TRUSTEE.—In establishing a Settlement Trust under section 39 of such Act (43 U.S.C. 1629c), Koniag may delegate, in whole or part, the authority granted to Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

TITLE III—STERLING FOREST

SECTION 301. SHORT TITLE.

This title may be cited as the "Sterling Forest Protection Act of 1995".

SEC. 302. FINDINGS.

The Congress finds that—

(1) the Palisades Interstate Park Commission was established pursuant to a joint resolution of the 75th Congress approved in 1937 (Public Resolution No. 65; ch. 706; 50 Stat. 719), and chapter 170 of the Laws of 1937 of the State of New York and chapter 148 of the Laws of 1937 of the State of New Jersey;

(2) the Palisades Interstate Park Commission is responsible for the management of 23 parks and historic sites in New York and New Jersey, comprising over 82,000 acres;

(3) over 8,000,000 visitors annually seek outdoor recreational opportunities within the Palisades Park System;

(4) Sterling forest is a biologically diverse open space on the New Jersey border comprising approximately 17,500 acres, and is a highly significant watershed area for the State of New Jersey, providing the source for clean drinking water for 25 percent of the State;

(5) Sterling Forest is an important outdoor recreational asset in the northeastern United States, within the most densely populated metropolitan region in the Nation;

(6) Sterling forest supports a mixture of hardwood forests, wetlands, lakes, glaciated valleys, is strategically located on a wildlife migratory route, and provides important habitat for 27 rare or endangered species;

(7) the protection of Sterling Forest would greatly enhance the Appalachian National Scenic Trail, a portion of which passes through Sterling Forest, and would provide for enhanced recreational opportunities through the protection of lands which are an integral element of the trail and which would protect important trail viewsheds;

(8) stewardship and management costs for units of the Palisades Park System are paid for by the States of New York and New Jersey; thus, the protection of Sterling Forest through the Palisades Interstate Park Commission will involve a minimum of Federal funds;

(9) given the nationally significant watershed, outdoor recreational, and wildlife qualities of Sterling Forest, the demand for open space in the northeastern United States, and the lack of open space in the densely populated tri-state region, there is a clear Federal interest in acquiring the Sterling forest for permanent protection of the watershed, outdoor recreational resources, flora and fauna, and open space; and

(10) such an acquisition would represent a cost effective investment, as compared with the costs that would be incurred to protect drinking water for the region should the Sterling Forest be developed.

SEC. 303. PURPOSES.

The purposes of this Title are—

(1) to establish the Sterling Forest Reserve in the State of New York to protect the significant watershed, wildlife, and recreational resources within the New York-New Jersey highlands region;

(2) to authorize Federal funding, through the Department of the Interior, for a portion of the acquisition costs for the Sterling Forest Reserve;

(3) to direct the Palisades Interstate Park Commission to convey to the Secretary of the Interior certain interests in lands acquired within the Reserve; and

(4) to provide for the management of the Sterling Forest Reserve by the Palisades Interstate Park Commission.

SEC. 304 DEFINITIONS.

In this Title.

(1) COMMISSION.—The term "Commission" means the Palisades Interstate Park Commission established pursuant to Public Resolution No. 65 approved August 19, 1937 (ch. 707; 50 Stat. 719).

(2) RESERVE.The term "Reserve" means the Sterling Forest Reserve.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 305. ESTABLISHMENT OF THE STERLING FOREST RESERVE.

(A) ESTABLISHMENT.—Upon the certification by the Commission to the Secretary that the Commission has acquired sufficient lands or interests therein to constitute a manageable unit, there is established the Sterling Forest Reserve in the State of New York.

(b) MAP.—

(1) COMPOSITION.—The Reserve shall consist of lands and interests therein acquired by the Commission with the approximately 17,500 acres of lands as generally depicted on the map entitled "Boundary Map, Sterling Forest Reserve", numbered SFR–60,001 and dated July 1, 1994.

(2) AVAILABILITY FOR PUBLIC INSPECTION.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and the appropriate offices of the National Park Service.

(c) TRANSFER OF FUNDS.—Subject to subjection (d), the Secretary shall transfer to the Commission such funds as are appropriated for the acquisition of lands and interests therein within the Reserve.

(d) CONDITIONS OF FUNDING.—

(1) AGREEMENT BY THE COMMISSION.—Prior to the receipt of any Federal funds authorized by this Act, the Commission shall agree to the following:

(A) CONVEYANCE OF LANDS IN EVENT OF FAILURE TO MANAGE.—If the Commission fails to manage the lands acquired within the Reserve in a manner that is consistent with this title the Commission shall convey fee title to such lands to the United States, and the agreement stated in this subparagraph shall be recorded at the time of purchase of all lands acquired within the Reserve.

(B) CONSENT OF OWNERS.—No lands or interest in land may be acquired with any Federal funds authorized or transferred pursuant to this title except with the consent of the owner of the land or interest in land.

(C) INABILITY TO ACQUIRE LANDS.—If the Commission is unable to acquire all of the lands within the Reserve, to the extent Federal funds are utilized pursuant to this title the Commission shall acquire all or a portion of the lands identified as "National Park Service Wilderness Easement Lands" and "National Park Service Conservation Easement Lands" on the map described in section 305(b) before proceeding with the acquisition of any other lands within the Reserve.

(D) CONVEYANCE OF EASEMENT.—Within 30 days after acquiring any of the lands identified as "National Park Service Wilderness Easement Lands" 29 and "National Park Service Conservation Easement Lands" on the map described in section 305(b), the Commission shall convey to the United States—

(i) conservation easements on the lands described as "National Park Service Wilderness Easement Lands" on the map described in section 305(b), which easements shall provide that the lands shall be managed to protect their wilderness character; and

(ii) conservation easements on the lands described as "National Park Service Conservation Easement Lands" on the max described in section 305(b), which easements shall restrict and limit development and use of the property to that development and use that is—

(I) compatible with the protection of the Appalachian National Scenic Trail; and

(II) consistent with the general management plan prepared pursuant to section 305(b).

(2) MATCHING FUNDS.—Funds may be transferred to the Commission only to the extent that they are matched from funds contributed by non-Federal sources.

SEC. 306. MANAGEMENT OF THE RESERVE.

(a) IN GENERAL.—The Commission shall manage the lands acquired within the Reserve in a manner that is consistent with the Commission's authorities and with the purposes of this title.

(b) GENERAL MANAGEMENT PLAN.—Within 3 years after the date of enactment of this title, the Commission shall prepare a general management plan for the Reserve and submit the plan to the Secretary for approval.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

(b) LAND ACQUISITION.—Of amounts appropriated pursuant to subsection (a), the Secretary may transfer to the Commission not more than $17,500,000 for the acquisition of lands and interests in land within the Reserve.

Mr. DOLE. Mr. President, I ask unanimous consent the amendment be considered agreed to, the substitute as amended be agreed to, the bill as amended be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 400), as amended, was considered read the third time and passed.

ORDERS FOR MONDAY, JULY 10, 1995

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate reconvenes on Monday, July 10, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, time for the two leaders be reserved for their use later in the day; there then be a period for the transaction of morning business not to extend beyond the hour of 1 p.m, with

Senators permitted to speak for up to 5 minutes each; further, at the hour of 1 p.m, the Senate resume consideration of S. 343, the regulatory reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, at 1 p.m., Senator ABRAHAM will be recognized to offer an amendment to be followed by an amendment to be offered by Senators NUNN and COVERDELL. Votes on these two amendments will occur at 5:15 under a previous order.

Senators should also be on notice that further votes can be expected under the pending regulatory reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RESCISSIONS PACKAGE

Mr. DOLE. Mr. President, with respect to the rescissions package, I regret we were unable to pass that, were unable to complete action on the rescissions package because it was something that had broad support on both sides of the aisle, support by the President.

The President very much wanted to have it done before this Fourth of July recess. As I indicated earlier, the Senator from Minnesota, Senator WELLSTONE, and the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, were within their rights to block action on the bill.

But I must say, as I listened to their statements in which they wished they could have offered their amendments, they had about 3 hours to offer amendments and used all that time and just had a discussion of the amendments and what was wrong with the bill.

And I am not certain when the rescissions package will be back for a vote. Unless there is an agreement on that side of the aisle I will not bring it back up on the Senate floor. As soon as the President can persuade my Democratic colleagues that this bill is necessary, it is important, and it ought to be passed, and I do not see any reason to take any further time of other Senators because we have a lot of important legislation.

But keep in mind, again this bill which was blocked contains money for the Oklahoma City disaster, it contains money for California earthquakes, it contains money for 39, I think 39, States which suffered disasters, including the States of Illinois, and maybe Minnesota. I am not certain.

So, while the Senators have every right to make their point about certain programs they do not agree with, this rescissions package had been the subject of long discussions, long debate, and even after it passed the Senate and the House, was vetoed by the President; more debate, more discussion by the White House and Democrats and Republicans on each side of the aisle.

So I hope when we come back we will have an agreement that we can take it up immediately, and have an up-or-down vote on the bill itself without amendments.

I would say again there was certainly every opportunity by either the Senator from Illinois or the Senator from Minnesota to offer all the amendments they wanted to offer today. They refused to offer amendments. So I proposed I would offer their amendments. I asked consent to offer their amendments. And they objected.

So I do not want the record to reflect that somehow they were somehow disadvantaged and did not have an opportunity to offer their amendment. That was not the case. They had plenty of time and could have offered the amendments. We could have been finished with that bill by now, and a lot of people around the country would have felt a lot better about it.

So I do not know how they explain it. But that will be their problem.

WELFARE DEBATE

Mr. DOLE. Mr. President, there has been a great deal of speculation in recent days over the prospects for passage of a welfare reform bill. Before departing for the recess, I wanted the opportunity to set the record straight.

Notwithstanding the efforts of some to drive us apart, Republicans are committed to truly ending welfare as we know it. We are not unmindful of the struggles faced by many in this country who need a hand up some time in their lives, or of children who through no fault of their own need the helping hand of the Government. But, Mr. President, we are also not convinced that the Federal Government holds all the answers to the very real problems these people face. In fact, the real story is that notwithstanding the billions of dollars that have been spent over the last decade, the welfare rolls have continued to grow and the number of children at risk has increased. We have all decried these problems and have responded by adding to the list of the things that the States must do. Well, the time has come to listen to the States for a change and give them a chance to devise some solutions that fit their needs.

The issues that divide us are not insurmountable nor are they easily resolved. But the extraordinary thing is that the debate is not over whether we want block grants—it is how best to design them. Our differences are over how to distribute the funds and how much flexibility to give the States in the design of these programs.

The funding issue is a real one and of critical importance to all States. There are States that will experience real population growth that are concerned they will be disadvantaged in this new block grant environment. There are also States that in the past have committed considerable State resources to the program that feel their past contributions should be acknowledged.

No formula fight is ever easy, as every Senator knows. The House and Senate bills create loan funds—but this may not be the perfect answer. We will seek other options to balance the needs of all.

The second group of issues is equally thorny. None of us is unconcerned about the dramatic increase in the numbers of teen pregnancies and the number of children born out-of-wedlock. These are serious issues—not easily addressed. Many of us believe the Governors of our States can and will deal with these problems, as many of them have tried to do. They want us out of the way—that is what they are asking us—not dictating solutions. Others believe that the issue can best be addressed here.

I remain hopeful we can strike some middle ground and am working to that end.

For at the end of the day, we cannot fail. We must not break faith with the American people who sent us a clear message last fall—end welfare as we know it once and for all, require real work, and make it a temporary helping hand, not a lifestyle.

ADJOURNMENT UNTIL MONDAY, JULY 10, 1995

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the provisions of Senate Concurrent Resolution 20.

There being no objection, the Senate, at 3:58 p.m., adjourned until Monday, July 10, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 30, 1995:

NATIONAL MEDIATION BOARD

ERNEST W. DU BESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1998. (REAPPOINTMENT)

IN THE DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR REAPPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

GEN. JOHN M. SHALIKASHVILI, [redacted] U.S. ARMY.

DEPARTMENT OF STATE

WILLIAM HARRISON COURTNEY, OF WEST VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GEORGIA.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

THE JUDICIARY

BARRY TED MOSKOWITZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

STEPHEN M. ORLOFSKY, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY VICE DICKINSON R. DEBEVOISE, RETIRED.

WILLIAM K. SESSIONS III, OF VERMONT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF VERMONT VICE FRED I. PARKER, ELEVATED.

ORTRIE D. SMITH, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE HOWARD F. SACHS, RETIRED.

DONALD C. POGUE, OF CONNECTICUT, TO BE JUDGE OF THE U.S. COURT OF INTERNATIONAL TRADE VICE JAMES L. WATSON, RETIRED.

DEPARTMENT OF THE TREASURY

HOWARD MONROE SCHLOSS, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY VICE JOAN LOGUE-KINDER.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30, 1995:

FEDERAL INSURANCE TRUST FUNDS

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

DEPARTMENT OF LABOR

EDMUNDO A. GONZALES, OF COLORADO, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

NATIONAL COUNCIL ON DISABILITY

JOHN D. KEMP, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CLIFFORD GREGORY STEWART, OF NEW JERSEY, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF 4 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997.

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

DEBORAH DUDLEY BRANSON, OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997.

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1998.

NATIONAL CONSUMER COOPERATIVE BANK

TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

IRA S. SHAPIRO, OF MARYLAND, FOR THE RANK OF AMBASSADOR *DURING HIS TENURE OF SERVICE AS SENIOR* COUNSEL AND NEGOTIATOR IN THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY *CONSIDERED COMMITTEE OF THE SENATE.*

THE JUDICIARY

CARLOS F. LUCERO, OF COLORADO, TO BE U.S. CIRCUIT JUDGE FOR THE 10TH CIRCUIT.

PETER C. ECONOMUS, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

WILEY Y. DANIEL, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

NANCY FRIEDMAN ATLAS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DONALD C. NUGENT, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

DEPARTMENT OF JUSTICE

ANDREW FOIS, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

STATE JUSTICE INSTITUTE

JANIE L. SHORES, OF ALABAMA, TO BE A MEMBER OF *THE BOARD OF DIRECTORS OF THE STATE JUSTICE* INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997.

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, *TO BE A MEMBER OF THE BOARD OF DIRECTORS OF* THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RICHARD E. HAWLEY, [redacted]

THE JUDICIARY

DIANE P. WOOD, OF ILLINOIS, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

GEORGE H. KING, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT H. WHALEY, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

TENA CAMPBELL, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

HOUSE OF REPRESENTATIVES—*Friday, June 30, 1995*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 30, 1995.

I hereby designate the Honorable J. DENNIS HASTERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Remind us, O God, that along with the changes of the times, there is also the unchanging; that along with all the transient values, there are also eternal values; that along with limited relationships, there are also abiding friendships; that along with all the new words of each day, there is also Your enduring Word. For all Your good gifts and for Your continuing presence with us in every moment of life, we offer these words of thanksgiving and praise. Amen.

THE JOURNAL

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

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

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

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

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

Mr. MURTHA. 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 305, nays 69, answered "present" 3, not voting 57, as follows:

[Roll No. 465]

YEAS—305

Ackerman	Doggett	Kolbe
Allard	Dooley	LaHood
Andrews	Doyle	Lantos
Archer	Dreier	Largent
Armey	Duncan	Latham
Bachus	Dunn	LaTourette
Baesler	Ehlers	Laughlin
Baker (LA)	Ehrlich	Lazio
Ballenger	Emerson	Lewis (CA)
Barcia	Engel	Lewis (KY)
Barr	English	Lightfoot
Barrett (NE)	Ensign	Linder
Barrett (WI)	Eshoo	Lipinski
Barton	Everett	Livingston
Bass	Ewing	LoBiondo
Bateman	Farr	Longley
Beilenson	Fields (LA)	Lucas
Bentsen	Flake	Luther
Bereuter	Flanagan	Maloney
Berman	Foley	Manzullo
Bevill	Forbes	Martinez
Bilbray	Fox	Martini
Bilirakis	Frank (MA)	Mascara
Bishop	Franks (CT)	Matsui
Bliley	Franks (NJ)	McCarthy
Blute	Frelinghuysen	McCollum
Boehlert	Frisa	McDade
Boehner	Frost	McDermott
Bonilla	Funderburk	McHale
Bonior	Furse	McHugh
Borski	Ganske	McInnis
Boucher	Gejdenson	McIntosh
Brewster	Gephardt	McKeon
Browder	Gibbons	Meehan
Brown (FL)	Gilchrest	Metcalf
Brown (OH)	Gilman	Meyers
Brownback	Gonzalez	Mica
Bryant (TN)	Goodlatte	Miller (CA)
Bunn	Goodling	Miller (FL)
Bunning	Gordon	Minge
Burr	Goss	Mink
Buyer	Graham	Molinari
Callahan	Greenwood	Montgomery
Calvert	Gunderson	Moran
Camp	Gutknecht	Morella
Canady	Hall (TX)	Murtha
Cardin	Hamilton	Myers
Castle	Hancock	Nethercutt
Chabot	Hansen	Neumann
Chambliss	Hastert	Norwood
Christensen	Hastings (WA)	Nussle
Chrysler	Hayworth	Olver
Clement	Hefner	Ortiz
Clinger	Heineman	Orton
Coble	Hilleary	Oxley
Coburn	Hobson	Packard
Collins (GA)	Holden	Pallone
Combest	Horn	Parker
Condit	Houghton	Pastor
Conyers	Hoyer	Paxon
Cooley	Hunter	Payne (VA)
Cox	Hyde	Pelosi
Coyne	Inglis	Peterson (FL)
Cramer	Istook	Peterson (MN)
Crapo	Jackson-Lee	Petri
Cremeans	Johnson (CT)	Pomeroy
Cubin	Johnson, Sam	Porter
Cunningham	Johnston	Portman
Danner	Jones	Poshard
Davis	Kanjorski	Pryce
de la Garza	Kelly	Quillen
Deal	Kennedy (MA)	Ramstad
DeLauro	Kennelly	Reed
DeLay	Kildee	Regula
Deutsch	Kim	Rivers
Diaz-Balart	King	Roberts
Dickey	Kingston	Roemer
Dicks	Klug	Rogers
Dixon	Knollenberg	Rohrabacher
Ros-Lehtinen	Smith (WA)	Torricelli
Roth	Solomon	Towns
Roukema	Souder	Traficant
Roybal-Allard	Spence	Upton
Royce	Spratt	Vento
Salmon	Stearns	Vucanovich
Sanford	Stenholm	Walker
Saxton	Stokes	Wamp
Scarborough	Studds	Ward
Schaefer	Stump	Watt (NC)
Schiff	Stupak	Waxman
Schumer	Talent	Weldon (PA)
Seastrand	Tanner	Weller
Sensenbrenner	Tate	White
Shadegg	Tauzin	Whitfield
Shaw	Taylor (NC)	Wicker
Shays	Tejeda	Wolf
Shuster	Thomas	Woolsey
Sisisky	Thornberry	Wyden
Skeen	Thurman	Wynn
Smith (MI)	Tiahrt	Young (FL)
Smith (NJ)	Torkildsen	Zeliff
Smith (TX)	Torres	

NAYS—69

Baldacci	Hall (OH)	Ney
Brown (CA)	Hastings (FL)	Obey
Burton	Hefley	Payne (NJ)
Chapman	Hilliard	Pickett
Clay	Hoekstra	Rahall
Clayton	Jacobs	Rangel
Clyburn	Jefferson	Richardson
Coleman	Johnson (SD)	Rush
Costello	Johnson, E. B.	Sabo
Crane	Kaptur	Sawyer
DeFazio	Kleczka	Schroeder
Dingell	LaFalce	Scott
Durbin	Levin	Skaggs
Evans	Lewis (GA)	Slaughter
Fattah	Lincoln	Stockman
Fawell	Lowey	Thompson
Fazio	McKinney	Thornton
Filner	McNulty	Velazquez
Foglietta	Meek	Visclosky
Ford	Menendez	Volkmer
Geren	Mineta	Wise
Gillmor	Mollohan	Yates
Green	Neal	Zimmer

ANSWERED "PRESENT"—3

Edwards	Harman	Nadler

NOT VOTING—57

Abercrombie	Hinchey	Quinn
Baker (CA)	Hoke	Radanovich
Bartlett	Hostettler	Reynolds
Becerra	Hutchinson	Riggs
Bono	Kasich	Rose
Bryant (TX)	Kennedy (RI)	Sanders
Chenoweth	Klink	Serrano
Collins (IL)	Leach	Skelton
Collins (MI)	Lofgren	Stark
Dellums	Manton	Taylor (MS)
Doolittle	Markey	Tucker
Dornan	McCrery	Waldholtz
Fields (TX)	Mfume	Walsh
Fowler	Moakley	Waters
Gallegly	Moorhead	Watts (OK)
Gekas	Myrick	Weldon (FL)
Gutierrez	Oberstar	Williams
Hayes	Owens	Wilson
Herger	Pombo	Young (AK)

□ 1021

Mrs. MEEK of Florida changed her vote from "yea" to "nay."

Mr. DIXON, Ms. DANNER, and Ms. RIVERS changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on Friday, June 30, 1995, I was unavoidably detained and missed a record vote on approval of the House Journal. Had I been present, I would have voted "aye" on Rollcall No. 465.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. HASTERT). Will the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON. Mr. Speaker, if the House would come to order, this week the House passed a constitutional amendment with strong bipartisan support to pledge allegiance to that flag. Would the gentleman from Ohio [Mr. TRAFICANT] come over here in a bipartisan effort and join me in leading the Pledge of Allegiance.

The SPEAKER pro tempore. The gentleman from New York was recognized to lead the House in the Pledge.

Mr. SOLOMON 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.

MOTION TO ADJOURN

Mr. WISE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia [Mr. WISE].

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

Mr. WISE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 130, nays 263, not voting 41, as follows:

[Roll No. 466]

YEAS—130

Ackerman	Deutsch	Hilliard
Andrews	Dicks	Holden
Baesler	Dingell	Hoyer
Baldacci	Dixon	Jackson-Lee
Barcia	Dooley	Johnson (SD)
Bentsen	Durbin	Johnson, E. B.
Berman	Engel	Kanjorski
Bevill	Ensign	Kaptur
Bishop	Eshoo	Kennedy (MA)
Bonior	Evans	Kennelly
Boucher	Farr	LaFalce
Browder	Fattah	Lantos
Brown (CA)	Fazio	Lewis (GA)
Brown (FL)	Fields (LA)	Lofgren
Brown (OH)	Filner	Lowey
Clay	Flake	Maloney
Clayton	Foglietta	Markey
Clyburn	Ford	Mascara
Coleman	Frank (MA)	Matsui
Collins (IL)	Frost	McCarthy
Collins (MI)	Furse	McDermott
Conyers	Gejdenson	McKinney
Coyne	Gephardt	McNulty
Danner	Gutierrez	Meehan
de la Garza	Hall (OH)	Meek
DeFazio	Harman	Miller (CA)
DeLauro	Hastings (FL)	Mineta
Mink	Richardson	Studds
Mollohan	Rivers	Thompson
Moran	Roybal-Allard	Torres
Nadler	Rush	Torricelli
Neal	Sabo	Towns
Oberstar	Sanders	Tucker
Obey	Sawyer	Velazquez
Olver	Schroeder	Vento
Owens	Schumer	Volkmer
Pallone	Scott	Ward
Pastor	Sisisky	Watt (NC)
Payne (NJ)	Skaggs	Wise
Payne (VA)	Slaughter	Woolsey
Peterson (FL)	Spratt	Wynn
Pomeroy	Stark	Yates
Rangel	Stockman	
Reed	Stokes	

NAYS—263

Allard	Fox	Luther
Archer	Franks (CT)	Manzullo
Armey	Franks (NJ)	Martini
Bachus	Frelinghuysen	McCollum
Baker (LA)	Frisa	McCrery
Ballenger	Funderburk	McDade
Barr	Ganske	McHale
Barrett (NE)	Gekas	McHugh
Barrett (WI)	Geren	McInnis
Bartlett	Gilchrest	McIntosh
Barton	Gillmor	McKeon
Bass	Gilman	Menendez
Bateman	Gonzalez	Metcalf
Beilenson	Goodlatte	Meyers
Bereuter	Goodling	Mica
Bilbray	Gordon	Miller (FL)
Bilirakis	Goss	Minge
Bliley	Graham	Molinari
Blute	Green	Montgomery
Boehlert	Greenwood	Morella
Boehner	Gunderson	Murtha
Bonilla	Gutknecht	Myers
Borski	Hall (TX)	Myrick
Brewster	Hamilton	Nethercutt
Brownback	Hancock	Neumann
Bryant (TN)	Hansen	Ney
Bunn	Hastert	Norwood
Bunning	Hastings (WA)	Nussle
Burr	Hayes	Ortiz
Burton	Hayworth	Orton
Buyer	Hefley	Oxley
Callahan	Hefner	Packard
Calvert	Heineman	Parker
Camp	Herger	Paxon
Canady	Hilleary	Pelosi
Cardin	Hobson	Peterson (MN)
Castle	Hoekstra	Petri
Chabot	Horn	Pickett
Chambliss	Hostettler	Pombo
Chapman	Houghton	Porter
Christensen	Hunter	Portman
Chrysler	Hutchinson	Poshard
Clement	Hyde	Pryce
Clinger	Inglis	Quillen
Coble	Istook	Quinn
Collins (GA)	Johnson (CT)	Rahall
Combest	Johnson, Sam	Ramstad
Cooley	Johnston	Regula
Costello	Jones	Riggs
Cox	Kasich	Roberts
Crane	Kelly	Roemer
Crapo	Kildee	Rogers
Cremeans	Kim	Rohrabacher
Cubin	King	Ros-Lehtinen
Cunningham	Kingston	Rose
Davis	Kleczka	Roth
Deal	Klug	Roukema
DeLay	Knollenberg	Royce
Diaz-Balart	Kolbe	Salmon
Dickey	LaHood	Sanford
Doggett	Largent	Saxton
Doolittle	Latham	Scarborough
Doyle	LaTourette	Schaefer
Dreier	Laughlin	Schiff
Duncan	Lazio	Seastrand
Dunn	Levin	Sensenbrenner
Edwards	Lewis (CA)	Shadegg
Ehlers	Lewis (KY)	Shaw
Ehrlich	Lightfoot	Shays
Emerson	Lincoln	Shuster
English	Linder	Skeen
Everett	Lipinski	Smith (MI)
Ewing	Livingston	Smith (TX)
Fawell	LoBiondo	Smith (WA)
Foley	Longley	Solomon
Forbes	Lucas	Souder
Spence	Thomas	Waxman
Stearns	Thornberry	Weldon (PA)
Stenholm	Thornton	Weller
Stump	Thurman	White
Stupak	Tiahrt	Whitfield
Talent	Torkildsen	Wicker
Tanner	Traficant	Wolf
Tate	Upton	Wyden
Tauzin	Visclosky	Young (FL)
Taylor (MS)	Vucanovich	Zeliff
Taylor (NC)	Walker	Zimmer
Tejeda	Wamp	

NOT VOTING—41

Abercrombie	Gallegly	Radanovich
Baker (CA)	Gibbons	Reynolds
Becerra	Hinchey	Serrano
Bono	Hoke	Skelton
Bryant (TX)	Jacobs	Smith (NJ)
Chenoweth	Jefferson	Waldholtz
Coburn	Kennedy (RI)	Walsh
Condit	Klink	Waters
Cramer	Leach	Watts (OK)
Dellums	Manton	Weldon (FL)
Dornan	Martinez	Williams
Fields (TX)	Mfume	Wilson
Flanagan	Moakley	Young (AK)
Fowler	Moorhead	

□ 1041

Mr. TEJEDA and Mr. ORTIZ changed their vote from "yea" to "nay."

Ms. ROYBAL-ALLARD changed her vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I wish to inquire about the schedule.

I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, to announce the schedule for the rest of the day.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is our intention today, as we are prepared to proceed on the rule for Medicare select, and then immediately after that, to move on to Medicare select. As the Speaker knows, this is very important legislation, and the timing is critical because of a deadline that must be met.

Following our completion of work on Medicare select, it is our intention to move on to the adjournment resolution, which needs a rule; so we will be doing the rule and then the adjournment resolution. Any other business scheduled for today is business that we can put over until after the Fourth of July work recess so that upon completion of the adjournment resolution, pending action in the Senate, we ought to be able to have completed our day's work. That ought to enable us to get our Members well on their way to their districts for the district work period by the scheduled 3 o'clock departure time.

Mr. GEPHARDT. Mr. Speaker, I would simply inquire of the gentleman, this obviously means that changes in committee assignments will be held until after the Fourth of July recess?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, let me say, we would anticipate that action to take place sometime after 6 on Monday, the 10th.

As the Members might want to be reminded, we have tried to conclude the district work period by a return on Monday, the 10th, that would involve no votes before 5 on Monday, the 10th, to give that day to the Members for travel with a sense of security that they would not face a vote prior to 5 and have the opportunity to make their trip.

That being the case, we would not, since there seems to be a high interest in this matter of the committee appointment, we would not begin consideration of the committee appointment until after 6, probably, on Monday, the 10th. But we should, as I think we have indicated, expect that votes might begin as early as 5 on Monday, the 10th.

So we would do the four scheduled suspensions and then move on to the Medicare select—I am sorry, the committee assignment, International Relations, Appropriations, Resources, and so on as the week goes by. Monday night we will do the committee assignment after 6.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. HASTERT). The gentleman will state it.

Mr. SOLOMON. Is it true that there will not be an intervening vote before we take up the rules, and Members do not have to stay in the well of the House?

The SPEAKER pro tempore. The Chair cannot anticipate what votes will come forward.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

CONFERENCE REPORT ON H.R. 483, MEDICARE SELECT POLICIES

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That, upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 483) to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the conference report to final adoption without intervening motion. Upon the adoption of the conference report, Senate Concurrent Resolution 19 shall be considered as agreed to.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, time is of the essence. Once again, that is the basic principle underlying our consideration of legislation to extend the Medicare Select Demonstration Program.

In April, the Rules Committee reported a timely rule for H.R. 483. Today, we bring to the floor a rule making in order the conference report accompanying H.R. 483, with only hours to go before this valuable program is set to expire.

In 1990, Congress created the 15-State demonstration Medicare Select Program to allow Medicare recipients the opportunity of purchasing a Medigap managed care option. The project in those States is set to expire today, June 30, and unless Congress takes prompt action to renew it, the insurance benefits of nearly half a million senior citizens covered by the Medicare Select Program would be in serious jeopardy.

The conference agreement extends the Medicare Select Program for a period of 3 years. It also expands this option to seniors in all 50 States, and puts it on track to finally becoming permanent if the Secretary of Health and Human Services certifies that the program has met certain conditions.

In addition, the conference agreement clarifies that the definition of a State, for the purposes of this bill, includes the District of Columbia and the territories of the United States: Guam, Puerto Rico, the Virgin Islands, and American Samoa.

In order to expedite consideration of this conference agreement in the House, and to ensure that seniors will have uninterrupted coverage, the Committee on Rules has reported a straightforward and fair rule for this very necessary legislation.

Specifically, the rule provides for 1 hour of general debate on the conference report, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule also stipulates that the previous question shall be considered as ordered on the conference report to final adoption without any intervening motion.

Under the rule, all points of order against the conference report and its consideration are waived. While the Rules Committee generally prefers to avoid handing out such blanket waivers, this waiver and the rule itself are necessary because of a potential violation of clause 3 of rule XXVIII (28), which prohibits the inclusion of matters in a conference report beyond the scope of matters committed to conference by either Chamber.

A question has arisen as to the apparent lack of definition of the term State in either the House or Senate-passed bills. As I mentioned earlier in my statement, the conference report contains a definition of States which includes the District of Columbia and U.S. territories.

The waiver granted in the rule is a precautionary step to ensure that passage of this critical legislation is not unnecessarily stalled by this particular provision or by any other unforeseen, yet potential violation contained in the conference report.

Members might be interested to know, also that this rule fully complies with the 3-day availability requirement for conference reports, as the report was filed on June 22.

Mr. Speaker, the conference agreement provides a reasonable balance to permit a very valuable, and successful program for our senior citizens to continue, while allowing us time to evaluate the program more closely before making it permanent.

Our colleagues should keep in mind that the Medicare Select Program provides seniors with another viable option to receive affordable medical care. Premiums under the select option have resulted in savings as high as 37 percent over traditional Medigap policies. By giving older Americans more choices within Medigap, we give them the flexibility to choose plans which meet their own special or individual needs.

In closing, I would remind our colleagues that the sponsors of this legislation have made it very clear that the House needs to act on this bill before leaving for the Fourth of July district work period. The Medicare Select Program is only hours away from expiring.

More than 450,000 Medicare beneficiaries will be impacted if the Medicare Select Program is not renewed. The Senate adopted the conference report on June 26. This rule will enable the House do to its part for our senior citizens.

Mr. Speaker, House Resolution 180 is a fair, balanced, and responsible rule. It was approved unanimously by the Rules Committee last night, and I urge my colleagues on both sides of the aisle to give it their full support.

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

Mr. BEILENSON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding time to me. I yield myself such time as I may consume.

Mr. Speaker, we support the rule which, as my colleague and friend on the Committee on Rules has pointed out, waives all points of order against the conference report and is necessary because the conferees added new material not included in the House or the Senate bill.

The addition is minor. That is why we agreed unanimously last night to this rule for the conference report.

The legislation we are about to consider under this rule would expand the availability of an experimental Medigap Program, known as Medicare Select, from 15 States to the rest of the country. The Medicare Select Program makes available to senior citizens a managed care insurance policy to fill in the gaps of Medicare coverage. It differs from other Medigap policies that require senior citizens to participate in the insurer's selected network of health care providers in order to receive payment for Medicare's cost sharing amounts.

There have been a number of substantial concerns raised about the operation of Medicare Select Programs. In its initial estimate of the bill, CBO noted that a preliminary study of this program by the Health Care Financing Administration found very little management of care by the insurers and no measurable cost savings to Medicare.

In addition, preliminary data for a subsequent study indicate that Medicare costs have actually gone up in eight of the States where these programs now operate. Many of us had hoped that we would be able to postpone final consideration of the bill until results of the subsequent study are available to the Congress sometime this fall. We would be in a better position to evaluate the usefulness and cost of this alternative program to the elderly who choose to participate in it. Nonetheless, we understand that the proponents of this legislation feel it is important to complete consideration as soon as possible to ensure that the beneficiaries currently enrolled in the program do not lose their coverage.

□ 1100

In addition, Mr. Speaker, the conference report extends the authorization for the program for only 3 rather than the 5 years included in the original House and Senate bills. It also allows the Secretary of HHS to discontinue the program at the end of 5 years, if it is determined that the program results in higher premium costs to beneficiaries or increased costs to the Medicare Program itself.

This issue of cost is, Mr. Speaker, of course one of the real major and regular concerns about Medicare Select. Our colleagues will fully discuss all of this during the debate on the conference report.

We have absolutely no objection to the rule reported by the Committee on Rules last evening for consideration of this conference report. We urge our colleagues to approve the rule so we may proceed with consideration of H.R. 483 today.

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

Mr. DINGELL. Mr. Speaker, this is a bad rule, it is a bad bill, it is bad legislation, it has been handled poorly, it is going to hurt the American people, it is going to raise the cost of Medicare, and it is going to be generally bad for the economy, the country, and the budget. Having said, that, Mr. Speaker, it is probably OK to proceed.

I would urge my colleagues to vote this rule down. I would urge them with equal vigor and diligence to vote down the legislation. The bill is being pushed more rapidly than information is available, and more rapidly than the committee or the House is being permitted to gather the facts about what the legislation does.

Initial information shows that Medicare has had its costs increased 17 percent on the average in States in which this Medicare Select Program has been made available. What that means is that senior citizens are getting less for more, and the Medicare system is getting billed more for less. This is a wonderful giveaway to the health insurance companies. It is being crafted in a fashion which defies good explanation.

The rule is needed today because the Republican leadership pushed this bill through the House without adequate thought, and then rushed it to a conference which did not deserve that honorable title between the House and Senate. We had a conferees meeting, which was scheduled for 5 p.m. one day last week. It was over at 5:01 p.m. Only yesterday did the Republican leadership become aware of the fact that they had a number of significant scope violations in a two-page bill.

Clearly slovenly legislation, slovenly legislative process is before this body. The issues presented in the statement of managers and in the offers passed back and forth between the House and Senate were presented as merely technical, but they were in fact highly substantive, and they will, for example, try to make gifts through these devices to the health insurance industry.

The result of this action is also to assure that the study which should take place to find out what is really going to happen under this Medicare Select Program will be so crafted as to make it very difficult to in fact obtain the necessary facts that the Congress ought to have, to know whether we ought to continue to extend this outrage, or whether in fact we ought to terminate it, as we indeed should.

The scope of the bill was expanded so that insurance companies can sell highly questionable policies not only in 50 States but in the territories and in the District of Columbia as well. I am certain that there are a number of guileless, unsuspecting elderly consumers in these locations that can be plucked for further advantage and further economic benefit to the health insurance industry.

Of course, the health insurance industry will profit mightily from this further largesse by this Congress under the Republican leadership at the expense of the taxpayers, at the expense of the budget, and at the expense of Medicare recipients.

The subjects of the GAO study in the bill was changed, so it will be more difficult for us to get GAO to present us with options for modifying the MediGap market, and therefore, to be sure that the seniors who switch out of these Medicare select policies can do so in a way where they can get back into a decent package of insurance.

Understand, this is insurance which does not go on a level basis, it starts at about $870 a year, if one is 65, but by the time one has reached 85, it is going to cost $2,300 or $2,400. Nobody is telling the senior citizens about that at all. Of course, the process here has been crafted so as to proceed with such blinding speed that no one will see that the senior citizens, the Medicare trust fund, the American people, are going to get skinned by this outrage.

Mr. Speaker, I urge my colleagues to vote against the rule. I urge them to vote against the bill. I predict that if this bill passes and is signed into law, we are going to find that Medicare is going to cost the taxpayers and the trust fund about an additional 17 percent. I tell the Members, they should put that in their book. They are going to have a chance to remember that when we review this legislation.

Ms. PRYCE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. THOMAS], chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I had not planned to speak, but I do want to put the statements of the gentleman from Michigan in context. He was one of the 14 who voted against the bill originally. There were 408 Members who supported it.

Mr. Speaker, on April 4 he sent out a Dear Colleague letter that said, "Why the rush to bring H.R. 483 to the floor this week?" He just in the well stated, "Why the rush on moving forward with this legislation?" June 30, today, is the expiration date for this program. I would think that is why the rush argument has been laid to rest.

As far as scope is concerned, we said it was going to be available to 50 States. The majority on the other side of the aisle, in their wisdom, decided to

contest that; since the 50 States was extending it to the District of Columbia and Puerto Rico, as according to the Social Security Act, they were going to argue that was out of scope, so we simply went to the Committee on Rules to make sure that we could include the District of Columbia and Puerto Rico in the scope.

As to the GAO study, I think the gentleman from Michigan [Mr. DINGELL] knows that we do not need legislation to get a GAO study. A Member just has to ask.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, it is the height of hypocrisy for the majority party to pat themselves on the back for restoring the Medicare Select Program, when just hours ago they cut $270 billion from Medicare to help pay for tax breaks for the wealthy.

The Medicare Select Program is a good program. It is a program that pays the cost for sharing of Medicare beneficiaries if they go into a selected list of providers, but the Medicare Select Program is a supplemental program, and after today, it has nothing to supplement.

Medicare select is a worthwhile program, but this worthy program cannot begin to make up for the damage of the massive Medicare cuts made earlier. Medicare select is supposed to be the frosting on the Medicare cake, not the entire cake. A diet of frosting only is bound to make the stomachs of America's seniors upset. I know that is how I feel today.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

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

There was no objection.

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

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK], the ranking member of the subcommittee.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, I rise in hopeless opposition to a rule that was crafted in the dead of night, and I rise to warn the American public. The gentleman from Michigan [Mr. DINGELL], who spoke a few minutes ago, was absolutely correct. This is terribly flawed legislation. This bill destroys a fairly good idea.

This bill has been introduced and written by former operatives of the health insurance industry. It deregulates supplemental insurance, and provides an opportunity for the worst shylocks in the health insurance industry to steal from the Medicare system and from our seniors.

Sitting right over there is a man who, within the past year, has received hundreds of thousands of dollars from the health insurance industry. He is a Republican Committee on Ways and Means staff person who drafted this bill for the health insurance industry.

Mr. Speaker, they are entitled to get payback for the huge contributions they made to the Speaker's campaign funds. That is OK. We know that goes on. However, I am telling the Members, Mr. Speaker, that what has happened here presages doom. If this kind of sloppily drafted legislation is how the Republicans think they are going to find a way to cut $270 billion out of Medicare, they would save everybody a lot of time by just moving to eliminate Medicare, because they will do it through stupidity, lack of experience, urgency to provide help to the people who have feathered their campaign nests, and with complete disregard for the seniors.

Mr. Speaker, the seniors who sign up for this in States where it is not regulated, and it is regulated in those States, it is regulated by no one except the good conscience of the insurance companies. Companies like Prudential, who have stolen billions of dollars from seniors, companies that are under indictment or have pled guilty and paid $300 million, $400 million in fines are the same companies who are going to take care of our parents, and indeed ourselves, under this plan. Do not buy into that.

Mr. Speaker, this is just a precursor of the Republican plan to destroy Medicare. We will hear about it after the recess. We will hear about taking $270 billion out of the most popular program, the most efficient insurance program in the country. It is being done at the behest of the health insurance companies by the Republicans. Members should vote against this rule in protest, and Members should vote against the bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me this time.

Mr. Speaker, I voted for the Medicare Select bill as it first came up, and now I intend to support the conference committee report. But I have some concern about it, in light of the big picture. That is what we need to look at today on this House floor. I hope the American people are looking at it, particularly those people who are senior citizens.

Mr. Speaker, the budget resolution was passed yesterday, planning $270 billion in cuts in Medicare, and at the same time providing tax cuts of $245 billion. I do not think it makes sense that today, the very next day, we have a conference committee report on Medicare Select, which supplements the same Medicare Program that was cut yesterday.

Those of us who support the HMO concept and managed care, still support the individual making that decision. However, with what happened yesterday and what will happen over the next few years, we will see that freedom of choice for our seniors and future seniors limited. It has not happened yet, but we are setting the stage for it, as we stand here.

I represent the city of Houston in Harris County. We have 286,000 seniors who receive over $1.5 billion in Medicare payments. A $270 billion cut nationally over the next few years will impact those seniors. Mr. Speaker, the Republicans seem to not understand that health care costs are going up, and they are going up because we are an aging population. To cut those seniors, the growth, as they say, will force them to go into more managed care and into Medicare Select like we are seeing today.

We are voting on the conference committee report that offers seniors hopefully the goal of more coverage under the HMO and more expansion, but the secret of the HMO concept for seniors is freedom of choice, their freedom of choice to go into it, not somebody in Washington, a bureaucrat or even their elected Members of Congress saying, "You have to go to a Medicare Select plan."

Mr. Speaker, let me repeat what we are talking about today. We will see over the next few years senior citizens being forced into the Medicare Select or other HMO programs, removing that freedom of choice as part of the way to save that $270 billion. That is what people need to understand. That is the fear I hear from my constituents at home.

Mr. Speaker, last Monday I was with a hundred senior citizens in the city of Houston. Some of them were in the Medicare Select or the HMO that is offered by a number of private contractors. Some of them were happy with it. However, they wanted to make sure it was their choice, not the choice of the U.S. Congress or that of some bureaucrat. We promised Medicare in 1965. Frankly, if we waited for the Republican majority to provide for Medicare back then, it would not be here today.

□ 1115

I guess what I am concerned about is the forced cuts, Mr. Speaker, particularly in the budget bill passed yesterday with the change in the Consumer Price Index, and again in light of what is happening today with this bill.

We will see the Consumer Price Index readjusted to where the cost of living increases in Social Security will be reduced. That reduction, with the increase in Medicare expenditures, will

cost senior citizens who are now receiving it, and again those who are growing into it, those 60-year-olds, those 55-year-olds who are looking forward to be able to have some type of security and having medical care when they are over 65.

I like the idea of Medicare select, Mr. Speaker, but I do not like the idea when we encompass everything together with the cuts we will see and the forced choices those people are going to have to make. I think that is what we need to be concerned about. I would hope over the Fourth of July recess and over the next couple of months and even over the next few years, because this will not happen today or tomorrow or next week, but it will surely happen with the budget vote yesterday to cut $270 billion out of the growth of Medicare.

Mr. Speaker, I hope that all of our Members remember that, when we vote for this bill.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I just want to thank the preceding speaker for his support of Medicare select. There were 408 Members of this House that voted for it. I hope every one of those 408 Members will vote for it again, because this is an entirely voluntary alternative for our seniors. In the States where it has been available, it has offered them more care at a lower cost and been well-regulated by both the State and the industry and some Federal rules.

I also want to point out that as we reform Medicare, as we assure that Medicare will be there for our seniors and provide the quality of care that we have depended on Medicare for, we will over the next 7 years increase spending per senior in America from $4,800 on average to $6,700 on average. That is a one-third increase, a very solid increase in the face of declining costs in the health care sector. Our seniors are going to be well cared for.

While change is hard, if it is made with concern and in a responsible way, we can increase the money that we make available for senior care per capita throughout this Nation in an honorable way and one that supports the needs of retirees in this great Nation of ours.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it has been a contentious, partisan week in the House of Representatives, and much of the division has involved the Medicare Program. The budget passed by this House yesterday on a largely partisan vote imposes cuts of $284 billion that will be devastating to the program.

That will definitely mean higher out-of-pocket costs for seniors and less choice. I feel bad about that issue this morning and bad about the way the House resolved it and anxious about how those cuts will actually be put in place as we deal with the legislation that is before us.

It is sometimes difficult, then, to get on to other issues where there is in essence no partisan division, where it is a pretty clear and simple little bill that ought not have some of the rancor from earlier debates spilling over into it, but that is not precisely the case with the Medicare select extension before us today.

It passed the first time in the House of Representatives 408 to 14, most Democrats, most Republicans joining together in a rather unusual show of bipartisan support for a program. Why did that vote occur? Because I think the Members recognized that a program such as this, a voluntary way for seniors to opt for an insurance program that is going to give them a premium discount, that has had a successful run in the 15 States that have been allowed to run the Medicare Select Program, ought to be extended to the 50 States, ought to be given a 3-year extension so that the marketing of this program can begin in earnest.

I know something about this program. I was the insurance commissioner in North Dakota at the time it passed. I lobbied HHS to get North Dakota into the program because I believed in it. Ten thousand North Dakotans participate in this program. They get a monthly savings in premium amounting to 17 percent below those buying the Blue Cross/Blue Shield Medicare supplement that is not Med select.

Medicare select saves money. It negotiates discounts from the hospital and passes it on to the senior citizen. It also passes on any managed-care savings experienced in claims payment to the senior citizen purchasing the insurance policy.

What is wrong with this? Is this some sort of diabolical plot by the evil insurance industry? Certainly not. Certainly not. It is a simple little program, it works well, and we ought not take some of the bad feeling we have about some of the other discussions going on around here and bring it to this little issue. Medicare select should be passed. This House passed it once before, 408 to 14, and I trust we will again this morning.

Mr. BEILENSON. Mr. Speaker, I yield 7 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was among those who voted against it when it came to the floor last time, and I want to correct something that my colleague was talking about in terms of leaving it up to the States.

Maybe it was good for North Dakota, and I am sure my colleague, when he was an insurance commissioner, looked out for the consumers, but I can tell you the problem with having 50 different select plans, 50 different select plans regulated by 50 different States. It means that seniors in one State, like in my State of Rhode Island, if they have their Medicare Select MediGap plan and they go over to Massachusetts, it is a different plan. That, to me, does not sound like the proper approach to take to this when we are talking about needing comprehensive savings.

In addition, I just want to talk a little bit about this so-called increased choice. Under the guise of giving seniors increased choice, Congress is about to pass legislation that will in fact box them in. Yes, one more plan will now be available, but it is a narrow one and it is difficult, leaving many seniors in a potentially very risky situation. More choice do not simply mean better choices. For seniors who are considering the Medicare select policy, keep one thing in mind: This plan could be hazardous to your health.

When Medicare select came before us the last time, I supported an alternative that addressed the serious flaws in Medicare select. This amendment would have ended the problems with price rising with age, lowered the barriers that make it difficult and risky and dangerous for seniors to switch, and would have limited the extension until we know that this is a really good idea, because the jury is still out.

Let me just add, what this does it, it puts it into the insurance companies' hands and allows them to come up with the rating system. I have seen these Medicare select plans, because in my State I represent the fourth most elderly district in this country, and the senior citizens in my State are worried about this because they know better than we do what is coming down the road.

It means that they are going to be able to age-rate you. What does that mean? That means when you get older, they are going to be able to jack up the premiums, and because you are locked into this plan now, you are locked in for life.

You try to switch, and guess what: You are going to be paying all those preexisting condition prices, because another insurance company is not going to want to pick up because you may have had asthma, you may have had some kind of visiting nurse care you might have needed, and new plans are not going to want to touch you. Why? Because they are not going to make money off of you. Because if you are sick, insurance companies do not want to cover you. That is why we have Government, because Government is going to regulate the private sector when it comes to insurance, to make sure that the private sector does not run roughshod over the senior citizens and take advantage of them.

Believe me, if you do not think they are going to do it, you have got another think coming, because these HMO plans are all about making money, and they do not make money off people who are sick. They do not make money off senior citizens.

Be careful, Members. Be careful when you vote for the select plan, because the Republicans did not allow enough time for us to do a proper study of this and now they want to open it up to all the States under the guise of new choice.

What is that new choice? It is a bait-and-switch routine. It says new choice. We do not want to face the tough choices, so we will let this private marketplace reduce your benefits. That is what we are saying.

We are squeezing the Medicare budget. We are seeing it on the floor of this House. We are squeezing Medicaid. We are cutting the senior citizens Medicare Program. The gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, says we are not, that we are only reducing the rate of growth, but make no mistake about it, there is going to be less money in Medicare.

What is going to happen? There is not going to be enough money to go around, so the MediGap select policies, that is, the supplemental insurance that allows senior citizens to cover what Medicare will not cover, if Medicare does not have as much money as they had before, you better believe they are going to have to have more in the way of supplemental insurance to bridge the gap. Congress is passing this Medicare select because the Republicans are just about to pass all these cuts to Medicare.

Mr. Speaker, this idea that this is going to save you money, this is really tricky. If you join the HMO plan, you are not paying as much, so who would not want to buy into that?

But let me warn you, in policies that have already been issued under this Medicare select policy, once you are in the plan, it does not bar them from jacking the rates up on you. Now you are stuck because you are in the plan. You have signed your rights away as a consumer.

And guess what? Let's say your doctor leaves the plan and you want to go back to your doctor. Forget it. Under Medicare select you cannot do that, because if your doctor is not on the list of approved doctors, you are not going to get that doctor. Let's say you want to switch and follow your doctor. You cannot do that.

Then as far as the prices, initially you have got a lower price, but like I said earlier, they will jack the price up on you once you get older. Once you get older, they are going to be able to age-rate you.

Mr. Speaker, insurance commissioners in the various States may be able to look after the senior citizens, but I just think it is a really terrible approach. It is the kind of approach we have been taking to everything, give it back to the States, but on health care I think we are making a big mistake when we are trying to have a patchwork quilt.

It is going to be a spot, State-by-State approach to this problem, and I do not think it is the right way to go. We need comprehensive health care reform that regulates the insurance companies on the national level, because in a small State like mine in Rhode Island, these insurance companies are going to be able to run roughshod over us and we are not going to have a leg to stand on.

My State is a million people. Do you think we are going to be able to stand up to those insurance companies and say, "Hey, what you're doing is wrong"? Forget it. We cannot do it. We have got insurance companies in our State who are already threatening to say, "We're not going to write your automobile insurance anymore." I do not want that to happen to health care and it should not happen to health care.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise to direct a question to the manager of the rule. I note that in the last words in the rule, it says, "Upon the adoption of the conference report, Senate Concurrent Resolution 19 shall be considered as agreed to."

To what are we agreeing in this rule? Can anybody help me to know what is in Senate Concurrent Resolution 19? I think this is an important matter, because the Senate would not have passed a concurrent resolution on it unless it were important, but we are being asked to agree to this.

To what are we being called upon to agree? Is this something that was considered in the 1-minute conference which we had between 5:00 and 5:01, or was it some matter which was not considered, which now must be considered and added to the proceedings of this body?

□ 1130

Mr. DINGELL. Mr. Speaker, can the gentleman from Virginia [Mr. BLILEY], my good friend, tell me what momentous Senate concurrent resolution we are adopting in the rule and why we could not consider it out in the open and have everyone know what we are doing here?

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

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

Mr. BLILEY. Mr. Speaker, I would say to the gentleman from Michigan [Mr. DINGELL] that it is right out in the open. That the Senate resolution merely conformed the title to what we are doing.

Mr. DINGELL. Mr. Speaker, I would ask the gentleman, is that because we were sloppy in the House or because the Senate was sloppy or because the conference was sloppy in the processing of legislation? I understand that the title is to be changed so that it no longer refers to an amendment to the Social Security Act, but it refers now to an amendment to OBRA; is that correct?

Mr. BLILEY. Mr. Speaker, if the gentleman will continue to yield, it is not the proper duty for us to question what the motives of the Senate were for doing what they do. But I did point out that the resolution does conform the title to the bill. That is done all the time.

Mr. DINGELL. With great respect for my colleague, what this shows is this is stupid legislation, further done with great speed and limited wisdom.

Ms. PRYCE. Mr. Speaker, I continue to reserve my time.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I had not intended to speak on this, but I felt at this point that I would want to comment. The gentleman from Rhode Island [Mr. KENNEDY] raises what I think are generally concerns about the entire way the health insurance industry is regulated in this country and the problem with adverse selection and other factors that really can work against the interest of working people and seniors generally. There is not doubt that this body needs to address unfair insurance practices and the overall problems of our patchwork health care systems. Furthermore, I do not believe that debate over this measure should be mistaken for the broader debate that needs to take place over protecting and improving on our Medicare system. What is important to keep in mind is that this program has been a positive if small step, toward providing more MediGap options for seniors who can get additional benefits at no more cost.

Therefore, Mr. Speaker, I rise in support not only of this rule, but of expanding this effort to experiment with health maintenance organizations and other forms of managed care in all 50 states.

While all of the data on this program is not conclusive, in my state of California, this demonstration project appears to be working. Seniors have the choice of opting for managed care MediGap programs or they can stick with a more traditional fee-for-service type MediGap Program. It is their choice.

There is a high rate of consumer satisfaction with these plans. Last year Consumer Reports Magazine rated the top 15 MediGap insureres nationwide.

Eight of them were from the Medicare Select Program. And while we need more analysis, there are strong indications that the program could eventually keep costs down.

I must emphasize that this is not a carte blanche extension. Medicare select cannot become permanent if the Secretary of Health and Human Services determines that it costs the Government money, that it did not save beneficiaries money, and did not provide quality health care. And I think it is the responsibility of both sides of the aisle to make sure that all three of those criteria are met and that we back the Health and Human Services Secretary if she or any of her successors determine that we have failed to meet this criteria.

Mr. Speaker, I would hope that this Congress, while supporting this today, will pay attention to the data that results from these further experimentations. Medicare select is an important test case for the Medicare system.

Mr. BLILEY. Mr. Speaker, I rise in support of the rule waiving points of order on the Medicare select conference report.

The Medicare select program provides Medicare beneficiaries with a cost effective alternative to typical MediGap policies. It gives seniors the option of purchasing a MediGap policy for hundreds of dollars less than the typical policy. Hundreds of thousands of Medicare beneficiaries benefit from these policies.

Medicare select policies, however, are sold through a demonstration authority which expires tonight at midnight. This conference report will extend the program and allow all States to participate in this excellent program which provides less costly MediGap policies to our Nation's elderly.

At this late date, however, our colleagues on the other side of the aisle were attempting to delay the continuation of this program by raising the most obscure and nitpicking objections based on scope violations. There are no real scope problems in this conference report. However, the Democrats in their effort to stop this program were resorting to technical nitpicking.

And who will be the individuals hurt if this program is stopped? The hundreds of thousands of elderly who have purchased these policies. I ask you to support this rule so that we can proceed to the consideration of the conference report. A vote for this rule is a vote for our Nation's Medicare beneficiaries, who can then gain the benefits of these innovative MediGap policies which provide high quality care at an affordable price.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the rule on the conference report on Medicare Select. I come to the floor with a strong feeling of deja vu. When I appeared on the floor to speak in favor of passage of H.R. 483 earlier this spring, I indicated how important the Medicare Select Program was and how the fate of half a million beneficiaries rested on the action taken by the House.

The road to this point, in my view has been unnecessarily long. If it were not for the action on the other side of the aisle, we would not be here at the 11th hour seeking passage of a rule to bring this 2 page conference report to the House floor. We have delayed long enough.

Medicare Select is a very simple program. It is a particular type of MediGap policy which allows seniors to choose a medicare benefits package modeled on a preferred provider delivery system of health care. The Medicare Select policy allows seniors to buy a less expensive MediGap insurance policy which wraps around the traditional medicare benefit. It represents the new wave of innovative managed care delivery options that the private sector is currently using to hold down the rise in health care costs. Let us remember that for those elderly who choose a MediGap policy, it is 1 of 11 options currently available.

I urge my colleagues to pass this rule so that we can enact this legislation swiftly. Our senior citizens deserve no less.

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

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, I call up the conference report on the bill (H.R. 483) to amend title XVIII of the Social Security Act to permit Medicare Select policies to be offered in all States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HASTERT). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, June 22, 1995, at page H6256.)

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes and the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 483.

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

There was no objection.

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

Mr. Speaker, I urge my colleagues to join me in supporting the conference report to extend the Medicare Select Program. The conference report provides for a 3-year extension of the program. The report also requires the Secretary of the Department of Health and Human Services to conduct a study comparing the health care costs, quality of care, and access to services under Medicare Select policies with other MediGap policies. The Secretary is required to establish Medicare select on a permanent basis unless the study finds that (1) Medicare select has not resulted in savings to Medicare Select enrollees, (2) it has led to significant expenditures in the Medicare program, or (3) it has significantly diminished access to and quality of care. I think the bill provides for a reasonable balance that will permit a valuable and innovative program for our senior citizens to be continued while permitting a more informed evaluation of the program. We must remember that Medicare Select is a MediGap insurance policy which provides seniors with another option to receive medical care. By giving the elderly more choices within MediGap we give them the option to pick plans which meet their individual needs.

In my view, we must not allow this program to expire. It is unfair to both participants and insurers alike to have to worry about what the Congress will do next. Medicare Select is a small but important program, and I might add, a highly regulated program. It is regulated under the Federal MediGap standards. There are additional Federal statutory standards for select policies, plus our States' insurance departments regulate them under State law. Medicare Select saves senior citizens money, provides more choice for senior citizens than the current Medicare risk contract HMO, and has given them the opportunity to secure a more comprehensive benefits package. If we do not act to extend this program, no new enrollees will be permitted to enroll in select plans and we will see the ultimate demise of these plans. The end result is bound to be significant increases in premiums for current enrollees. Medicare beneficiaries will be denied a product that saves them money and which has served them well. There is no reason not to extend this program in a responsible fashion.

Mr. Speaker, I urge my colleagues to join me in supporting this conference report.

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

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that my time be equally divided between myself and the gentleman from California [Mr. STARK], a member of the Committee on Ways and Means, and that he be permitted to control that time.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, the agreement we are voting on today extends the Medicare select demonstration program to all 50 States for a 7½-year period beginning in 1992.

It does so with no appreciation of the consequences of this. Although many support this program, I believe that because Medicare cuts required by the Republican budget in the amount of some $270 billion are so drastic, and will require such fundamental reductions in the Medicare program, it is impossible to pass any Medicare legislation, including Medicare select without taking those reductions into account.

In addition, Mr. Speaker, as many of my colleagues know, we argued in the committee that we should await the results of the State evaluations before expanding this program to all 50 States. It has come to my attention that the preliminary results of this evaluation are now in, but they have not been made available by the handlers of the legislation.

Those results indicate that Medicare select is significantly associated with Medicare cost increases in 8 of 12 select States. Let me repeat that. Medicare select is associated with cost increases in 8 of 12 States.

Furthermore, the cost increase is 17.5 percent. The cost increase is 17.5 percent. That is not fiscal responsibility.

Now, while I know these results will not be final until next month, we should clearly examine the results before passing an expansion to all 50 States. How can we possibly extend a program that has the potential of increasing Medicare costs in all of the 50 States, as it has in the States in which it is now used by the amount of 17.5 percent?

This leads one to the unfortunate conclusion that my Republican colleagues are willing to cut back on benefits to Social Security recipients and to Medicare recipients, but that they are not willing to lock up a program which is going to increase costs to the Medicare system and to increase profits to the insurance companies.

Mr. Speaker, I therefore urge that we vote "no" on the conference agreement on H.R. 483, and that we reconsider these changes in the light of evaluation results and in the context of budget reconciliation. Then we can more fully examine the entire Medicare program, which is going to be examined in extenso in connection with reconciliation, because we are going to have Republican cuts in Medicare recipients, and we should include the Medicare cost increases which will result in the additional beneficiary out-of-pocket costs that will occur under this program, along with increased utilization and limitations on the beneficiaries' choice of providers as indicated in the preliminary report.

Let me remind my colleagues that Medicare select has had some peculiar consequences. It has not been the unmixed blessing which the proponents would have us believe. First of all, it has raised costs, but it has done some other things which have significant impact on recipients.

It first of all starts out low and goes up. The average premium cost at the beginning is around $870 a year. But by the time the recipient has reached the age of 85, it has risen, lo and behold, to something like $2,300 a year.

Now, during that time he is locked in because any preexisting conditions which he had during the time or before he got on Medicare select, he cannot carry over and have treated in any new package. So if a person joins this Medicare Select Program, he is locked in. He cannot get out because he cannot get treatment for new conditions.

Those new conditions are carefully walled out by preexisting condition clauses in any new insurance policy. So he pays more and more and more and he cannot get out. If his doctor moves or his hospital closes or some condition requires him to want to go to a particular person, doctor, or facility for treatment and they are not included in this HMO, that individual cannot go.

This is Medicare select all right. It is selected for the benefit of the insurance companies who are going to make lots of money. And they are going to make it, in part, off the Medicare trust fund and they are going to make it in part off of the poor little guy who is dependent on Medicare for providing his benefits.

□ 1145

They are going to skin the public, and everybody is going to act with great surprise when we find the new returns and the new information shows us that we have in fact cost ourselves a lot more money; we have in fact denied Social Security and Medicare recipients benefits; and we have benefited the health insurance industry; and we have left ourselves in a situation where we all of a sudden find that Medicare has cost a lot more.

I urge my colleagues, vote this down. Let us consider it in a more temperate fashion, and let us consider it when we can have a look at all of the things, including the cuts in Medicare benefits which are coming to the Medicare recipients courtesy of my good friends and colleagues on the Republican side of the aisle.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding and compliment him on his good work on this bill.

It is a good conference agreement that deserves the support of every Member of this House. The Medicare Select Program expires today if we do nothing.

Early in the session, we heard from Members who opposed this program, that there is no need to rush, that we are moving too quickly, and yet here we are only hours away from the program expiring and over 450 thousand seniors are still uncertain as to their fate under this important program.

The Senate has already passed the conference report by unanimous consent. The 408 Members of the House who voted in favor of extending the Medicare Select Program earlier in this session should support this conference report and send it to the President for his signature tonight. It is a simple, noncontroversial bill which extends to seniors across the country the opportunity to choose at their option a Medigap program that has proven highly successful, high quality, and cost effective, and contrary to comments that were made earlier a few minutes ago, the CBO scores this as revenue neutral to the Medicare Fund, and the opponents of this know that.

My thanks to all the members of the Committee on Ways and Means and Committee on Commerce who have made this legislation possible. I particularly cite the outstanding work of two members of my own Committee on Ways and Means, the gentleman from California [Mr. THOMAS] and the gentlewoman from Connecticut [Mrs. JOHNSON]. It was their energy and commitment that brought us to this point today.

Mr. Speaker, this is a worthy proposal. I urge an "aye" vote on the conference report.

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

Mr. Speaker, this conference report legislation seeks to extend and expand the capricious demonstration program which will endanger the Medicare program and its beneficiaries.

Basically it is a license for the insurance companies to steal.

Medicare is the finest health care program in the county. There is no insurance plan in the country that offers more beneficiary choice. It is valued because we in Congress have worked long and hard to make it so.

Today by forcing a premature expansion of this demonstration program, the Republicans in Congress are turning their backs on this great tradition. Republicans are putting the interests of private insurance companies ahead of the Medicare program, not only in this bill, but in their budget bill which seeks to cut $270 billion out of the Medicare program, and they are ignoring the beneficiaries who rely upon it for their health care security.

This bill, as I have said before, is written by a Republican Ways and Means staff member who, within the past year, was receiving hundreds of thousands of dollars from the health insurance industry. Talk about big time sellout to private interests, this bill takes the cake.

Medicare select will be presented as a program without problems, just another choice for the seniors to elect. The facts are quite different.

At the time of the committee action on this bill, only a very preliminary evaluation of the Medicare Select Program had been concluded. That preliminary analysis found as follows:

There is little coordination or management of care by organizations offering Medicare Select. The network formed by insurance companies were initially organized to increase Medicare market share at network hospitals rather than to minimize utilization.

Since the time of the committee action, a more complete evaluation of Medicare select has been conducted, and before my Republican friends dismiss the report as some partisan document, I would like to remind them that this report was commissioned by a Republican administration, and the researchers who conducted the study were selected by that Republican administration. The study has been ongoing for well over 2 years. I will enter the study in the RECORD, and it is important to not• here that in the study it talks about costs and utilization findings to date. The study says:

We were surprised to find Medicare Select is significantly associated with Medicare cost increases in 8 of the 12 select States: Alabama, Arizona, Florida, Indiana, Kentucky, Minnesota, Texas, and Wisconsin. For the eight States indicating positive impacts on Medicare program costs, the average impact is 17.5 percent. The estimates vary from 7½ percent in Minnesota to a 57-percent cost increase in Indiana. However, only the Indiana estimate is much more than 20 percent. The results indicate that the cost increases substantially reflect increases in inpatient hospital utilization. These estimates are unusually robust.

That is the understatement of the day, 17.5 percent increase on the Medicare trust fund, in addition to cutting $270 billion out. As I have said before, you would save the taxpayers a lot of money if you just introduced a resolution to eliminate Medicare tomorrow, let the Republicans vote for it. That is basically what they intend to do. Let the public see their true colors.

Given the findings and the fact that the Congressional Budget Office found that this study raises serious questions about the operation of the Medicare Select Program, why are the Republicans rushing forward to extend and expand this demonstration project, particularly when they are trying to reduce Medicare expenditures? Are they that cavalier about the report's conclusion? For months congressional Democrats and the administration have called for a limited extension of the program in order that the assessment of the demonstration could be completed and necessary adjustments made based upon its findings. Republicans have only marched forward faster.

Why? Whose interests are the Republicans responding to in this intemperate bill? Why are we trying to reduce costs under Medicare, and this program at the same time is moving in exactly the wrong direction?

Halting the expansion of this demonstration program is the only prudent action for us to take.

Proponents of this bill have made the claim if we do not extend it beneficiaries will be harmed. That is wrong. It is absolutely not the truth. Everyone should understand there is no current participant in the Medicare select plan who will lose coverage if we do not extend the program today. Certainly, additional beneficiaries will be prohibited from enrolling after today, but current enrollees would be allowed to continue in the plans.

By voting "no" today, the program evaluation will be allowed to be completed without corrupting Medicare.

And, third, voting "no" today will confirm our responsibility for the fiscal integrity of Medicare by blocking a premature expansion of this program.

How can any of us explain to our constituents a vote to expand a program from 15 to 50 States that has just been found to raise costs to the Federal Government by tens of millions of dollars? That is fiscal irresponsibility at its highest.

For those who ignore the evidence and vote to expand this program today, before adjustments can be made to it, you are in effect voting to increase Medicare's costs by $800 for each beneficiary who ends up in one of these plans. That is not fair to the seniors.

Finally, what does the Medicare beneficiary get who is in the Medicare select plan? Access to a very limited network of doctors and hospitals. You prevent them from getting the ability to switch out of the Medicare select plan and back into a reasonable MediGap program. You deny them their choice of medical independence.

In my home State of California, the Medigap plan will cost them an extra $3,360 in premiums.

For the fiscal integrity of the Medicare trust fund and the protection of beneficiaries, you must vote "no" on the conference report to H.R. 483.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the Health and Environment Subcommittee.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of the conference report on H.R. 483, legislation to extend and expand the Medicare Select Program.

The Omnibus Reconciliation Act of 1990 was established by a Democratic Congress, under which insurers could market an additional Medigap product, an additional Medigap choice, known as Medicare select. Medicare select policies are the same as other Medigap policies except that supplemental benefits are paid only if services are provided through designated providers. The demonstration was limited to 15 States and expired December 31, 1994. The demonstration was extended through June 30, 1995, in the Social Security Act Amendments of 1994.

The conference report on Medicare select provides that:

First, Medicare select is extended to all 50 States for a 3-year period. The Secretary is required to conduct a study comparing Medicare select policies with other Medigap policies in terms of cost, quality, and access. Further, it provides that Medicare select will remain in effect unless the Secretary determines, based on the results of the study, that Medicare select has: First, not resulted in savings of premium costs to beneficiaries compared to non-select Medigap policies; second, resulted in significant additional expenditures for the Medicare Program; or third, resulted in diminished access and quality of care.

Second, GAO is required to conduct a study by June 30, 1996 to determine the extent to which individuals who are continuously covered under Medigap policies are subject to medical underwriting if they switch plans and to identify options, if necessary, for modifying the Medigap market to address this issue.

Select policies do not affect the obligation of Medicare to pay its portion of the bill. Beneficiaries who obtain covered services through one of the network's preferred providers will generally have their benefits paid in full. Under OBRA 1990, the select plan is also required to pay full benefits for emergency and urgent-out-of-area care provided by non-network providers.

Select policies do not remove a beneficiary's freedom to choose any fee-for-service provider. If a beneficiary is unhappy with a Medicare select provider for any reason, that person may opt out at any time to get off the plan and pick up any other Medigap policy, or he can remain in the plan and go to any provider, and Medicare will pay if it is a covered service. However, in that case, the beneficiary may be liable for a deductible and coinsurance.

An insurer marketing a select policy is required under OBRA 1990 to demonstrate that its network of providers offers sufficient access to subscribers and that it has an ongoing quality assurance program. It must also provide full and documented disclosure, at the time of enrollment, of: network restrictions; provisions for out-of-area and emergency coverage and availability; and cost of Medigap policies without the network restrictions.

In addition, Medicare select policies are governed by the same types of regulations imposed on Medigap policies concerning: limitations on preexisting conditions; loss ratios; portability; guaranteed renewal, and open enrollment.

OBRA 1990 also included significant penalties for Select plans that: Restrict the use of medically necessary

services; charge excessive premiums; expel an enrollee except for nonpayment of premiums; or withhold required explanations or fail to obtain required acknowledgements at the time of enrollment.

The following are Medicare select demonstration States: Alabama, Arizona, California, Florida, Illinois, Indiana, Kentucky, Massachusetts, Minnesota, Missouri, North Dakota, Ohio, Texas, Washington, and Wisconsin.

As of October 1994, approximately 450,000 beneficiaries were enrolled in Medicare select; while the majority are covered through Blue Cross/Blue Shield plans, approximately 50 companies offer Medicare select products.

Current authority for the program expires in June 1995. Failure to extend the authority for the program would result in the inability of insurers to enroll new beneficiaries in Medicare Select Programs as of July 1995, although they could continue to serve current enrollees. This would lead to higher premiums for enrollees and the potential withdrawal of insurers from the market.

Is that what we want? It seems to me that none of our people want that. The gentleman from California has stated that Medicare select plans are not adequately regulated and has told us how terrible the plans are. Well, that is his opinion. Here are the facts:

The National Association of Insurance Commissioners [NAIC] has testified in favor of the program and stated that out of the 10 Medicare select States that report into the NAIC's Complaint Data System, there were only 9 Medicare select complaints last year.

The program has been a very good one for senior citizens. In August 1994, Consumer Reports rated the top Medigap insurers nationwide. Eight out of ten of the top-rated 15 Medigap plans were Medicare Select Plans.

It is a very popular program in my home State of Florida where some 13,000 Medicare beneficiaries are enrolled.

I urge my colleagues to support this legislation so we may continue to provide older Americans with an often needed and in my opinion, necessary option.

□ 1200

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY], a member of the committee.

Mr. BILBRAY. Mr. Speaker, I have to stand in support of the proposal, and I just want to point out to my colleague from California there is a 100,000 Californian seniors that want that choice. I have a stack, I have stacks of comments coming from my seniors in my district saying how it is nice to be able to have options that Washington is not mandating on seniors, that seniors are allowed to be treated as dignified individuals. This program was something that has worked, is continuing to work, in our State, and to restrict it not only from the rest of the country, but to allow it to die, is not a vote in support of seniors and their dignity, but actually a support to replace the dignity of seniors' choices with big centralized Federal control systems, and I think the problem is some of our colleagues are so wedded to command and control, big, centralized government that they are willing to sacrifice our seniors' ability to have the dignity of having their choice to choose something that serves them, and I think that we need to start treating our seniors with the dignity they earned over the years.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the adoption of the conference report on H.R. 483, a bill to permit Medicare select policies to be offered in all States.

Let me state that I oppose adoption of this conference report reluctantly. We have underway in a limited number of States, including my own State of California, a demonstration project to study the value and effects of Medicare select policies. I favor letting that demonstration continue. I favor continuing to offer Medicare select policies where they are currently being tested under the demonstration.

But I have grave concerns about expanding Medicare select to all States. At the time this bill passed the House I raised these concerns and suggested the prudent course would be to wait and receive the evaluation of the demonstration that was underway. We did not.

Now, before the conference was concluded, HCFA provided us with some preliminary information that the evaluation was finding. And that information should give pause to any prudent legislator. They found that Medicare select was significantly associated with cost increases in spending in the Medicare program itself in 8 of the 12 States where select policies were offered.

Surely, on a day when the Republicans in this House passed over the nearly unanimous objection of the Democrats a budget which slashes Medicare spending by $270 billion over the next 7 years, it is folly to pass legislation which threatens to increase the cost to the public of Medicare so that more private insurance companies can reap profits on their Medicare select policies.

It is only prudent to stop this expansion of Medicare select until we can be sure that they are not adding to expenditures in the Medicare Program.

We might also pause and consider the irony of the actions we have taken today. Let's think about why we need MediGap and Medicare select policies in the first place.

We need these policies for one simple reason: Medicare requires people to pay a lot of money out-of-pocket when they get sick. Most Medicare beneficiaries are so frightened by the amounts they have to pay if they get sick that they spend hundreds of dollars to buy MediGap protection.

And yet, as a result of the Republican budget this House adopted today, people on Medicare are going to have to pay a lot more.

Their MediGap premiums will soar—whether they try to economize by using Medicare Select or not. And if they just can't afford a Medigap policy any more—they will live in fear of having to pay a lot of out-of-pocket costs.

Some 4 million seniors under this Republican budget may find that they can't even afford to pay the higher premium to keep Medicare Part B protection at all. Once Medicaid is an underfinanced block grant program—which is what the Republican budget makes it—seniors can forget about any assurance of help from Medicaid to pay their Medicare premiums.

Remember, who the typical person is who relies on Medicare. Most Medicare beneficiaries have modest incomes of $25,000 or less. Nearly a third of them depend on Social Security for almost all of their income. And now they are going to find that this Republican budget means that half of their Social Security COLA is being eaten up by increased premiums and cost-sharing in Medicare.

We ought to be talking today about how to make Medicare better—about how to help people who can't afford the prescription drugs they need, who fear ending up in a nursing home that they can't afford.

Instead this House adopted a Republican budget that slashes the Federal commitment to Medicare and Medicaid. And we now are about to adopt a conference report which extends a program which might be costing Medicare money instead of saving it.

This is not responsible legislating. This is not putting the interests of Medicare and Medicaid beneficiaries first.

I urge rejection of the conference report.

Mr. BLILEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON], the principal author of this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for his leadership and hard work on getting this program before us for final action.

Mr. Speaker, I am very pleased to rise today in support of this final agreement to extend and expand Medicare select. This is the right kind of health plan choice for us to make available to all seniors in America at this time. Medicare select is a Medigap

policy. That is it is just insurance covering costs and services that Medicare does not. The difference is the Medicare select enrollees get their care from a preferred provider organization, but they are still Medicare beneficiaries. Medicare will cover health care costs for them even if they go outside the network. By staying within the network beneficiaries make the best use of their coverage because the health plan picks up most or all of their out-of-pocket costs.

Medicare select is not, and I repeat, not, an HMO risk contracting plan. Such plans require beneficiaries to get their care entirely within the network or Medicare will not pay. With select, seniors in America have that choice to be part of an integrated system of care, but still go outside that system if they want to and if they choose to. Medicare covers their charges outside that network.

It is very important that, as we carry forward this debate and as we give seniors choices in America, they understand clearly what their choices are, and so I want to make clear that my esteemed colleague from Michigan is not quite correct when he says that seniors would be locked into these programs. With due respect, in fact he is wrong. Any senior in this program, any Medicare Select System, can go outside that system and, as a Medicare beneficiary, can receive care under Medicare terms, but in addition any senior in a Medicare Select Program can change plans. They can drop this MediGap policy and pick up another MediGap policy, and in every single State in America there are MediGap policies on the market that have no exclusion for preexisting conditions that do not block any seniors out. In sum, in fact, the idea that any senior is locked into a Medicare select choice is simply not accurate, and that is important for seniors to know.

Medicare select also saves beneficiaries money. We know that seniors on fixed incomes have a tough time in this environment, and Medicare select saves them up to 38 percent premium costs.

Medicare select is not a Government program. It is an insurance program, and, as such, it is regulated at both the Federal and State levels. It operates around the Medicare Program, and in those States where it has been expanded, it is saving dollars.

In California with select the cost of medical services per admission is 20 percent lower than for nonnetwork providers. The average length of stay in a hospital is 73 percent lower than for nonnetwork providers, attesting to the management of care, the integration of care, and only one-third as many enrollees are ever admitted to a hospital from these integrated care systems, a great advantage for the elderly. A Washington State Medicare Select Plan operator has reported that Medicare select policies cost 13 percent less than the traditional insurance policy. Even after adjusting for demographic factors the plans realized a 5-percent savings to the Medicare Program.

Now those figures are about real experience. How does that real experience line up with some of the comments that my colleagues have made about the preliminary conclusions of the report that we, as Members of Congress, asked HCFA to do so that we can understand the strengths of this program and the weaknesses more fully?

This is basically how it boils out. That report is reporting very preliminary data. The researchers themselves say the results are inconclusive, but listen to what they say about those areas in which they have seen costs increase. The researchers suggest that under these managed care entities, that is the Medicare select plans, and I quote from the report, new patient screening has detected a large backlog of formerly undiagnosed and untreated problems. This has meant that new patients have unexpectedly large, albeit short-term requirements for medicare treatment. In other words, Medicare select plans are offering seniors far more careful, comprehensive analysis of their health care problems, and, yes, short term it costs more, and many of these plans that this report, this study, is reporting have only been in place 3 months, so we have only been through the high cost analysis and the early treatments.

In one of the States where the program has been in place since 1992, and they have 4 years of cost data, they are seeing significant savings. I ask, "Isn't that just what we want? Don't we want early intervention? Don't we want prevention? Don't we want that backlog, the formerly undiagnosed and untreated problems, dealt with for seniors in America? And most importantly, don't we want seniors to have the choice, the voluntary choice, of that quality health plan?" I, for one, do, and my constituents want this choice as well.

As a State that does not have a demonstration project, I get letters daily saying when are we going to have that choice. I urge my colleagues to adopt this conference report and to help us take the first step toward giving seniors in America better choices for their health care.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I support Medicare select and will vote for the conference report to extend this program to all 50 States. If it is properly structured, it can provide more competition, choice and cost savings. However I must tell my colleagues I am concerned that the study that was commissioned by HCFA shows that there might be increased costs associated with Medicare Select Programs in at least eight States which currently have the program. But what primarily concerns me: It seems like this Congress is acting or making decisions on what appears to be facts. When we look at the information we may be acting on what we believe to be correct rather than what the facts show.

□ 1215

Congress is taking as fact that Medicare select extends managed care into the MediGap marketplace and it will save money. Yet when we look at the study, that may not be in fact the case unless the Medicare select program is properly structured. Is this a preview of what will happen when we get to the budget debate?

In the near future we are going to be called upon to act on legislation to cut the Medicare program by $270 billion. Are we going to make these decisions on fact or beliefs? There are very limited ways in which we can reduce the Medicare program by $270 billion. We are going to be calling upon our beneficiaries to pay more, higher copays and deductibles, putting more pressure on the Medicare select program.

We are going to be asking our seniors who already as a class pay the highest amount of out-of-pocket costs, on average 21 percent of their income is used for out-of-pocket costs. If we are going to be talking about $27 billion in Medicare cuts, we are going to be asking our seniors to pay more in copays and deductibles. Will we be acting on our beliefs or on facts?

I am very concerned about that, Mr. Speaker, and concerned that we will not be looking at what impact those types of cuts will have on our seniors. I am worried that we are going to have to cut benefits. The Medicare program already does not cover prescription drugs and very little benefits for long-term care, really no catastrophic care. Yet we are going to be asked to make cuts in the program that could very well take away benefits from our seniors on the belief that that may be acceptable. I want to act upon fact.

We already have inadequate reimbursement levels and cost shifting within the Medicare system, causing in many areas our seniors to be jeopardized from receiving quality care. Are we going to be asked to make additional cuts that could very well cause more cost shifting and less adequate care to our seniors on the belief that that can be absorbed? I want to act upon facts.

The consequences of our actions will dramatically affect our Nation's seniors and their health care. It is imperative that we make these changes based upon the best data available, not just data that we choose to believe.

I hope in the future when we act upon Medicare that we do it upon the facts.

Mr. BLILEY. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] has 13 minutes remaining, the gentleman from Michigan [Mr. DINGELL] has 4½ minutes remaining, and the gentleman from California [Mr. STARK] has 5 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding time to me. As chairman of the House subcommittee of the Committee on Ways and Means, we have looked at this over a period of time.

As a member of the conference committee, we produced a conference report. I am a little confused by the gentleman from Maryland's statement that we would want to base a decision as to whether or not we would go forward with the program on a permanent basis on facts rather than just assumptions or desires or wishes or hopes.

I can only assume that the gentleman from Maryland did not read the conference report, because I would join him, if, in fact, we were talking about creating a permanent program without a basis of analysis of a pilot program.

Despite what may have been from any of the speakers who are in opposition to this, all this does is continue a program until the Secretary determines that, in fact, there are savings, that this is a better program. If the Secretary of Health and Human Services, after a 3-year study, says that this is not saving money, it is not a better program, the program ends. If she finds it does, it goes forward.

So, first of all, the conference report says, we are going to take this pilot program that is in 15 States, make it available to 50 States, but not on a permanent basis. We are going to examine the results after 3 years. And then we will make a determination as to whether or not it is to be permanent.

We heard talk about a study over here. As a matter of fact, on the earlier pilot program, there was supposed to be a study reported to Congress in January. Six months later, it still has not issued a report. What they are talking about is a preliminary finding which was leaked by this administration.

We had the head of the Health Care Financing Administration in front of the subcommittee in which we said, you know, this seems to be a politically charged issue. We have folks who are taking extreme positions and making statements not based upon fact for whatever reason they choose to do so, and I am concerned about the political atmosphere.

So, Mr. Valdeck, please make sure that your operation does not prematurely leak information which may not have been fully evaluated about this program.

Mr. Valdeck in front of the Health Subcommittee said, you bet; we will make sure this information does not come out until it has been analyzed and properly understood and presented. Lo and behold, several weeks ago, initially on the Senate side and now we have heard statements read here that are supposedly flat-out statements of fact that this study shows that there are higher costs. In fact, that is not the case.

Mr. Valdeck apparently was so embarrassed by this that he wrote me a personal note saying that he was embarrassed that the study had gotten out prematurely, that it has not been vetted. They have not done the proper correlations in the study. Somebody is very interested in killing this modest little proposal.

Let us go back and remember what this is. Currently there are 10 programs available to seniors to augment their Medicare program. They are called MediGap. They are insurance programs that fill in where Medicare does not offer as complete a package as people would want. What we are doing is talking about adding one more, an 11th to the 10 that are already there, fully monitored by Health and Human Services. In fact, you have got to explain exactly what you are doing. You have to pass a standardized examination to make sure that you are doing what everybody else is doing. There are categories that have to be met. The seniors are fully protected and they have a choice.

It is not mandated. You choose. We are simply saying instead of 10 choices, we are going to offer 11 choices.

You would think that we are reinventing the wheel by offering seniors 11 choices rather than 10. All we are doing is saying that the 11th choice is of a kind of health care delivery service that more and more Americans find saving them money. That is what this is all about. These fellows over here who used to be the chairmen of the Health Subcommittee and Ways and Means, and the gentleman from California [Mr. WAXMAN] who spoke earlier was the chairman of the Health Subcommittee of Commerce, and the gentleman from Michigan was the chairman of Commerce, they are used to bottling up reform and change, especially the kind that had the private sector driving down costs in health care.

They are kind of frustrated because with this new majority, different people are in charge. We want to try these new ideas, fully protected with studies by the Secretary making a determination as to whether it goes forward or not.

So I understand their frustration. But in trying to deal with this frustration of being a new minority, you really ought to rely on facts rather than the kind of fear mongering and conjuring up of seniors deserted by their Government when you talk about the Medicare select program.

The gentleman from North Dakota was absolutely right. This is a modest little program. We think it will save money. Four hundred eight Members of Congress, both Democrat and Republican, voted for this the first time around; 14 voted against it. We have high hopes that the same 408 and perhaps some of the 14 who voted against this might join in in sending it to the President today so that on this last day of the pilot program the President will sign this bill so that the seniors will not be fearful that this option will not be available to them.

We are going to pass it today. I have high hopes the President will sign it tonight and then we will move on to more fundamental real reform where seniors will see that more choices will be available to them and that their Medicare dollar expenses will be covered by an ever-increasing amount from the Federal Government.

Those are the facts.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

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

The Medicare Select Program as a model deserves support, and it should be renewed. In fact, we should expand the model, but we should keep it as a model until we know how well in fact it is going to work and what the difficulties in it are. And we already have reports that tell us there are difficulties in it.

So, yes, we would like to see the program continued, but that is not what is going on here. This is a full-scale expansion of the program. We are not certain it works that well. And they want to put it, the Republicans do, in every State in this country. Now, why? and why today?

Because yesterday the Republicans voted to cut Medicare. I know they say they did not cut Medicare but, my senior citizen friends, inflation is going to continue in health care; right? Of course. And new people are going to come into the system, of course. Are they going to receive the same services that today's senior citizens receive on Medicare? No, because the Republicans are going to cut close to $300 billion out of what is needed to meet current services. So do not let them tell you they are not cutting the program.

This proposal being brought to the floor today is a duck and cover for yesterday's action of cutting close to $300 billion.

There is a second reason that they are expanding this program and that is because the lobbyists, including the health care insurance lobbyists, are in

full throat and are writing legislation for the Republican leadership.

I chaired one of the subcommittees along with the gentlemen from California Mr. STARK and Mr. WAXMAN, that tried to reform national health care last time. And I learned something, I learned a lot, as chairman of that committee, as we passed out health care reform bills last Congress.

But I learned one thing that I will never forget and that is, you can trust some of the health care insurance industry some of the time, but you cannot trust all of them all of the time. This country has to keep one eye on the insurance company, and this bill takes both Federal eyes off of the health care insurance industry. And senior citizens will rue the day we did it.

Mr. BLILEY. Mr. Speaker, do I have the right to close?

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] has the right to close.

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

Mr. DINGELL. Mr. Speaker, how much time do we now have remaining?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Dingell] has 4½ minutes remaining, the gentleman from Virginia [Mr. BLILEY] has 7 minutes remaining, and the gentleman from California [Mr. STARK] has 3 minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KILDEE].

□ 1230

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

Mr. Speaker, I am deeply concerned about Medicare this year. First of all, we know that the Republican budget will cut Medicare by $270 billion over the next 7 years. That certainly has to be taken into consideration in the context of this bill. This bill, while it may have some merit, the plan may have some merit, I do not think we should be expanding it as this bill would propose. The bill does allow insurance companies to sell insurance policies to seniors that limit their choice, and they may be locked into those choices.

Basically, Mr. Speaker, I fear that this year, this 104th Congress, we may see a series of things that will be weakening Medicare. First of all, this program itself is a pilot program. We should look at it more. One study indicates that it increases the cost about 17½ percent per beneficiary in 8 of the 12 States, and in only 1 State was there some possible cost savings.

However, put that in context again with what I mentioned in the beginning, that we are cutting $270 billion from Medicare. We have to cast this bill in that context. We are using that cut from Medicare to pay for a tax cut for our very rich.

Mr. Speaker, in my district, I do not see people asking for that tax cut, and especially, I think they do not want to take money from Medicare to pay for that tax cut. My mother died last year at age 84. In her life, both her mental health, her peace of mind, and her physical health was better served because of a good Medicare Program. We should approach this very, very carefully. Do not rob the account and do not expand this program without experience.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, this is a perfect example of the triumph of ideology over American pragmatism. The Republicans say they are going to save the fund. First they take $86 billion out by a tax break. Then they take another $280 billion out by the cuts they are going to make. Then their solution is to pick a solution that does not work.

There was a study done by the Research Triangle Institute which says it spends 17½ percent more for select than it does in the system we have today, which means they are going to spend it down quicker. The real result of their efforts is to get rid of Medicare. They want to break the system 17 percent faster by putting people into select. That is not a solution. It simply makes the problem worse. Everyone should understand it and vote "no."

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] is recognized for 2½ minutes.

Mr. DINGELL. Mr. Speaker, hurry, hurry, hurry. Let us get this bill through. Let us get it through before the facts are in. Let us get it in before it shows that this package for Medicare Select is in fact going to cost Medicare or the taxpayers more.

Hurry, hurry, hurry. Let us get it through before it shows that the senior citizen recipients of Medicare are not going to get the option to move from policy to policy on their health insurance packages which would supplement their Medicare policies; and hurry, hurry, hurry, before it comes out that a policy which costs about $870 is going to go up to something like about $2,300 by the time you get to 85, if you buy it for $870 at age 67. Mr. Speaker, let us get this thing through before the people find out what we are about. That is what my Republican colleagues are saying. That is what is at issue today.

What is good legislative practice and good legislation? It requires that we should wait and find out what the facts are. The information is already out. Medicare select is costing on the average 17½ percent more. That means that Medicare select is going to cost the Medicare trust fund 17½ percent more. It is going to trap senior citizens in policies on supplemental benefits that will not be able to be carried to new insurers because of preexisting conditions. Costs are going to go up.

Senior citizens are not going to know this at the time that their good-hearted insurance salesman comes around to peddle them this wonderful new Medicare Select. The taxpayers are not going to know that this is in fact going to cause the Medicare trust fund to go broke faster.

Hurry, hurry, hurry. Pass this thing before anybody finds out what is going on. Do it in a conference which takes less than 1 minute by the clock, and then have to be rescued by the Committee on Rules because such a poor job of legislation was done. Mr. Speaker, this is the way we are legislating today.

I would urge Members to vote this outrage down and let us proceed more cautiously. Let us protect the public. Let us see to it that senior citizens, the Medicare trust fund, and the American people get decent treatment here from this Congress today.

Mr. STARK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. STARK] is recognized for 2 minutes.

Mr. STARK. Mr. Speaker, the reason to vote no on this bill is to give the Congress time to perfect the necessary structures and regulations for Medicare Select to work. Indeed, it does work in California. The trouble is, there is only one insurance company, Blue Cross, who has been importuning Members to support it, because the insurance commissioner will not allow it.

The corporation commissioner does, giving Blue Cross a monopoly. That is not fair in California, either. If it is good in California, let us let other insurance companies sell it. Somebody brought up the good name of the Consumers Union. They did in fact mention some of these policies. However, let me summarize Consumers Union's recommendations to the Subcommittee on Health of the Committee on Ways and Means in February of this year.

Consumers Union stated that:

> Congress should study the impact of further negotiated discounts . . . before rushing to extend the Medicare Select program. . . . Research done to date indicates that the Medicare Select . . . has not achieved its goals. It has resulted in a marketplace in which premium pricing games distort the true cost of the policy. It has not achieved cost savings, but merely shifts costs to other consumers. Few insurers and few consumers have participated. In many States, regulation of this product has fallen between the cracks of different regulatory agencies—is it insurance or managed care?—leaving consumers without the protections they need. Congress should not expand the program and make it permanent, but should take steps now to fix what is broken, and what is broken is the pricing structure, the need for open enrollment, and await further study results before locking the program into place.

With respect to Medicare Select, Consumers Union would urge you to proceed with caution.

I would join with the distinguished gentleman from Michigan [Mr. DINGELL] and others, and urge Members to vote "no" to protect the consumers, to protect the Medicare trust fund which the Republicans are going to dismantle and destroy, $1 billion here, $1 billion there, $84 billion to rich seniors, $270 billion to pay the tax cuts to the very richest in this country. Do not let them destroy Medicare any further. Vote "no."

SUMMARY OF CONSUMERS UNION TESTIMONY ON MEDICARE SELECT, FEBRUARY 10, 1995

Medicare Select is a cross between traditional Medicare supplement policies ("medigap") and HMO's. We urge caution when it comes to expanding Medicare Select or making it permanent because of the following major problems:

Pricing games: Medicare Select policies often offer cheaper premiums to begin with. But because of a system of so-called "attained age" pricing that many policies use, premiums will rise steeply as the policyholder gets older. Congress should not lock-in or expand a program which perpetuates this deceptive pricing practice.

Illusory Cost Savings: Medicare Select premiums are often low, but at a cost to other Americans. Insurance companies that write Medicare Select policies typically don't pay the deductible to the hospital that other medigap policies are designed to pay. But the hospital still has to cover its costs. The result: it shifts the cost to other patients—and their insurers.

The Medigap Maze: The whole idea behind the OBRA medigap reforms was to allow consumers to make kitchen table comparisons among plans. But the Medicare Select program doesn't forward that goal. Medicare Select adds a layer of confusion by forcing consumers to balance initially lower premiums against restricted freedom of choice of doctor or hospital.

We believe that it is premature to expand or make permanent the Medicare Select program. Preliminary analysis of the program indicates that so far it has not been successful in reducing costs or even attracting substantial interest from insurers or consumers. We recommend that Congress:

Require ALL states to do what several states have already done: community rate their medigap market to eliminate the hazardous pricing structure used by many Medicare Select plans (and level the playing field among all insurers). Alternatively, condition a state's ability to participate in Medicare Select to a statewide requirement of community rating for the medigap market.

Require a six month open enrollment period for all consumers who were previously enrolled in Medicare Select. (Currently, in many cases, they are not eligible if their Medicare Select insurer does not offer a traditional policy.)

Limit the extension of Medicare Select to a two-year time period that would allow for analysis of cost savings and quality control. Such a study is currently underway at HCFA. Postpone expansion of the program to additional states until the studies are complete and regulatory adjustments can be put in place.

Consumers Union[1] appreciates the opportunity to present our views on the issue of Medicare Select. We have spent several years monitoring the medigap market and working to improve protections for seniors who buy medigap policies. We worked in support of this Subcommittee's efforts to fix the problems in this marketplace, efforts that culminated in the historic enactment of OBRA–90 medigap reforms. These reforms made it much easier for consumers to comparison-shop among so-called medigap policies, which are designed to fill in the gaps in coverage left by Medicare. We continue to believe that these reforms serve as a valuable model for future legislation in areas such as long-term care insurance and regulation of a supplemental market in future health reform.

This testimony addresses one aspect of the Medicare supplement insurance market—Medicare Select. Medicare Select is a cross between traditional Medicare supplement (or medigap) policies and HMO's. In return for initially cheaper premiums, consumers agree to obtain care within a designated network of doctors—in order to be reimbursed for the costs covered by the policy. (Medicare still provides coverage, regardless of whether the provider is in the Select network.)

We believe that there are several problems with Medicare Select. In the big picture, Medicare Select represents a diversion from the tough issue of reining in Medicare costs—through managed care or other steps. Pressing questions that this Subcommittee must address include: to what extent do HMO's—which limit seniors freedom of choice of doctor—truly save costs (or merely select the healthy risks)? Is there adequate quality assurance in Medicare risk contracts? Is there sufficient ability for consumers who do not feel well-served by Medicare HMO's to pick up traditional Medicare/medigap coverage? Is it possible—and fair to seniors—to ratchet down the Medicare budget without achieving cost control in the private insurance sector (in the context of overall health care reform)?

There are several major problems with the Medicare Select market and we urge caution when it comes to making Medicare Select a permanent program:

Pricing games: Medicare Select policies often offer cheaper premiums to begin with. But because of a system of so-called "attained age" pricing that many policies use, premiums will rise steeply as the policyholder gets older. Congress should not lock-in or expand a program which perpetuates this deceptive pricing practice.

Illusory Cost Savings: Medicare Select premiums are often low, but at a cost to other Americans. Insurance companies that write Medicare Select policies typically don't pay the deductible to the hospital that other medigap policies are designed to pay. But the hospital still has to cover its costs. The result: it shifts the cost to other patients—and their insurers.

The Medigap Maze: The whole idea behind the OBRA–90 medigap reforms was to allow consumers to make kitchen table comparisons among plans. But the Medicare Select program doesn't forward that goal. Medicare Select adds a layer of confusion by forcing consumers to balance initially lower premiums against restricted freedom of choice of doctor or hospital.

SUMMARY OF RECOMMENDATIONS

We believe that it is premature to expand or make permanent the Medicare Select program because of these problems and others described below. Preliminary analysis of the program indicates that so far it has not been successful in reducing costs or even attracting substantial interest from insurers or consumers. We recommend that Congress:

Require ALL states to do what several states have already done: community rate their medigap market to eliminate the hazardous pricing structure used by many Medicare Select plans (and level the playing field among all insurers). Alternatively, condition a state's ability to participate in Medicare Select to a state-wide requirement of community rating for the medigap market.

Require a six-month open enrollment period for all consumers who were previously enrolled in Medicare Select.

Limit the extension of Medicare Select to a two-year time period that would allow for study and analysis (that is currently under way by HCFA) of cost savings (vs. cost shifting) and quality control. Postpone expansion of the program to additional states until the studies are complete and regulatory adjustments can be put in place.

We elaborate on our concerns and recommendations below.

ANALYSIS OF THE MEDICARE SELECT MARKET

PRICING GAMES

Medicare Select policies often use an "attained age" pricing structure, which Consumer Reports says is "hazardous to policyholders." Various letters and comments regarding Medicare Select have noted that Consumer Reports found that eight of the top 15 Medigap products were Medicare Select. But this tells only part of the story. Five of the eight policies mentioned use an attained-age pricing structure. Consumer Reports stated that:

Attained-age policies are hazardous to policyholders. By age 75, 80, or 85, a policyholder may find that coverage has become unaffordable—just when the onset of poor health could make it impossible to buy a new, less expensive policy. Take, for example, an attained-age Plan F offered by New York Life and an issue-age Plan F offered by United American. For someone age 65, the New York Life policy is about $114 a year cheaper. But by age 80, the buyer of the New York Life policy would have spent a total of $5,000 more than the buyer of the United American policy.[2]

The attained-age pricing structure allows companies to bait consumers with low premiums in early years, and then trap them with high increases in later years. Standardization of the medigap market resulted in price conscious consumers, with the effect of facilitating a trend away from community-rated policies and toward attained-age rated policies. The percent of Blue Cross-Blue Shield affiliates, for example, that sell attained-age policies grew from 31 percent in 1990 to 55 percent in 1993.

Ten states have recognized this market dynamic and have taken steps to protect consumer either by requiring community rating for this market or by banning attained-age rating. These are Arkansas, Connecticut, Florida, Georgia, Idaho, Maine, Massachusetts, Minnesota, New York, and Washington. Four of these states—Florida, Massachusetts, Minnesota and Washington—are part of the Medicare Select demonstration program.[3]

Recommendation: Require ALL states to do what several states have already done: community rate their medigap market to eliminate the hazardous pricing structure used by many Medicare Select plans (and level the playing field among all insurers). Alternatively, condition a state's ability to participate in Medicare Select to a state-wide requirement of community rating for the medigap market.

Footnotes at end of article.

ILLUSORY COST SAVINGS

The purpose of Medicare Select was to cut health care costs through coordinated care networks that increase the use of utilization review and management controls, often through PPO's. It was expected that enrollees would be restricted to a subset of providers. But the experience shows that often there is no restriction of providers. There is little coordination or management of care in Select plans.[4]

Medicare Select premiums may be low for the wrong reasons—because these policies shift costs to others by not covering all the costs that traditional medigap policies must cover. Medicare Select companies often negotiate with providers to eliminate the payment of Part A deductibles. Insurers have indicated that the discounts of the Part A deductible by participating hospitals is the most significant source of premium savings available in Medicare supplements.[5] This means that hospitals get less reimbursement from Medicare Select carriers. It does not mean that the hospital's costs are lower, so cost shifting to other patients (and their insurers) is inevitable.

Before extending Medicare Select to additional states (or for a substantial time period), we urge you to study further why Medicare Select premiums are often low. Are they cutting premiums for their policyholders merely by shifting costs to other payers? Another issue of concern to us is whether the Medicare Select markets in each state are truly competitive. We understand that in California, for example, there is only one key Medicare Select carrier (Blue Cross).[6] A study prepared for HCFA found that three-fourths of Medicare Select enrollees have policies from affiliates of three Blue Cross and Blue Shield plans (in Alabama, California and Minnesota), hardly an indication of a truly competitive marketplace.[7] We urge you to study the level of competition in this marketplace, recognizing of course that traditional medigap policies do compete with medicare Select policies.

Recommendation: Limit the extension of Medicare Select to a two-year time period that would allow for study and analysis (that is currently underway by HCFA) of cost savings (vs. cost shifting) and quality control. Postpone expansion of the program to additional states until the studies are complete and regulatory adjustments can be put in place.

MEDIGAP MAZE

A key goal of the medigap reform legislation that was included in OBRA-'90 was to provide true consumer choice of medigap policy by standardizing policies, thereby simplifying the choice. In light of the minimal role the Medicare Select products have made in this marketplace, we question whether the expanded complexity offers consumers significant benefits. Consumers (in Medicare Select states) must decide between Medicare only, Medicare risk plans, Medicare cost plans, health care prepayment plans, medicare Select plans, and traditional Medicare supplement policies. They can't even consider which of 10 standard packages to consider until they have made this choice.

Furthermore, insurers have indicated that the 10 standard medigap plans are appropriate for fee-for-service (traditional) medigap policies, but not for network Medicare Select products.[8] If Medicare Select necessitates an additional one or more standard policies, then simplicity is further undercut.

NEED TO AWAIT STUDY RESULTS

Medicare Select was included in OBRA-90 medigap reform legislation as a demonstration program. Medicare Select was established with the hope of achieving goals such as reducing health care costs (both for the Medicare program and consumers) and reducing the paperwork burden on consumers (since Medicare Select plans relieve consumers of the paperwork burden inherent in filing claims). It should not be made permanent until studies of its effectiveness have been completed. The preliminary report (February 1994) paints a picture of Medicare Select that is hardly complimentary. A tiny percent of people eligible have enrolled; a small fraction of insurers participate; cost savings appear to be superficial only and may be cost-shifting in disguise; the market is highly concentrated; Medicare Select regulation often falls between the cracks in state regulatory departments.

Some specific findings that should set off alarms to put on the brakes—not rush ahead with a permanent expansion—include:

Some states (e.g., Arizona) have found that market response has been poor and that beneficiaries tend to migrate back to traditional plans.[9]

Several states that were selected for the program could not get it off the ground and dropped out.[10] Others have had no applications for select plans.[11]

When studied by RTI, only 2.5 percent of eligible Medicare enrollees selected Medicare Select policies, and most of these "rolled over" from prestandardization products. It appears that consumers are not, in general, attracted to Medicare Select policies.[12]

Nor are insurers attracted to the Medicare Select product: only ten percent of HMOs and medigap insurers in Select sates offer Medicare Select policies, with even interest in some states.[13]

Recommendation: Congress should delay expanding and making permanent the Medicare Select program until further study results are available. It should not be made permanent without fixing the elements that are broken.

REGULATORY GAPS

Medicare Select is fraught with questions about regulatory authority. It is not unusual for a state's insurance department to regulate fee-for-service medigap coverage, but another state department (e.g. Department of Public Health or Department of Corporations) to regulate Select products. It is very possible that Medicare Select policies get lost in the regulatory cracks where authority for traditional insurance and HMO's is split. This confusion has even led to approval of plans (as Select) that deviate from the OBRA '90 standard plan designs.[14]

Medicare Select consumers need regulatory protection. For example, consumers switching out of Medicare Select need protection. Consumers who choose a Medicare Select option must use providers in the designated network in order to get medigap coverage. The NAIC model regulation provided protection to consumers who elect Medicare Select but then wish to change to traditional medigap policy. Companies were required to offer such consumers a policy with similar benefits, without underwriting. But this provision has a loophole—consumers have no assurance of such an offer if the Medicare Select company does not offer a traditional ("fee-for-service") medigap policy.

In the event that Congress decides to end the Medicare Select program, either now or in the future, then consumers who have Select policies when the program is ended will need protection. Without new entrants in their pool, their premiums (in closed blocks of business) would spiral upwards. They will need the protection from such an open enrollment period.

Recommendation: Congress should require that all policyholders who wish to switch out of Medicare Select be eligible for an open enrollment period (regardless of which company they select) in order to protect them against being locked into a Medicare Select plan that they do not like.[15] This protection would actually help to promote the Medicare Select option because consumers would have a safety valve if they are dissatisfied. If Congress chooses to end the Medicare Select program, insurers should be required to extend an open enrollment period to Medicare Select policyholders. We urge the Congress to study carefully the regulatory experience and analyze where regulatory authority for Medicare Select is best housed.

DOES MEDICARE SELECT COMPROMISE QUALITY?

Medicare Select policies keep premiums low by negotiating lower reimbursement schedules with providers (mostly hospital), providing discounts to policyholders. On average Medicare pays doctors and hospitals about 59 percent of what private insurers pay for the same services. If (in the future) Medicare Select coverage is negotiated downward (e.g., providing Select policies with Part B discounts also), providers will get even less. At some point, the cumulative impact of lower reimbursement has got to have an impact on quality of care that patients receive. This could occur when providers withdraw from providing services to consumers, or when they cut corners (such as patient time) due to the lower reimbursement levels.

Recommendation: Congress should study the impact of further negotiated discounts for providers before rushing to extend the Medicare Select program.

In conclusion, research done to date indicates that the Medicare Select demonstration program has not achieved its goals. It has resulted in a marketplace in which premium pricing games distort the true cost of the policy. It has not achieved cost savings, but merely shifts costs to other consumers. Few insurers and few consumers have participated. In many states, regulation of this product has fallen between the cracks of different regulatory agencies (is it insurance or managed care?), leaving consumers without the protections they need. Congress should not expand the program and make it permanent, but should take steps now to fix what is broken (the pricing structure, the need for open enrollment) and await further study results before locking the program into place. With respect to Medicare Select, we urge you to proceed with caution.

Thank you for considering our views.

FOOTNOTES

[1] Consumers Union is a nonprofit membership organization chartered in 1936 under the laws of the State of New York to provide consumers with information, education and counsel about goods, services, health, and personal finance; and to initiate and cooperate with individual and group efforts to maintain and enhance the quality of life for consumers. Consumers Union's income is solely derived from the sale of Consumer Reports, its other publications and from noncommercial contributions, grants and fees. In addition to reports on Consumers' Union's own product testing, Consumer Reports with approximately 5 million paid circulation, regularly, carries articles on health, product safety, marketplace economics and legislative, judicial and regulatory actions which affect consumer welfare. Consumers Union's publications carry no advertising and receive no commercial support.

[2] "Filling the Gaps in Medicare," Consumer Reports, August 1994, p. 526.

[3] It is premature to evaluate the impact of the combination of Medicare select and community rating, since two states (Massachusetts and Washington) are new to Medicare select and since community rating requirements are fairly recent.

[4]"Evaluation of the Medicare SELECT Amendments—Case Study Report, RTI Project No. 32U-5531, prepared for Office of Demonstrations and Evaluations, Health Care Financing Administration, U.S. Department of Health and Human Services, February 10, 1994, RTI, p. XX-3.

[5]RTI, p. xi.

[6]Three other plans: Foundation Health Plans; National Med; and Omni Health Plan have been approved but had minimal enrollment, that totals less than 500. [RTI, p. IV-17]

[7]p. ix.

[8]RTI, p. xiii.

[9]RTI, p. III-6.

[10]E.g., Oregon and Michigan. RTI, p. XV-1.

[11]E.g., Illinois. RTI, p. XV-3.

[12]RTI, p. ix.

[13]RTI, p. ix.

[14]See, for example, RTI, p. IV-9, IV-10.

[15]In Florida, Select insurers are required to offer at least a basic Plan A in a non-Select form, providing partial protection for people who wish to switch out of Select plans. One side-effect: this provision makes it infeasible for HMO's to offer SELECT plans.

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

Mr. Speaker, this has been an interesting debate. It has been about a lot of things, it has been about almost everything except the underlying legislation. We have talked about the budget, we have talked about Medicare in general we have been told "why the rush?" The gentleman who poses the question knows full well why we are acting today. This is a demonstration project that expires today, if we do not act. That is why we are here. That is why I urge it to be passed. I am sure that it will be.

We have also heard about the fact that it might cost more. That is interesting, Mr. Speaker, because when this bill was first passed several years ago, a study was supposed to be done. It was supposed to be available in January, but of course the administration advised us that it would not be ready and it would not be ready for months, so they could not provide it to the authorizing committees as the legislation was being crafted.

However, just a few weeks ago, Mr. Speaker, mysteriously, part of the information, not the full report, was leaked, not to the committees of jurisdiction, but to a Member of the other body who is opposed to the legislation. I find that rather curious. Needless to say, this is not the usual method the administration uses to provide committees of jurisdiction with important information.

Mr. Speaker, time is wasting. We need to get on with this program. Let me finally end this by saying, No. 1, the study that is required before this program expires in 3 years requires the Secretary to discontinue the program if it is found that Medicare select: has not resulted in savings of premium costs to beneficiaries compared to nonselect MediGap policies;

Second, they cannot extend it if it shows that it has resulted in significant additional expenditures for the program; or

Third, it cannot be extended if it results in the diminished access in quality of care. There are plenty of safeguards to ensure that beneficiaries are well protected. I urge my colleagues to join me in supporting the conference report.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the conference report on H.R. 483, the Expanded Use of Medicare Select Policies Act. While I recognize the role that the Medicare select demonstration program that currently exists in my State of Illinois and 14 other States plays, I am concerned that this legislation is being used as a cover for the draconian $270 billion in Medicare cuts included in the budget resolution conference report that passed this body yesterday.

Under the Medicare Select Program, senior citizens on Medicare are allowed to buy private MediGap insurance policies through managed-care providers to supplement what Medicare does not cover. An important objective, but following what happened here yesterday with the GOP budget plan, Medicare select could easily become the only health care option for seniors, as Medicare is gutted, services are curtailed, and older folks have to pick up the pieces through private plans. The end result will be less access to services and higher out-of-pocket costs.

It is crystal clear to anyone watching the actions of the majority party in the 104th Congress that devastating changes to Medicare are ahead. There is rampant GOP discussions ongoing about turning Medicare into block grants for the States and based on what happened in the House welfare reform legislation to the Federal School Lunch and Breakfast Programs, I know that "block grant" is a code word for cutting, slashing, and eliminating.

Let's not fool anyone Mr. Speaker, H.R. 483 is one of the first threads with which to unravel the entire Medicare system. I have far too many senior citizens in my district who depend on Medicare and would be crippled by Republican cuts to the program to allow it to be treated as it has by the Speaker and his cronies.

I urge my colleagues to vote "no" on this conference report and reject the Republicans' attempts to balance the budget on the backs of seniors and then hand them the check when the bill comes due.

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

The SPEAKER pro tempore. Pursuant to House Resolution 180, the previous question is ordered.

The question is on the conference report.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Under the rule, the yeas and nays are ordered.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 68, not voting 16, as follows:

[Roll No. 467]

YEAS—350

Ackerman	Bachus	Ballenger
Allard	Baesler	Barcia
Andrews	Baker (CA)	Barr
Archer	Baker (LA)	Barrett (NE)
Armey	Baldacci	Barrett (WI)
Bartlett	Franks (NJ)	Martini
Barton	Frelinghuysen	Mascara
Bass	Frisa	Matsui
Bateman	Frost	McCarthy
Becerra	Funderburk	McCollum
Beilenson	Furse	McCrery
Bentsen	Ganske	McDade
Bereuter	Gejdenson	McHale
Berman	Gekas	McHugh
Bevill	Gephardt	McInnis
Bilbray	Geren	McIntosh
Bilirakis	Gilchrest	McKeon
Bishop	Gillmor	McNulty
Bliley	Gilman	Meehan
Blute	Goodlatte	Menendez
Boehlert	Goodling	Metcalf
Bonilla	Gordon	Meyers
Bono	Goss	Mfume
Brewster	Graham	Mica
Browder	Green	Miller (FL)
Brown (CA)	Greenwood	Mineta
Brown (OH)	Gunderson	Minge
Brownback	Gutierrez	Molinari
Bryant (TN)	Gutknecht	Mollohan
Bunn	Hall (OH)	Montgomery
Bunning	Hall (TX)	Moorhead
Burr	Hamilton	Moran
Burton	Hancock	Morella
Buyer	Hansen	Myers
Callahan	Harman	Myrick
Calvert	Hastert	Neal
Camp	Hastings (WA)	Nethercutt
Canady	Hayes	Neumann
Cardin	Hayworth	Ney
Castle	Hefley	Nussle
Chabot	Hefner	Oberstar
Chambliss	Heineman	Obey
Chapman	Herger	Ortiz
Chenoweth	Hilleary	Orton
Christensen	Hobson	Oxley
Chrysler	Hoekstra	Packard
Clayton	Hoke	Pallone
Clinger	Holden	Parker
Coble	Horn	Pastor
Collins (GA)	Hostettler	Paxon
Combest	Houghton	Payne (VA)
Condit	Hoyer	Peterson (FL)
Cooley	Hunter	Peterson (MN)
Costello	Hutchinson	Petri
Cox	Hyde	Pickett
Cramer	Inglis	Pombo
Crane	Istook	Pomeroy
Crapo	Jackson-Lee	Porter
Cremeans	Jacobs	Portman
Cubin	Johnson (CT)	Poshard
Cunningham	Johnson (SD)	Pryce
Danner	Johnson, E. B.	Quillen
Davis	Johnson, Sam	Quinn
de la Garza	Johnston	Radanovich
Deal	Jones	Rahall
DeLauro	Kaptur	Ramstad
DeLay	Kasich	Reed
Deutsch	Kelly	Regula
Diaz-Balart	Kennedy (MA)	Richardson
Dickey	Kennelly	Riggs
Dicks	Kim	Rivers
Dixon	King	Roberts
Doggett	Kingston	Roemer
Dooley	Kleczka	Rogers
Doolittle	Klug	Rohrabacher
Dornan	Knollenberg	Ros-Lehtinen
Doyle	Kolbe	Rose
Dreier	LaHood	Roth
Duncan	Lantos	Roukema
Dunn	Largent	Roybal-Allard
Durbin	Latham	Royce
Edwards	LaTourette	Sabo
Ehlers	Laughlin	Salmon
Ehrlich	Lazio	Sanford
Emerson	Leach	Sawyer
Engel	Levin	Saxton
English	Lewis (CA)	Scarborough
Ensign	Lewis (KY)	Schaefer
Eshoo	Lightfoot	Schiff
Everett	Lincoln	Schumer
Ewing	Linder	Scott
Farr	Lipinski	Seastrand
Fawell	Livingston	Sensenbrenner
Fazio	LoBiondo	Serrano
Flake	Lofgren	Shadegg
Flanagan	Longley	Shaw
Foley	Lowey	Shays
Forbes	Lucas	Shuster
Fowler	Luther	Sisisky
Fox	Maloney	Skeen
Franks (CT)	Manzullo	Skelton

Smith (MI)	Taylor (NC)	Ward
Smith (NJ)	Tejeda	Weldon (FL)
Smith (TX)	Thomas	Weldon (PA)
Smith (WA)	Thornberry	Weller
Solomon	Thornton	White
Souder	Thurman	Whitfield
Spence	Tiahrt	Wicker
Spratt	Torkildsen	Wilson
Stearns	Traficant	Wise
Stockman	Upton	Wolf
Stump	Vento	Woolsey
Talent	Volkmer	Wynn
Tanner	Vucanovich	Young (FL)
Tate	Waldholtz	Zeliff
Tauzin	Walker	Zimmer
Taylor (MS)	Wamp	

NAYS—68

Abercrombie	Hilliard	Rush
Bonior	Hinchey	Sanders
Borski	Jefferson	Schroeder
Brown (FL)	Kanjorski	Skaggs
Clay	Kennedy (RI)	Slaughter
Clyburn	Kildee	Stark
Coleman	Klink	Stokes
Collins (IL)	LaFalce	Studds
Collins (MI)	Lewis (GA)	Stupak
Conyers	Manton	Thompson
Coyne	Markey	Torres
DeFazio	Martinez	Torricelli
Dingell	McDermott	Towns
Evans	Meek	Tucker
Fattah	Miller (CA)	Velazquez
Fields (LA)	Mink	Visclosky
Filner	Murtha	Waters
Foglietta	Nadler	Watt (NC)
Ford	Olver	Waxman
Frank (MA)	Owens	Williams
Gibbons	Payne (NJ)	Wyden
Gonzalez	Pelosi	Yates
Hastings (FL)	Rangel	

NOT VOTING—16

Boehner	Fields (TX)	Stenholm
Boucher	Gallegly	Walsh
Bryant (TX)	McKinney	Watts (OK)
Clement	Moakley	Young (AK)
Coburn	Norwood	
Dellums	Reynolds	

□ 1303

The Clerk announced the following pair:

On this vote:

Mr. Watts of Oklahoma for, with Mr. Dellums against.

Mr. MARTINEZ changed his vote from "yea" to "nay."

Mr. KING, Mr. BERMAN, Ms. RIVERS, and Mrs. MALONEY 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Ms. ESHOO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR IMMEDIATE CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That immediately upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

The SPEAKER pro tempore (Mr. HOBSON). The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, while adjournment resolutions are ordinarily privileged, a point of order could be raised against the July 4th district work period resolution on grounds it violates section 309 of the Budget Act that requires that the House can not adjourn for more than 3 days in July if it has not completed action on all appropriations; and on grounds it violates section 310 of the Budget Act that requires the same with respect for completing action on a reconciliation bill if one is required by the budget resolution adopted by the Congress.

Despite these strictures in the rules. Mr. Speaker, we are well on our way toward completing our appropriations work in timely manner. Accordingly, in deference to the people whom we serve here, and to our families, to whom we have made commitments over the next week, I believe it is appropriate for the House to now adjourn for the Independence Day district work period.

The special rule before us will simply allow us to consider the July 4th resolution by waiving points of order against it.

The adjournment resolution itself, Senate Concurrent Resolution 20, passed the Senate last night and is now pending at the Speaker's table. This rule provides for the immediate consideration of the adjournment resolution. Under the precedent, it is not subject to debate and will immediately be voted on. I urge adoption of the rule.

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

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

Mr. Speaker, this resolution is one big the dog-ate-my-homework excuse for not getting much done over the last 6 months.

It doesn't list all the laws and rules Republicans have violated, we would be here all night. Instead it rolls all of the excuses into one sentence that gets House Republicans off the hook in terms of the many and varied promises they have broken this year.

The Congressional Budget Act says the House cannot go on recess for more than 3 days in July until the House has initially considered the appropriations bills. Well, we've only finished 2 out of 13 appropriations bills. Well, we've only finished 2 out of 13 appropriations bills, and those were 2 of the easier ones. The law tells Congress not to take a vacation until its work is done and, with this resolution, Republicans are saying they are above the law.

The reason Congress is not supposed to go on vacation until the appropriations bills have gone through the House is because unless the House is finished by July 4, we will be unable to avoid a continuing resolution on October 1. Because Republicans tied up the House with their contract—cutting taxes for the rich at the expense of school lunches and Medicare, and refusing to attend to the business at hand—the Government may very well shut down at the beginning of the fiscal year.

And that's not all. The Congressional Budget Act also requires Congress to complete action on any necessary reconciliation legislation before going home for the July recess. This year, committees won't report until the end of September.

But not to worry. The Republican majority will just pass this resolution and ignore that law too. I can think of a lot of people who would love to change a law they wanted to break, but for most Americans it doesn't work like that.

And let me remind my colleagues on the other side of the aisle of another rule they are breaking today. I quote:

Whenever the Committee on Rules reports a resolution providing for the consideration of any measure, it shall, to the maximum extent possible, specify the object of any waiver of a point of order against its consideration.

But this resolution doesn't specify the object of any waiver at all. Instead they put in words like "to the maximum extent possible" which creates a loophole big enough to drive a truck through.

or all the reform hoopla on opening day—just 6 months ago—Republicans have trampled their own rules time and time again. And today is no different. Every single day of the week that we are in the Committee of the Whole they waive the new requirement that committees will not sit during the 5-minute rule. They've waived that rule more than a flag on a 4th of July parade.

The same Republicans who demanded fairness in committee ratios last Congress are now skewing them so badly that even we look good.

Mr. Speaker, with this resolution, House Republicans are handing themselves a big get-out-of-jail-free card. They are saying "we didn't do the things we were supposed to do but we want to go on vacation anyway."

I urge my colleagues to defeat this rule and I reserve the balance of my time.

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

Mr. Speaker, I would simply say in response to my colleague from Texas, that while some people may consider it a vacation to go home for 10 days, a number of us consider it a good opportunity to go home and talk to the people whom we are here to serve and many of us have town meetings scheduled.

We have opportunities to go home and talk to the people at home about the work that we are doing here. And much as I consider it a vacation to get out of Washington and return home to Utah, this is not simply for convenience of the Members; it is an opportunity to go home and continue the work that we have to do representing the people of our district.

I will also say, Mr. Speaker, that I think a lot of people recognize at home that having completed a balanced budget resolution for the first time in nearly 30 years is completing a great deal of work. We are well on our way toward accomplishing the work that is required of us in the appropriation process to complete that balanced budget in the time prescribed by law.

Mr. Speaker, we would have had two more bills finished this week, but for some unfortunate decisions by some people to try to slow down the process. Hopefully, we are past that, Mr. Speaker, and that when we come back from work in our districts over the next 10 days, we will have an opportunity to let the process move forward expeditiously as it is intended to.

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

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAHOOD. Mr. Speaker, is it against the House rules for Members to wear buttons while speaking on the floor?

The SPEAKER pro tempore. Members should not wear badges trying to communicate a message while they are addressing the House.

Mr. LAHOOD. Mr. Chairman, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAHOOD. Mr. Speaker, would the Speaker not assume that a member of the Committee on Rules would know the rules of the House when he speaks on the House floor?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. LAHOOD. Would the Speaker please advise Members that they are not allowed to wear pins or buttons when they are speaking on the House floor.

The SPEAKER pro tempore. The Chair has just so informed the House.

Mr. FROST. Mr. Speaker, I appreciate the information, because I recall my Republican colleagues wearing buttons on the floor of the House day in and day out when they were in the minority.

I gather what was OK when they were in the minority is not OK now that we are in the minority. I appreciate the information and I will be happy to remove my button. I do recall speaker after speaker wearing buttons on the Republican side during the last 2 and 4 years.

Mr. Speaker, I yield 7 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, Members of the House, here we go again. You know, it has been a very interesting 6 months. And I can still remember the very first day when we sat here adopting changes in the rules of the House.

□ 1315

And we went through each one individually, 20 minutes of debate and then a vote, 20 minutes of debate and a vote, and how we heard from the majority how this House was going to be reformed, how it was going to more adequately represent the people of this great country.

But lo and behold, let us see what has happened since January 4. Let us go through this 6 months and see what has happened.

How about the provision under the rules, the very new rule, that a Member could only serve on four subcommittees? How about that? Well, lo and behold, what do we find out? We have got 30 Members, most of them freshmen, the ones that held the charge for reform on five or six subcommittees. The heck with the rules of the House. I am better than the rules of the House. I do not have to abide by the rules of the House. I am a freshman in the majority. I can serve on five or six and the to heck with rules of the House. That is one of the things that has happened.

What else has happened? Well, what is very interesting to me is this rule we have here today. Not only is it the rules of the House, but the Budget Act, a statutorily enacted law on the books that says that you have to do your appropriation bills and your reconciliation bills before you take over 3 days' recess over the fourth of July. But we are not going to do that. This rule right here before us waives that and other rules so that the majority members, instead of finishing up the appropriation bills as we are supposed to do, and we have only got two done out of here, and I would like to remind that great majority, that outstanding majority, the Gingrich Republicans, and I know I cannot blame the gentlewoman from Utah for not knowing, because she was not here, but last year at this time, before July 4, under the then chairman of the Committee on Appropriations, all 13 appropriation bills were passed by the House, all 13 of them, not 2—13. But not the majority, not the Gingrich majority. They do not have to do it. They can take their good old time.

In fact, I understand it will probably be near the end of July before we get through the last appropriation bill. Now, that does not strike me as getting the job of the Congress done.

The majority has made a great big thing about all of the bills that they passed in the hundred days. Three of them have become law. One of them did not amount to a hill of beans. Two of them amount to a little bit, and that is about all we have done.

Now, they talk about this great big budget that we just passed. Wait a minute folks, read the Budget Act. When are we supposed to have done that budget? Hey, anybody in the majority know when they were supposed to pass the budget? About 2½ months ago. That is all, a little late folks, way late. About time you got things on track. It is about time. I do not think they are ever going to get things on track. I think the train is going to eventually come to a grinding halt here around the 1st of October, and I think that is a deliberate activity of the Republican majority in order to do that.

I am tired of these reformers talking about all of these great rules changes and things they do, when all they end up doing is violating the rules of the House.

I would also like to point out it is going to be interesting to me because I think we ought to have a rollcall vote on this resolution. The reason is because for years from that side, from the more senior Members on that side, anytime you had a waiver of the Budget Act, man, they exploded. They had to vote against it. They talked against it. You could not vote for a rule that waived the Budget Act, could not do it. I am going to be interested to see how many of them vote for the waiver of the Budget Act under this rule.

In closing, I would like to make a quote that I have before me from Will Rogers. He said it way back in 1927. I think it applies probably a little bit to me right now and what I am going to be doing back in my district, since the

Republicans are going to vote to send me on a vacation. This is Will Rogers:

From now on I am going to lay off the Republicans. I have never had anything against them as a race. I realize that out of office. they are just as honest as any other class and they have a place in the community that would have to be taken up by somebody. So I want to apologize for all that I have said about them and henceforth will have only a good word to say of them. Mind you, I am not going to say anything about them for a while, but that is not going to keep me from watching them.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, my colleague just said that the budget was late, and we happen to agree with the gentleman that the budget was late. A balanced budget is about 40 years late.

We were here for 93 days and passed the Contract With America, which was the most bipartisan Congress in the history of this body. And they have had 40 years to balance a budget, and they have not done it.

We kept our word. We are here. We are going to balance the budget by 2002, and it will happen.

So we do agree it was late, 40 years late.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself such time as I may consume, simply to respond to the previous speaker, Mr. Speaker.

There are a couple of points I think need to be clarified. The gentleman noted that he believed that all the appropriations bills had been passed before the July 4 district work period last year. In fact, the D.C. appropriation bill had not been passed. It is a small point, but one I think requires correcting as we are going to talk about appropriations bills on the floor.

Second, Mr. Speaker, I think it is also important to note that that same Congress that was seated last year, in 1993, did not complete their reconciliation bill until October, well past the time it was supposed to be completed by law.

The budget that was passed in those 2 years of the preceding Congress, Mr. Speaker, inflated our deficit to record levels. I think the people of our Nation would rather we take our time and get it right and get it balanced than hurry through and continue a legacy of deficit spending that has continued unabated since 1969.

Finally, Mr. Speaker, I would simply say that the irony of the previous speaker complaining about us not getting our work done will not be lost on those who worked on this floor or people across the country who have observed what has been going on for the past several days as we have wasted precious moments coming in to vote on procedural matters. I would simply point out, while he now complains about us going home so we can talk with the people in our districts over the coming week, the previous speaker voted in favor of a motion to adjourn just earlier this morning.

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

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

My distinguished colleague, the gentleman from Missouri [Mr. VOLKMER] ended his presentation with a quotation from the distinguished American, Will Rogers. I want to start mine with another quotation from another distinguished American, Yogi Berra. Yogi Berra said, "This is deja vu all over again," and that is really what I want to talk about, because this is deja vu all over again.

You have not seen me on the floor recently very much. Earlier in this term, during the first 100 days, I rose time after time after time to protest procedural shortcomings that my Republican colleagues had engaged in. They want to take credit for all of this reform, yet they do not want to comply with their own rules that they are taking credit for among the American people.

Let me give you some examples. On the opening day of this Congress, my colleagues passed a new rule which bars proxy voting in committees. They argued that proxy voting makes a mockery of the committee process and concentrates power in committee leaders. Well, I happen to agree with them.

So what do they do on a regular basis in committee? We cannot vote by proxies, but anytime a vote comes out in a way that they do not like, then they simply go back and ask for reconsideration so that when their Members are not there, they always have a fallback position to come back in and get the results that they are looking for anyway.

They talked about the value of proxy voting. Well, I believe in no proxy voting, too. I think it makes for better deliberation to have the Members in the committee doing work. But they also passed a rule on the opening day of this Congress which talked about waiving the 5-minute rule in the House. Well, what is the 5-minute rule in the House? We debate things on the House floor under a 5-minute rule, and they passed a rule which says you cannot have a committee meeting while we are under the 5-minute rule in the House.

Well, just about every day we have been in this session of Congress, my colleagues, after they passed that rule, have come back to this House of Representatives every single day and asked for a waiver of that rule so that committees can continue to meet while we are doing debate, important debate, right here on the floor.

There was a day last week when I had two markups going, one in the Committee on the Judiciary, one in the Committee on Banking and Financial Services, and a bill that I was involved in on the floor right here, and they said, "Well, you can be in three places at one time because we waived the rule that allowed the committees to meet even though we are doing something that is important to you on the floor of the House of Representatives."

Well, let us hasten along to talk about why this is deja vu all over again, because my colleagues on the Republican side also on opening day passed this rule, and it says, "No Member of the House can serve on more than four subcommittees of this House." Well, look at the record, if you will. There is not a single Democratic Member of the House of Representatives who serves on more than four subcommittees, because the rule says that.

But look at my friends on the other side of the aisle, 30, 30 Republican Members are violating this House rule. Two-thirds of the Members who violate this rule are the same freshmen Republicans who came into this House saying they support reform and honesty with the people of the American electorate, but they themselves will not abide by their own House rules that they have adopted.

Well, is it deja vu all over again?

Let me make the other points, as I have got only 2 minutes.

They passed a rule on opening day of this House which said that the CONGRESSIONAL RECORD will be a verbatim transcript of what actually happens in the House.

□ 1330

Well, my colleagues have not complied with that rule either. They have come right back and, on numerous occasions, have changed, changed the transcript of what has happened in the House to reflect what they would like to have happened rather than what actually happened.

Well, one final thing. They said on opening day, and they went out into the public and took credit for it as an important issue of reform, that a three-fifths vote, a three-fifths vote is required, to pass any new taxing provision. But on several occasions my colleagues have come into this House and violated their own rules.

So why is this deja vu all over again? Because it is a systematic practice on this side of the aisle to come in and violate the rules of the House and have us try to sanction their own violations.

I say to my colleagues, if you are going to take credit for reform, then at least live up to the standard that you set for yourselves. You ask us to comply with the law. We comply with the law. You asked us to comply with the rules. We complied with the rules. All we are simply asking you to do is to comply with the very same rules that

we must comply with that you are telling the American people that you are complying with, and, if you do that, then maybe you can have a better audience in the future.

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

Mr. Speaker, it seems that our previous speaker is complaining about reforms that have resulted in open rules.

Mr. Speaker, there is no question that the previous rule structure, voting by proxy, was more convenient for Members of the House, but it was not good government. When the new majority took over this year, we inherited a bloated committee structure that had so many committees and subcommittees that proxy voting was basically the only way that things could happen around here if the Members did not want to have to move quickly at times. To start on our reforms we cut out 3 whole committees, 25 subcommittees, in an attempt to make it easier for Members to completely fulfill their obligations, which I believe, Mr. Speaker, includes physically going to our committee meetings and voting rather than handing a proxy to someone else who votes on their behalf without them having to consider what is coming before their committee.

We are continuing, Mr. Speaker, to try to work out the problems that had been created. It is true that having people have to actually be in their committees and vote is resulting in us having to hurry at times. It is true that it is less convenient for Members than the old proxy voting was. But I believe, Mr. Speaker, that we have a better Government and a better deliberative process for the difference.

Mr. Speaker, we are going to continue in our working to continue to find better ways to work out the scheduling problems to see if there are other ways to streamline the committee structure, but I believe, Mr. Speaker, that the people at home have every right to expect us to exercise our voting privileges personally and not by proxy.

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

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

Mr. Speaker, we are being asked to waive all kinds of rules so we can go on our vacation for the Fourth of July.

Mr. Speaker, I just wonder what kind of rules we will be asked to waive in August so that Members can go on book tours.

Mr. Speaker, I yield 6½ minutes to the gentleman from Texas [Mr. DOGGETT].

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

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

Mr. WATT of North Carolina. Mr. Speaker, I am just wondering what good does it do to do reform of the rules if they then turn around and violate the rules that they have reformed. I do not know what good that does.

Mrs. WALDHOLTZ. Mr. Speaker, will the gentleman yield and allow me to respond?

Mr. WATT of North Carolina. Mr. Speaker, I yield back to the gentleman from Texas.

Mrs. WALDHOLTZ. Is the gentleman not allowing me an opportunity to respond?

Mr. DOGGETT. Mr. Speaker, the gentlewoman will have plenty of time to him, and I have got a few things for her to respond to, too, but let me pose them first.

Mr. Speaker, I think there are many Americans who are out there saying when they watch the proceedings in this House that there ought to be a law against what is happening up there. There ought to be a law against some of the things that are not happening up there.

I say to my colleagues, Well you know what? There is a law. It is called the Congressional Budget Act, and the Congressional Budget Act is what these folks propose in this resolution to just suspend, to say that they, unlike other Americans, don't have to comply with some of the laws in the statute books, that they can kind of pick and choose the laws of this great country that they wish to comply with. You see the Congressional Budget Act says that we are to have a budget resolution passed and approved in this Congress so we have the guidelines for the budget that will govern the American people with trillions of dollars of expenditure, and it sets a date for doing that, and that date is not yesterday. That date is April 15. Can you imagine what would happen if the American citizens didn't pay their taxes on April 15 when they are due? Would someone permit them to say, "Well, we'll just suspend that this year; it just doesn't feel good to pay taxes on April 15. We'll just suspend that."

Mr. Speaker, that is what these good folks have done, and then they tell us in this law that applies to every American and to this Congress that it is our obligation to complete something called the Reconciliation Act, which when this Congress was in the hands of Democrats in 1993, they followed that law. It says:

> You complete the Reconciliation Act on the budget, and you do it before you go home on July the Fourth. You cannot recess for more than 3 days during the month of July until you have completed the Reconciliation Act.

Mr. Speaker, where I come from, down in Texas, people understand that. They either do their work or they do not get their break. They either do their work or they do not go on vacation. But apparently our colleagues in the majority, the Republicans, do not understand that because, instead of complying with the law and completing reconciliation, what do they come before this House today to do? They asked us to suspend the law for them. They want to go home instead of doing the work that the law charges them with doing.

I do not declare that, if this Republican majority has to suspend any more of the law on the budget, every one of them ought to have to come out here in suspenders because they have been suspending this and suspending that, and they are not doing the people's work to complete this budget on time.

What difference should all that make other than just this example of flouting one law after another to the American people? Well, as a matter of fact, I think it is going to make a big difference when they pay their taxes, when they reach in their pocketbook, to wonder what has happened on Medicare, when they reach in their pocketbook to wonder what has happened in the way taxes are paid in this country, because, I ask, "What happens when you delay, and you delay, and you delay, and you got those suspenders on, and you're suspending one law after another instead of complying with it?" It is that it finally all comes home to roost, and it is all going to come home to roost around here after these big vacations are over with and we are faced with the problems of the fall because, my colleagues, we are only about 3 months from the time that the train wreck is going to occur.

Mr. Speaker, we are going to be down to the end of this fiscal year. We are going to be facing a debt limit, and it is all going to back up, and it is going to pile up, and we will have all these last-minute proposals that say from the Republicans: "Well, Mr. and Mrs. Senior American, we're going to need a little more help out of you. If you want to see your own doctor next month instead of the one that some organization picks out for you, pull out a twenty out of your pocket because it is going to cost you about $20 more a month to do that."

They are going to say, "Well, Mr. and Mrs. Senior American, are the young people that are trying to care for their parents and honor their father and mother," they are going to say to them, "Well, if you want to stay at home with home care instead of going into a nursing home, it is going to cost you more money."

They are going to say, as one of the Members of the Republican leadership does, "If you're about to turn 65 and retire, don't look to Medicare to cover you health care because you're going to have to wait until 67. Oh, your employer won't cover it anymore? Well, that's tough. You'll have to come up with thousands of dollars to provide yourself medical insurance if you get it at age 65 or 66."

And there is one other thing that needs to be said:

As a State judge, I saw one defendant after another who, lacking a meritorious defense, would come forward and would use delay as their shield. It is not surprising when a defendant does that; it is surprising when the judge gets in a partnership with the defendant to use delay as a defense, and on one very critical matter in this House we have heard action would be taken after the Contract. We have heard action would be taken after Memorial Day. We have heard action would be taken at the end of June, before the July Fourth recess, and yesterday a story in the New York Times put a lie to all of that when it reported how little work the Committee on Standards of Official Conduct had done. It is an outrage for this House to adjourn without the Committee on Standards of Official Conduct acting on the complaint against Speaker GINGRICH.

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

Mr. Speaker, first I would like to respond to the question that I was asked but that I was not allowed an opportunity to respond to. The gentleman asked why it is all right to waive our own rules. Well, as the gentleman well knows, in order to expedite the business of this House, to keep it rolling, we have to make some decisions about what is the most important requirement that the people at home expect of us. It is true, Mr. Speaker, that by doing away with proxy voting and expecting people to actually go and vote in the committee that they are assigned to, that we have had to allow those committees to carry out their work while there has also been business moving forward on the floor of the House. Mr. Speaker, we have not waived that most important rule of requiring people to go and exercise their own vote in the committee to which they are assigned. It is critical, Mr. Speaker, that we continue to hold fast to those rules that represent real reform in this body, and we have done so. Rules that are created, however, for the convenience of Members sometimes will have to be suspended in order to allow us to do what needs to be done.

□ 1345

So, Mr. Speaker, I would submit that the people of this country will judge us on whether we are keeping the commitments that we have made to do our work, to vote ourselves rather than allowing someone else to vote for us. And I believe, Mr. Speaker, that the people of this country will support us in continuing to keep the business of this House moving forward at the same time we expect people to do their work themselves instead of handing off their decisionmaking ability to someone else.

Let me also say, Mr. Speaker, that, while people keep talking about us somehow being derelict in our duty by going to our districts this week, I would submit that the decision as to how we are going to spend this Nation's money, which is what the budget process is all about, that decision should not be made solely in Washington, DC. The people at home in our districts have every right to have the opportunity to tell us how they want us to spend their money.

And this district work period, while, yes, I plan to go see my family on the 4th of July, this district work period is an opportunity for us to go home and talk with the people who sent us here, to ask them what it is they want us to do, how they want us to spend their money, because we can never forget, Mr. Speaker, it is not our money, it is theirs.

It is appropriate for us to go home in the midst of this budget process and ask them what they would like us to do with their money. This is a district work period, Mr. Speaker. It is an opportunity for us to go home and see what it is that people want us to do. I think that there is no better use of our time for a period during this budget process.

Mr. WATT of North Carolina. Mr. Speaker, will the gentlewoman yield?

Mrs. WALDHOLTZ. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I was just going to inquire what the gentlewoman did during the April recess when we were out for 3 weeks and you all seem to have spent all your time parading around bragging about what you did in the first 100 days; why did you not do it during that period?

Mrs. WALDHOLTZ. Reclaiming my time, Mr. Speaker, I am happy to show the gentleman exactly what I did during the April recess, meeting with my constituents, talking with people at home. There is never enough time, Mr. Speaker, to talk with the people who sent us here. I am perfectly happy to go home and have another opportunity to meet with them even if the gentleman does not think he needs it.

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

Mr. FROST. Mr. Speaker, we urge a "no" vote on this.

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

Mrs. WALDHOLTZ. Mr. Speaker, I think we have said all that needs to be said on this matter. I urge my colleagues to support this rule.

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

The previous question was ordered.

There was no objection.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the resolution.

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

Mr. FROST. 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 242, nays 157, not voting 35, as follows:

[Roll No. 468]

YEAS—242

Allard	Franks (CT)	McDermott
Archer	Franks (NJ)	McHugh
Armey	Frelinghuysen	McInnis
Bachus	Frisa	McIntosh
Baesler	Funderburk	McKeon
Baker (CA)	Ganske	Meehan
Baker (LA)	Gekas	Metcalf
Barr	Gilchrest	Meyers
Barrett (NE)	Gillmor	Mica
Bartlett	Gilman	Miller (FL)
Barton	Goodling	Minge
Bass	Goss	Mink
Bereuter	Graham	Molinari
Bilbray	Greenwood	Moorhead
Bliley	Gunderson	Morella
Blute	Gutknecht	Myers
Boehlert	Hall (OH)	Myrick
Boehner	Hall (TX)	Nadler
Bonilla	Hamilton	Nethercutt
Bono	Hancock	Neumann
Brewster	Hansen	Ney
Brownback	Hastert	Norwood
Bryant (TN)	Hastings (WA)	Nussle
Bunn	Hayworth	Oxley
Bunning	Hefley	Packard
Burr	Heineman	Parker
Burton	Herger	Paxon
Buyer	Hilleary	Petri
Calvert	Hobson	Pombo
Canady	Hoekstra	Porter
Castle	Hoke	Portman
Chabot	Holden	Quinn
Chambliss	Horn	Radanovich
Chenoweth	Hostettler	Ramstad
Christensen	Houghton	Regula
Chrysler	Hunter	Riggs
Clinger	Hutchinson	Rivers
Coble	Hyde	Roberts
Coburn	Inglis	Rogers
Collins (GA)	Istook	Rohrabacher
Combest	Jacobs	Ros-Lehtinen
Cooley	Johnson (CT)	Roth
Cox	Johnson, Sam	Royce
Cramer	Jones	Salmon
Crane	Kasich	Sanford
Crapo	Kelly	Saxton
Cremeans	Kim	Scarborough
Cubin	King	Schaefer
Cunningham	Kingston	Schiff
Davis	Klug	Seastrand
Deal	Knollenberg	Sensenbrenner
DeLay	Kolbe	Serrano
Diaz-Balart	LaHood	Shadegg
Dickey	Largent	Shaw
Dixon	Latham	Shays
Doolittle	LaTourette	Shuster
Dornan	Laughlin	Skeen
Dreier	Lazio	Skelton
Duncan	Leach	Smith (MI)
Dunn	Lewis (CA)	Smith (NJ)
Ehlers	Lewis (KY)	Smith (TX)
Ehrlich	Lightfoot	Smith (WA)
Emerson	Lincoln	Solomon
Engel	Linder	Souder
English	Lipinski	Spence
Everett	Livingston	Stearns
Ewing	LoBiondo	Stockman
Fawell	Longley	Stump
Flanagan	Lucas	Talent
Foley	Manzullo	Tate
Forbes	Martini	Tauzin
Fowler	McCollum	Taylor (NC)
Fox	McCrery	Thomas
Frank (MA)	McDade	Thornberry

Thornton	Walker	Wicker
Tiahrt	Wamp	Wilson
Torkildsen	Weldon (FL)	Wolf
Traficant	Weldon (PA)	Young (FL)
Upton	Weller	Zeliff
Vucanovich	White	Zimmer
Waldholtz	Whitfield	

NAYS—157

Abercrombie	Geren	Pastor
Andrews	Gibbons	Payne (NJ)
Baldacci	Gonzalez	Payne (VA)
Barcia	Gordon	Pelosi
Barrett (WI)	Green	Peterson (FL)
Becerra	Gutierrez	Peterson (MN)
Beilenson	Harman	Pomeroy
Bentsen	Hastings (FL)	Poshard
Berman	Hilliard	Rahall
Bevill	Hinchey	Rangel
Bishop	Hoyer	Reed
Bonior	Jackson-Lee	Richardson
Borski	Jefferson	Roemer
Browder	Johnson (SD)	Rose
Brown (CA)	Johnson, E. B.	Roybal-Allard
Brown (FL)	Kanjorski	Rush
Brown (OH)	Kaptur	Sabo
Cardin	Kennedy (MA)	Sanders
Chapman	Kennedy (RI)	Sawyer
Clay	Kennelly	Schumer
Clayton	Kildee	Scott
Clyburn	Kleczka	Skaggs
Coleman	Klink	Slaughter
Collins (IL)	LaFalce	Spratt
Condit	Levin	Stark
Conyers	Lewis (GA)	Stokes
Costello	Lofgren	Studds
Coyne	Lowey	Stupak
Danner	Luther	Tanner
de la Garza	Maloney	Taylor (MS)
DeFazio	Manton	Tejeda
DeLauro	Markey	Thompson
Deutsch	Martinez	Thurman
Dingell	Mascara	Torres
Doggett	Matsui	Torricelli
Dooley	McCarthy	Towns
Doyle	McHale	Tucker
Durbin	McKinney	Velazquez
Edwards	McNulty	Vento
Ensign	Meek	Visclosky
Eshoo	Menendez	Volkmer
Evans	Mfume	Ward
Farr	Mineta	Waters
Fattah	Mollohan	Watt (NC)
Fazio	Moran	Waxman
Filner	Murtha	Williams
Flake	Neal	Wise
Foglietta	Oberstar	Woolsey
Ford	Obey	Wyden
Frost	Olver	Wynn
Furse	Orton	Yates
Gejdenson	Owens	
Gephardt	Pallone	

NOT VOTING—35

Ackerman	Fields (LA)	Pickett
Ballenger	Fields (TX)	Pryce
Bateman	Gallegly	Quillen
Bilirakis	Goodlatte	Reynolds
Boucher	Hayes	Roukema
Bryant (TX)	Hefner	Schroeder
Callahan	Johnston	Sisisky
Camp	Lantos	Stenholm
Clement	Miller (CA)	Walsh
Collins (MI)	Moakley	Watts (OK)
Dellums	Montgomery	Young (AK)
Dicks	Ortiz	

□ 1409

Ms. DANNER and Mrs. KENNELLY changed their vote from "yea" to "nay."

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.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE ON THURSDAY, JUNE 29, 1995, OR FRIDAY, JUNE 30, 1995, UNTIL MONDAY, JULY 10, 1995, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE ON THE LEGISLATIVE DAY OF FRIDAY, JUNE 30, 1995, UNTIL MONDAY, JULY 10, 1995

The SPEAKER pro tempore. Pursuant to House Resolution 179, the Chair lays before the House the following concurrent resolution from the Senate:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 1995, or Friday, June 30, 1995, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Monday, July 10, 1995, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Friday, June 30, 1995, it stand adjourned until 2:00 p.m. on Monday, July 10, 1995, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I had an unavoidable speaking conflict in Oklahoma. It was an event that had been scheduled 6 months before I came to Congress. On H.R. 483, I would have voted yes and on the House Resolution 179, I would have voted yes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1883

Mr. WHITE. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor to H.R. 1883. It was inadvertently placed on that list.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I rise to inquire of the gentleman from Texas [Mr. ARMEY] regarding the schedule for next week, July 10.

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

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, on Monday, July 10, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We plan to take up four bills under suspension of the rules: H.R. 1642, extending most-favored-nation status to Cambodia, H.R. 1643, extending MFN to Bulgaria, H.R. 1141, the Sikes Act Improvement Amendments of 1995, and S. 523, the Colorado Basin salinity control amendments.

Members should be advised that there will be no recorded votes taken before 5 p.m. on Monday, July 10. After any recorded votes on suspensions, we will consider a committee naming resolution before taking up the second rule and continued debate on H.R. 1868, the fiscal year 1996 Foreign Operations appropriations bill.

On Tuesday, Wednesday, and Thursday, the House will meet at 10 a.m. for legislative business. We will continue consideration of fiscal year 1996 appropriations bills, including the Energy and Water, Interior, and Agriculture appropriations bills.

It is our hope to have the Members on their way home to their families and their districts by no later than 6 o'clock on Thursday evening. There will be no recorded votes on Friday of that week.

Mr. GEPHARDT. Mr. Speaker, the majority leader indicated his intent to bring up a committee naming resolution before considering the Foreign Operations appropriations bill on Monday, July 10.

Am I correct, Mr. Speaker, In assuming the gentleman is referring to the majority party's intent to seat the gentleman from Texas [Mr. LAUGHLIN] on the Committee on Ways and Means?

Mr. ARMEY. The gentleman is correct. At this time, that is the only committee designation that would be made. I suppose it is possible something else might pop up in the meantime, but that right now is the only designation that I know of.

Mr. GEPHARDT. Mr. Speaker, as I have said to the gentleman, and all Members should understand, there may be a large number of votes that evening after the starting time, and Members should be advised of that possibility.

Mr. ARMEY. I thank the gentleman. I think it is very helpful to all our Members, in the interests of doing their district work period and then returning, that we are able to assure them there will be no votes until after 5 o'clock, but I think the gentleman is absolutely correct. After 5 o'clock, we can most assuredly expect that there will be some votes, and they will be important votes that they will want to participate in.

□ 1415

Mr. GEPHARDT. I wish the distinguished majority leader and all Members a productive, successful, and restful Fourth of July district work period.

Mr. ARMEY. I thank the gentleman from Missouri. I, too, would like to encourage all our Members to have a good break, get some good work done, rest, relax, and we will all come back happy and congenially ready to go back to work on some of the material we did not finish today.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 10, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 1995.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

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PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

SAVING LAW ENFORCEMENT OFFICERS' LIVES ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–90)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

Today I am transmitting for your immediate consideration and passage the "Saving Law Enforcement Officers' Lives Act of 1995." This Act would limit the manufacture, importation, and distribution of handgun ammunition that serves little sporting purpose, but which kills law enforcement officers. The details of this proposal are described in the enclosed section-by-section analysis.

Existing law already provides for limits on ammunition based on the specific materials from which it is made. It does not, however, address the problem of excessively powerful ammunition based on its performance.

Criminals should not have access to handgun ammunition that will pierce the bullet-proof vests worn by law enforcement officers. That is the standard by which so-called "cop-killer" bullets are judged. My proposal would limit the availability of this ammunition.

The process of designating such ammunition should be a careful one and should be undertaken in close consultation with all those who are affected, including representatives of law enforcement, sporting groups, the industries that manufacture bullet-proof vests and ammunition, and the academic research community. For that reason, the legislation requires the Secretary of the Treasury to consult with the appropriate groups before regulations are promulgated. The legislation also provides for congressional review of the proposed regulations before they take effect.

This legislation will save the lives of law enforcement officers without affecting the needs of legitimate sporting enthusiasts. I urge its prompt and favorable consideration by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1995.*

REPORT ON PROGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–91)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

On September 21, 1994, I determined and reported to the Congress that the Russian Federation is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Russia and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning the emigration laws and policies of the Russian Federation. You will find that the report indicates continued Russian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 30, 1995.*

DESIGNATION OF MEMBER AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MONDAY, JULY 10, 1995

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

WASHINGTON, DC, *June 30, 1995.*

I hereby designate the Honorable FRANK WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 1995.

NEWT GINGRICH,
Speaker of the House of Representatives.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A FAIR DAY'S PAY FOR A FAIR DAY'S WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today in strong support of H.R. 363, a bill that would increase the Federal minimum wage from $4.25 to $5.50 an hour, and equally important, automatically adjust the wage up or down annually as indexed for inflation.

Historically, our Nation's lowest wage earning positions were reserved for new immigrants and the young. Both of these groups, especially with increased education, could expect to advance in our society. But as Bob Dylan used to sing, "the times, they are a changin." Indeed, the times are changing. No longer are the lowest paying jobs occupied solely by the young and uneducated; they are held by parents, seniors, students supporting themselves, and millions of other Americans.

The minimum wage labor force has drastically changed over the past decade. What was once a mere passageway to the "American Dream," minimum wage jobs have become a permanent way of life for an increasing number of citizens. Today, nearly 50 percent of working Americans earn the minimum wage. Not only do many of these working people have college diplomas and master's degrees—but most have to support families on their minimum wage.

Now, more than ever, we need to pass legislation that will allow working Americans to earn a real and meaningful income. We have all heard the arguments that unemployment and inflation will increase with a higher minimum wage. These arguments are completely unfounded, as shown by study after study done in a wide variety of areas that have increased their minimum wage. A higher minimum wage stimulates our economy because it allows more consumer needs to be met.

Each day that the minimum wage remains at its current low level, the real buying power of that wage decreases. In order for workers to remain above the poverty level, they would have to be earning over $6 an hour. Do we want to condemn so many working people to poverty?

Mr. Speaker, hard working Americans deserve the security and stability that come with being able to provide for oneself and one's family. Let's raise the minimum wage, let's index it automatically for inflation, and let's give every working American the promise for a better tomorrow.

WHY CORRIDOR H IS A NATIONAL HIGHWAY

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. Madam Speaker, as the Congress adjourns and shortly Sandy and I will get in the car with our two children and begin heading home to the western side of West Virginia, about a 7-hour drive away, we are going to ask ourselves once again: Why is it that we have to drive north to drive so far south? Or why is it that we can take the alternate route and drive so far south and then west and then we get to go north again? Why is there not a direct route, a direct route called Corridor H, a route that has been torn by controversy for many, many years but a highway that should be built.

This is going to begin a series of statements on why Corridor H should be built. Today I am going to entitle this, "Why Corridor H is a National Highway."

It is not, as some say, a narrow West Virginia road or a State interest. It is not just of local concern, nor is it a pork-barrel project. Corridor H is a vital project that has been on the books for 25 years.

Let's take a look at the map, Madam Speaker. Here we are roughly in Washington, DC. I–66 goes out toward the Virginia line and intersects with Interstate 81. The logical thing, if you were going to continue going to the west, would be to go straight, would it not? That is what Corridor H does. But instead our traffic, economic, and tourist and all other traffic, is required to go to the north to 68 or down to the south to 64 and keep going down.

Were Corridor H to be completed, and indeed 40 miles of Corridor H, 4-lane Corridor H is already completed from I–79, 40 miles to Weston, to Buckhannon, to Elkins, West Virginia. But were Corridor H, the 100 and some miles left, to be completed, what you would have is an extension of Interstate 66, a major east-west corridor that goes to I–79 and then permits you to continue going to the west, either down Interstate 79 or up and over on Route 50, another 4-lane road.

What you would have is a straight east-west corridor running all the way from the Washington metropolitan area to Ohio, Kentucky and points west.

This is truly a national highway. Indeed, it would also connect, Madam Speaker, with the inland port at Front Royal, an increasingly commercial development that is showing more success in getting goods to the port at Norfolk. But the problem is that if you are trying to bring anything from the west to the east, you are confronted by extremely mountainous and difficult terrain. Corridor H would end that. It is a major economic development corridor as well as a national highway, a highway truly of national significance.

I think it should also be pointed out that some argue that it is too expensive or environmentally damaging. What they fail to acknowledge is that the four routes that were considered, two running to the south, one running to the north and now the route that has been adopted this way, that those routes were considered and rejected. Indeed, the least expensive route and the one that causes the least environmental disruption is the one that has been adopted.

The two southern routes threaten great environmental problems and were the most expensive to construct. So out of consideration and to meet the concerns of many who raised these objections, the fourth route, the one that is presently proposed, is the one that was adopted.

Madam Speaker, I would urge this Congress to get on about the business of constructing Corridor H and to look at I–66 as it ends at Interstate 81 and to recognize the important national significance of this road. It does not get any cheaper to build a road. The least expensive route has been selected and indeed to provide a major east-west corridor, Corridor H is the answer.

Yes, Sandy and I are going to spend 6 to 7 hours driving and we could spend far less were Corridor H constructed. It should not be constructed for our driving ease. What it ought to be constructed for is the economic growth of this entire region, not only West Virginia but parts of Virginia, Ohio, and Kentucky as well.

Madam Speaker, I will be revisiting the issue of Corridor H a good deal more in the future.

MORE FREEDOM, INDEPENDENCE, AND BANG FOR THE BUCK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I probably will not take the full 5 minutes. As we adjourn today and Members begin to return to their districts to celebrate the Fourth of July, I think we should remember what we are really celebrating is Independence Day.

There were two events, two news items this week coming out of Washington that I think deserve some attention and may seem in some respects disparate but I think they are related. Like the fireworks displays that we are going to see in communities all across America next Tuesday, we should be talking about independence, we should be talking about freedom, but more importantly I think as it relates to government programs, we ought to be looking for ways that we can get the most bang for our buck.

□ 1430

And so I would like to talk about a couple of news items. First of all, we

have an expression back in the Midwest, "When pigs fly," which is another way of saying that that is never going to happen. And I think if you would have asked people several years ago, Do you think the Congress will really get serious about balancing the budget? I think a lot of people would have said, "When pigs fly."

This week the House and Senate conferees came together and we now have a budget blueprint which will, in fact, balance the Federal budget.

Second, I want to talk about something and congratulate Marion Barry, who many times we found reasons to disagree with, and the DC school superintendent, Franklin Smith. There is an article in today's Wall Street Journal where they have agreed to support a local voucher plan for the local schools and privatize up to 11 of the most troubled schools.

I think that is terrific news. I think that is terrific news for the students in Washington, DC. I think it is about independence, I think it is about freedom, and I think it is about getting more bang for the buck.

And so when we talk about the budget, some people are saying we should take 10 years instead of 7 years to balance the budget. When I talk to my constituents, they think we ought to balance it in 3 or 4 years, rather than 7 years. There is criticism no matter what you do.

Frankly, as it relates to the Washington, DC, public schools, I would like to see them open the system up even more so that parents could choose from private, religiously affiliated schools as well, but they are taking the most important first steps, as we are with the budget.

And so, Madam Speaker, when we see pigs beginning to fly, I do not think we should criticize them for not staying up too long or taking too long to get the job done. These are important news items. It is all about more freedom, more independence, and getting more bang for our buck.

AMERICANS WANT FASTER FDA DRUG APPROVALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, life-saving new drugs do take too long to reach the people who need them. From my district in Montgomery County, PA, I have heard many a compelling story from constituents with cancer, A.L.S., Lou Gehrig's disease, epilepsy, or AIDS, who speak of the difficulties in obtaining these life-saving, life-extending drugs. They need them because the approval process in our country is so prolonged and, in effect, they have to turn to other countries where the products are available.

Is it not ironic that most of the life-saving drugs that are produced in the world are produced here in the United States, but our patients and our constituents are the last to receive them because of over-regulation and delays in the system which can be cleared up.

Do not get me wrong. The Food and Drug Administration serves a valuable purpose in maintaining high safety and efficacy standards. However, it is important to note that the FDA's actions directly affect the lives of patients and the ability of physicians to provide state-of-the-art care for their patients. What we need to have is a speeded up process to approve or disapprove drugs so that the investments made by biotech and pharmaceutical companies can result in having saved lives and the quality of those lives extended for many years to come.

In addition, the FDA regulates businesses that produce 25 percent of America's gross national product, so the agency's actions also impact on our country's economic well-being. The United States is far and away the world leader in pharmaceutical and biotech discovery, but many firms are moving clinical trials overseas because of needless trends that do not bode well for the economic future of the United States.

This can all be changed by legislation; by making sure that we speed up the process of FDA approval so that our constituents will have the benefit of these life-extending and live-saving drugs.

In my 13th Congressional District of Pennsylvania alone, we have 10 facilities of 4 major pharmaceutical companies that employ 11,000 people. Here they are at work very hard every day to make sure that we save lives and improve those lives. I would not want to see any of those companies or constituents lost their jobs because FDA regulation is so overburdened and so over-regulated that we delay, in fact, the service and the medical care for our constituents.

Americans want safe medicines. They want a strong FDA that will keep unsafe products off the market. But they also want to see more emphasis on quicker access to medicines, faster clinical trials, and the delivery of those services and devices to them. That is why I am introducing, working with colleagues on both sides of the aisle, to have the Life Extending and Life Saving Drug Act passed here in this 104th Congress. We need to take the action as soon as possible for the great benefit of our Nation's patients and our constituents. I look forward to working with my colleagues and the chairmen of the important committees, like Commerce's THOMAS BLILEY, to make sure we act critically, quickly, and in an efficient manner so that our constituents will be served and, in fact, an industry that is so vital to the country moves forward with economic stability.

WAKE UP, CONGRESS; WAKE UP, AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, first I would like to thank the employees of this House of Representatives who endured hours and hours of debate while this House went into 24-hour session the other evening: The cloakroom staff, the individual staff of the Members of Congress, the Clerk's office, the stenographers that had to take down every word, the pages that have come from around our Nation that have helped the Members, the whip teams and everyone else.

It was quite a spectacle. It was sad for me as a freshman Member of Congress to watch the delay after delay, the motions to rise, the various tactics in order to stall the progress of this House.

I came here to make a difference, to make change. And I know at times there are disagreements and I am certain at times the Republicans did it last time to a Democratic-controlled Congress, but I urge my colleagues on both sides of the aisle to stop this nonsense.

The American public is watching and they are sick and tired of watching Congress go into the night, go into the early morning hours, go 24 hours a day, spending taxpayers' dollars while these fine employees of the House of Representatives have to be away from their homes, while the young pages 16 and 17 years old are up all night long. That is wrong.

So the Democrats and Republicans have to become more responsible in this process and they have got to stop the nonsense and start doing the people's business. Start working on legislation that will change America's problems. I mean we must have had seven motions to rise the other day, which takes over 17 minutes per vote to do that work.

So we spent hours of wasted time coming back and forth to the Chamber. People think it is funny in the Chamber. They laugh. How long can this go on? Let us take to the mattresses. The American public who are watching on C-SPAN or reading in the newspapers of Congress' action are embarrassed. I am embarrassed as a Member of Congress for the actions we took the other day.

Let me talk about another problem that is confronting America and we have got to deal with it, and that is child abuse. The other day we may have read in the national newspapers about a young child named Wolfie whose parents abandoned him at a

mall. A husband and wife abandoned their 3-year-old child and left him wandering in a mall thousands of miles away from their home.

In South Carolina a woman allows two young children to be driven into a lake and drowned. In Florida two parents killed their 7-year-old daughter and left her in a closet for 4 days.

To those out there that have that type of mental illness, put your child up for adoption. Do not take that child's life. You know, children are being taken advantage of. Sexual abuse of our children, this has got to stop.

Members of Congress cannot legislate the protection of children, but neighbors have to be careful and watch out for those around them, the vulnerable children of our society that are falling prey to the sick individuals that would take their lives.

Reading the story of young Wolfie, I can only imagine the terror in his mind when his parents leave him in a mall and drive off in a car and they are found in a park in Maryland 3,000 miles away. Left in California, a 3-year-old child in a mall.

Many of you may have remembered the story of Adam Walsh, who was kidnaped from a mall in Florida, who was beheaded. They still do not have the killer. I understand they are pursuing somebody who may have been involved.

I think it is important that America wake up. The children are our future. When we talk about balanced budgets, we keep talking about children, saving the children's future, taking away the debt that is being piled on our children's future.

Madam Speaker and Members of this Congress, it is time to stop talking about the children in abstract and start talking about protecting their very precious lives, start talking about protecting children from the sick individuals that would destroy their futures and destroy their opportunities.

I ask God to bless the parents of children and, again I say to them, if you are not happy with your child, if you are not happy being parents, put your child up for adoption and let somebody love your child the way that they need to be loved to become responsible citizens.

Again, my hats are off to the dedicated employees of the House of Representatives who have endured many, many hours of debate and their willingness to put in that time to make America the great and strong Nation that it is.

WHY AMERICANS ARE ANGRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Madam Speaker, I want to just briefly this afternoon touch on two issues: One, maybe offer some explanation as to why the American people are so angry. We keep reading in the media about the angry white male, but I think it is not only the angry white male. A whole lot of people of all colors and ages are angry, and also on the floor of this House we hear a lot about class struggle. Class struggle. Let me say a word about that also if I might.

Madam Speaker, I think that the average American is in fact angry, and I believe that that average American has every reason in the world to be angry. What concerns me is very often our anger is taken out against the wrong opponent. But let us focus on why we should be angry.

Madam Speaker, in 1973, the United States reached a high point of its economic life with regard to the wages and benefits that middle-income and working people reached. Since that time, approximately 80 pecent of the American working people have seen either a decline in their standard of living or economic stagnation. That means after 20 years of hard work, those people have gone nowhere economically.

Furthermore, what we are seeing is that the American worker, in order to compensate for the decline in his or her standard of living, is working longer hours. We are making lower wages. We are working longer hours. When you want to know why Americans are stressed out, why they are angry, why they are furious, we should understand that the average American today is working an extra 160 hours a year more in order to compensate for our falling standard of living.

Now, if middle-income people and middle-aged people should be worried, they are working longer hours, they are making less money, what about the younger people? And that is where the economy in the United States today looks extremely frightening.

The real wages of high school dropouts, that means people who did not graduate high school, plummeted 22 percent between 1973 and 1993.

For high school graduates who are entering into the job market, there has also been a precipitous decline in those wages. So what is going on is that as the standard of living of American workers declined in general, for the young workers it is becoming even worse.

But, Madam Speaker, we talk about increase in poverty in America, decline of the standard of living of American workers, the shrinking of the middle-class, the fact that 80 percent of our people are going nowhere economically except perhaps down. Is the economic crisis impacting all people? And the answer of course is no, it is not.

One of the very scary and unfair and unjust aspects of the American economy right now is that in many ways we are becoming two nations. The New York Times a few months ago reported that the wealthiest 1 percent of our population now owns 40 percent of the wealth of America. The richest 1 percent owns more wealth than the bottom 90 percent.

The gap between the rich and the poor is growing wider, and in fact it is today wider and we have a more unfair distribution of wealth than any other industrialized nation on Earth. For the richest people, these times are great times and we can understand why the columnists, who themselves make millions of dollars, or the owners of the TV stations are talking about a booming economy.

□ 1445

It is booming, if you are making a whole lot of money. It is not booming if you are a middle-income or working-class person.

What I am also concerned about is that the nature of the new jobs that are being created are not only low-wage jobs, they are often part-time jobs. What we are seeing now is a proliferation of part-time jobs because companies would rather pay two workers at 20 hours a week without benefits than one worker 40 hours a week with benefits.

I wonder how many Americans know who the largest private employer is right now. People say, "Well, maybe it is General Electric, maybe it is General Motors, IBM." Wrong. The largest private employer today is Manpower, Incorporated, which is a temporary agency.

Very briefly, let me make some recommendations as to what we might want to do to address this very serious economic problem. No. 1, we have got to raise the minimum wage. Workers in America cannot continue to work for $4.25 an hour. That is why so many of our working people are living in poverty.

No. 2, we need, in fact, a massive jobs training, jobs program, to rebuild this country. In my State of Vermont, all over America, there is an enormous amount of work to be done. Let us put people back to work at decent wages and rebuild this country.

A POSITIVE VIEW OF ROMANIA AND THE ROMANIANS

The SPEAKER pro tempore (Mrs. MORELLA). Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Madam Speaker, while the Romanian Government has sometimes gotten bad press in the United States for its slow transition to democratic government and privatization, and its part-free elections and media—the Romanian people deserve recognition for their long suffering struggles and their contributions. This afternoon I want to give a tribute to the Romanian people.