

## HOUSE OF REPRESENTATIVES—Friday, June 7, 1991

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GEPHARDT).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

June 6, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Friday, June 7, 1991.

THOMAS S. FOLEY,

Speaker of the House of Representatives.

### PRAYER

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

Teach us always, O God, to honor other people, both those who are a part of our lives and those we scarcely know. We observe our own traditions and we hold to our own ideas, but we also celebrate the gift of unity that You gave us at the foundation of the world. Recognizing our wholeness as a people may we live our lives in respect for one another, acknowledging the ultimate worth of every person.

On this special day, we honor the young men and women who have faithfully served this past year as the pages in the House. May Your blessing be with them and Your benediction accompany them, now and evermore. Amen.

### THE JOURNAL

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

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

Mr. AUCOIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair'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.

The SPEAKER pro tempore. Does the gentleman from Oregon insist on this point of order?

Mr. AUCOIN. Mr. Speaker, I withdraw my point of order.

So the Journal was approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. McNULTY] please lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that he will receive five 1-minute addresses on each side.

### FAREWELL AND GOOD LUCK TO NICK CALIO

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

Mr. MICHEL. Mr. Speaker, although not too many people know it, I was once offered as a junior Member of this Congress the job of head of the White House Legislative Liaison Office back in the Nixon days when things were not going all that well. For various reasons, I had to refuse the honor.

And after years of observing the incredibly difficult work done by the White House legislative staff, I know I made the right decision.

Being White House liaison to the House requires the tact of a diplomat, the patience of a saint, the endurance of a marathon runner, and the hide of an elephant.

You have to know when to "hold 'em and when to fold 'em," and you have to be as good as your word, obviously.

Nick Calio, Deputy Assistant to the President for Legislative Affairs, has all of those virtues and more. That is why we are going to miss Nick so much when he leaves the White House on June 10 to join what is sometimes called the real world out there.

Nick has held his position since January 1989. He has brought to his tasks a knowledge of the issues, sensitivity to the politics of any situation, on both sides of the aisle, and an unswerving loyalty to our great President.

Nick, we are going to miss you. Good luck to you as you leave the pressure cooker and start raking in the lettuce.

### ELECTION AS MEMBER OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS AND OF COMMITTEE ON SMALL BUSINESS

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 171) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

Resolved, That Representative Johnson of Texas be and is hereby elected to the Committee on Banking, Finance and Urban Affairs and the Committee on Small Business.

The resolution was agreed to. A motion to reconsider was laid on the table.

### WHICH STATE WILL FILE BANKRUPTCY NEXT?

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

Mr. TRAFICANT. Mr. Speaker, Bridgeport, CT, is the first American city since the Great Depression to officially file bankruptcy.

Powerful Members of Congress today should ask Bridgeport how they feel about foreign aid. How does Bridgeport feel about aid to the Soviet Union? How does Bridgeport feel about fast track? How does Bridgeport feel about free trade? How does Bridgeport feel about supply side? How does Bridgeport feel about trickle down?

Mr. Speaker, how does Bridgeport feel about the Reagan revolution?

And Mr. Speaker, someone should ask from this body, how does Bridgeport feel about Congress who spends more time and money in Tel Aviv and Tokyo than in New York, Philadelphia, Youngstown, Cleveland, or Bridgeport.

And Mr. Speaker, I am asking which State in the great Union will be the first to file bankruptcy?

### ON AGAIN, OFF AGAIN SCHEDULING

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

Mr. MARLENEE. Mr. Speaker, I was about to call for a vote on the Journal. It was only my respect for the chairman, the gentleman from Pennsylvania [Mr. MURTHA] and the ranking member who prevailed upon me and the other Members here that I did not do so.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

My frustration with this body is exceedingly high in the scheduling of votes. This is the first time, the only time, except for Desert Storm, that we have had votes on Friday.

Mr. Speaker, how do we service our constituency when we are on again and off again?

I have inconvenienced 300 miners in the State of Montana by not being able to have the informal hearing I was going to have in Montana because the other Members that were going to attend with me could not come and I could not be there because there were going to be votes.

If it were a matter of just myself, I could have missed the votes; but we had scheduled hearings. I am angry, I am mad, hades or high water, those miners will be able to have their testimony submitted for the committee record.

Let us get our act in order, Mr. Speaker. If we are going to have votes, let us have votes, but let us not inconvenience people and families and cause the disruption that we do with the kind of scheduling we have.

With all due respect, Mr. Speaker, please set out a schedule that we can live with.

#### SUPPORT TOURISM IN YOUR AREA

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

Mr. RAY. Mr. Speaker, I rise today to call attention to the importance of tourism in the United States. The fear of terrorism and the current state of our economy have forced many would-be travelers to stay at home. However, tourism does not have to involve a trip across the country. I encourage people to look around their own State and discover what it has to offer.

For instance, in Georgia, tourism in Georgia generates in excess of \$9 billion a year. It is the second largest industry in the State of Georgia, second only to agriculture. The travel and tourism industry provides over 230,000 jobs a year in Georgia.

In my district, the Third District of Georgia, we have the home of former President Jimmy Carter. A trip to Plains, GA, will let you see President Carter's first campaign headquarters and memorabilia from his boyhood period of his life through his Presidency.

Mr. Speaker, no matter where you go in Georgia, you will be greeted with gracious southern hospitality. Visitors can vary their stay from a country inn to a modern hotel. The choices for a relaxing and interesting stay are endless.

I was pleased recently to cosponsor House Joint Resolution 103, which designates the second week in May as National Tourism Week. I would like to encourage travelers to come to Georgia

and to enjoy the many sights that we have to offer.

#### H.R. 5—DESIGNED TO HARM U.S. COMPETITIVENESS

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

Mr. BALLENGER. Mr. Speaker, do you feel that some congressional Democrats want to harm U.S. business? Although they talk a great deal about making companies more competitive, in my 5 years in the Congress, the Democratic Party has done the opposite.

It appears that Congress is more interested in developing the economies of Taiwan, Hong Kong, and Mexico. Every year Congress passes more and more laws that help create the idea that an industry will be better off by moving factories to Mexico or to the Far East.

We will soon have before us a real doozy that will compound problems for U.S. businesses—it is H.R. 5, the Strike Incentive Act. H.R. 5 guarantees "no penalty strikes" and will increase labor disputes and costs of doing business.

Last week, you worried about fast track and Mexico. The fastest track to Mexico is passing H.R. 5.

You may recall my earlier question—are some Democrats out to get American business? The answer is yes—move to Mexico, quickly.

□ 1010

#### WELCOME HOME PARADE

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

Mr. KENNEDY. Mr. Speaker, tomorrow, in our Nation's Capital, we will welcome home our Persian Gulf veterans with a \$12 million parade. It will be marked by a new scale of splendor and pageantry that most Americans have yet to witness. We will pull out the stops to ensure that 500,000 gulf veterans know how proud our country is of them and how thankful we are that they put their lives on the line to ensure that the people of Kuwait would live free.

But tomorrow among the hundreds of thousands of joyous spectators, there will also be thousands of Vietnam veterans, some homeless, who never received a "welcome home."

Mr. Speaker, amid these celebrations, we cannot forget that 200,000 veterans walk our streets homeless, that thousands of veterans are being turned away from medical care and that as many as 10,000 veterans are on waiting lists for prosthetics ranging from wheelchairs to artificial limbs. We cannot forget that America's VA hospital

system is crippled with budget cuts, that claims for benefits take months to process and that our Nation's veterans cemeteries are literally crumbling in disrepair. So my message to each and every American is that yes, we should welcome home our Persian Gulf veterans—they served this Nation admirably. But let us not forget our commitment to the 29 million other veterans who served our Nation just as well and who need our help now.

#### GAPS IN SECURITY WITH RESPECT TO ARMS SHIPMENTS

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

Mr. PAXON. Mr. Speaker, each and every day tons of military ammunition, tanks, and other materiel is transported across the United States via our rail system. However, information that has been provided to me by sources at the Conrail Corp., and information that has been reported by Douglas Turner in the Buffalo News shows that some of these arms shipments on Conrail trains are being left unguarded in rail yards across America, in violation of Department of Defense security requirements.

Mr. Speaker, the security of these arms shipments is a question of both the national security and public safety. In fact, the Defense Department sent a team of investigators to my community and to communities across the Northeast to investigate these charges, and it has been reported, leaked as a matter of fact, that unexplained gaps in security have been found by those DOD investigators. The DOD has been promising to release this report of their investigation for the past week, but we have not received that yet here at Congress.

Mr. Speaker, we need immediate congressional action on this issue to get the answers and to act before it is too late.

I again call on my colleagues on the appropriate committees, that is Armed Services, Public Works and Transportation, and others, to launch a full congressional investigation into these charges and insure the public safety and national security is protected.

#### LEGISLATION ALLOWING BELL OPERATING COMPANIES TO MANUFACTURE TELECOMMUNICATIONS EQUIPMENT

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

Mr. SLATTERY. Mr. Speaker, on Wednesday, by a vote of 71 to 24, the Senate approved legislation that would allow the Bell Operating Cos. to re-

search, design, develop, and manufacture telecommunications equipment.

As the sponsor of the companion bill in the House, I hope this body will move quickly on this issue.

This measure will bring new venture capital to American telecommunications manufacturing.

It will create U.S. telecommunications manufacturing jobs.

And it will bring advanced technologies to market to benefit American consumers.

This bill includes effective regulatory safeguards to ensure a competitive equipment marketplace.

It stands on its own merits and we should consider it this year.

I urge this body to consider the benefits this proposal will bring for American competitiveness in a global economy.

#### COSPONSORSHIP SOUGHT ON LEGISLATION DISAPPROVING PRESIDENT'S MOST-FAVORED-NATION RECOMMENDATION FOR CHINA

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

Mr. SCHULZE. Mr. Speaker, I am disturbed by the White House decision to recommend that the People's Republic of China be extended most-favored-nation trading status.

The President noted that China's emigration flow has continued even since the Tiananmen crackdown, and that China easily fills its United States immigration quota of 17,000. Let us face it, for a country of 1.1 billion people, filling this quota is not too difficult a task.

Regrettably, the administration ignored restrictions in exit permit and passport application processes instituted since Tiananmen Square. Such restrictions are helping police apprehend students and scholars believed to be responsible for the so-called crimes of urging democracy and greater individual liberties. On the basis of these emigration restrictions alone, China clearly does not deserve most-favored-nation status.

On May 30, I joined 15 other Members in introducing House Joint Resolution 263, legislation disapproving the President's most-favored-nation recommendation. We need and urge your cosponsorship.

#### TRIBUTE TO NICK CALIO

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

Mr. GINGRICH. I thank you for recognizing me.

Mr. Speaker, I just wanted to rise today to say that this is the last day that Nick Calio will be the President's

chief liaison to the House. I think on both sides of the aisle there is a real feeling that Nick Calio ably represented George Bush, but also that he very aggressively went back downtown and represented the interests of the Congress, that he was able to work as a mediator for both sides, speaking for the President but also informing the President about the concerns we in the House have had.

Mr. Speaker, we are all going to miss Nick, we wish him well, and I just wanted to say on behalf of all of my colleagues on both sides of the aisle, "Nick, we wish you a great future and we are grateful for the time we have had to work with you."

#### MIDDLE-CLASS FAMILIES SQUEEZED ON HIGHER EDUCATIONAL ASSISTANCE

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

Mr. REED. Mr. Speaker, as a member of the House Education and Labor Committee's Subcommittee on Post-secondary Education, I have participated in a series of hearings on the reauthorization of the Higher Education Act.

Everything I have heard has strengthened my belief that middle-class families can no longer count on the Government to be their partner in educating their children.

The Martinelli family of Cranston is just one example of a working family who are being squeezed out of the educational assistance pipeline.

Their daughter Lisa just graduated from Salve Regina College in Newport, RI, \$17,500 in debt. Lisa's parents took out loans of almost \$20,000.

Lisa's parents earned \$41,816 in 1989. They have never owned a home, and had only a few hundred dollars in the bank. Lisa herself worked and saved about \$3,000 for college.

Lisa received a Rhode Island State grant and a grant from Salve Regina. She took out Perkins loans, Stafford loans, and commercial loans.

But Lisa never even qualified for the minimum Pell grant and the Martinelli's do not know how they can afford to help their second child continue his education.

Lisa Martinelli is one of the many faces of our educational crisis. Her story illustrates why we must reverse the trend in student aid that has left students scrambling for loans and then struggling to pay those loans off once they graduate.

College aid used to be two-thirds grants and now it is two-thirds loans. And for those students who can get a Pell grant, the award itself has lost its purchasing power and only covers one-fourth of an average tuition bill.

The Bush administration proposes to cut even more middle-class families out of the Pell grant formula. Rather than provide sufficient resources to make higher education available for all students, the administration chooses to pit the neediest students against those of moderate means. And worse, pit siblings against each other.

We built this great country on the foundation of opportunity for all. Unless we turn around on student aid, we will continue to destroy that foundation and to destroy the American dream for thousands of middle-class families.

#### PROVIDING FOR CONSIDERATION OF H.R. 2521, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992

Mr. BEILENSEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 165 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 165

*Resolved*, That all points of order against consideration of the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, for failure to comply with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived. During consideration of the bill, all points of order against the following provisions in the bill for failure to comply with clauses 2 and 6 of rule XXI are waived: beginning on page 2, line 3 through "\$24,526,100,000;" on line 15: beginning on page 2, line 18 through "1992;" on page 8, line 6; beginning on page 9, line 10 through "1992;" on line 23; beginning on page 10, line 18 through "1992;" on page 11, line 1; beginning with "Provided" on page 11, line 9 through "\$18,599,037,000;" on page 12, line 6; beginning with "and" on page 12, line 8 through "poses;" on line 13: beginning with "Provided" on page 12, line 17 through "1992;" on line 21; beginning with "Provided" on page 13, line 1 through "1994;" on page 22, line 8; beginning with "Provided" on page 22, line 14 through "\$599,900,000;" on page 26, line 15; beginning on page 26, line 19 through "1996;" on line 22; beginning with "Provided" on page 27, line 8 through "1994;" on page 29, line 23; beginning on page 30, line 7 through "1994;" on page 31, line 20; beginning with "Provided," on page 31, line 22 through "1993;" on page 33, line 11; beginning on page 33, line 16 through "1993;" on line 23; beginning on page 34, line 21 through "1993;" on page 35, line 3; beginning on page 36, line 1 through "1993;" on line 12; beginning on page 37, line 15 through page 39, line 25; beginning on page 40, line 11 through page 42, line 3; beginning on page 45, line 16 through page 46, line 9, beginning on page 84, line 24 through page 86; line 6; and beginning on page 93, line 3 through page 96, line 16. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph.

□ 1020

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 165 is the rule providing for the consideration of H.R. 2521, the bill making appropriations for the Department of Defense for the fiscal year 1992.

Since general appropriations bills are privileged, the legislation will be considered under the normal legislative process for consideration of appropriations bills. The time devoted to general debate will be determined by a unanimous-consent request. The bill will be open to amendment under the 5-minute rule. Any amendment which does not violate the rules of the House will be in order.

The rule before us waives clause 2(L)(6) of rule XI, requiring a 3-day layover, and clause 7 of rule XXI, requiring relevant printed hearings and report to be available for 3 days prior to consideration of a general appropriation bill. These two waivers are necessary in order that the House may consider H.R. 2521 today.

In addition, the rule waives clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in general appropriations bills, against specific provisions in the bill. The provisions for which waivers are provided are specified in the rule by page and line. This waiver is necessary because, while the House of Representatives has approved the measure authorizing the Department of Defense programs funded in the bill, Congress has not enacted the final version of the bill, and because some of the language constitutes legislation.

The rule we are considering also waives clause 6 of rule XXI, prohibiting reappropriations in a general appropriation bill.

Finally, the rule provides that where points of order are waived against only a portion of a paragraph, a point of order against an unprotected provision in the paragraph may be made only against that provision and not against the entire paragraph.

Mr. Speaker, I urge adoption of this rule so that the House can proceed to consideration of this important measure.

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

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

Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for yielding half of his time, and, Mr. Speaker, the gentleman from California has fully explained the provisions

of the rule. This has become the standard rule for consideration of general appropriations bills by the House.

Mr. Speaker, the rule waives points of order against consideration of the bill. It also issues waivers concerning reappropriations, unauthorized appropriations, and legislative language in an appropriation bill. All of these appear in the bill, and all violate the normal procedures of the House.

Mr. Speaker, I applaud the chairman and the ranking Republican member of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania [Mr. MURTHA] and the gentleman from Pennsylvania [Mr. MCDADE], for their hard work in putting this legislation together. Pennsylvania is monopolizing here. They have done an outstanding job. We all appreciate that very, very much.

I would like to point out that the administration does have some concerns about the bill, the Department of Defense appropriations bill. It strongly objects to language that would permit abortions to be performed at U.S. military health facilities overseas in cases other than when the life of the mother is endangered. The President has stated that he would veto any legislation presented to him with this provision, and I, for one, would stand to make that point of order when the bill comes, if the appropriators are not here to do so.

The administration's policy statement also points out that the bill contains a number of objectionable provisions that would severely compromise national defense objectives. If they remained in the bill, the President's advisers would recommend a veto. Of particular concern are the elimination of funding for continuation of B-2 Stealth bomber procurement and the underfunding of the strategic defense initiative, SDI, programs.

Mr. Speaker, under the normal rules of the House, amendments which do not violate any House rules can be offered to the bill under this proposed rule. I am hopeful that the problematic areas the administration is concerned about can be worked out here on the floor and in conference.

Mr. Speaker, I support the rule even with the waivers involved. I hope we can expedite it and get on with the business of the day, and I would urge support of the rule at the appropriate time.

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

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman from California [Mr. BEILENSON] yielding me this time.

Mr. Speaker, I oppose the rule, and I want to describe to my colleagues why I do so.

This morning I came very close to asking for a recorded vote on the Journal. I withdrew my point of order on the Journal because I did not want to inconvenience the Members. But let me explain why I almost did that and why I do oppose the rule.

Mr. Speaker, I oppose the rule because, as the gentleman from New York [Mr. SOLOMON] went through the description of all of the waivers that have been granted on this bill, waivers against points of order, one of the waivers that was not granted to a provision that was added in the Committee on Appropriations by a vote of 18 to 13 was the same amendment that I offered then, being passage on the House floor of the authorization bill which was to provide for servicewomen stationed abroad the ability to purchase with their own funds an abortion in military facilities in countries like the Philippines where there are no safe places to do that. That amendment on the authorization bill carried by a strong majority. I then, because of the threat of a veto on the authorization bill, offered the same amendment in the full Committee on Appropriations, and the full Committee on Appropriations on an 18 to 13 vote approved that amendment again.

□ 1030

Whenever any Appropriations Committee passes a bill and brings it to the Rules Committee, one normally expects that waivers of points of order adopted by the full Appropriations Committee will be sought by the Rules Committee from the leadership of the committee that had the amendment adopted to its bill. In this case that did not happen. I regret that very much because, as I look at the rule today, I find that the Rules Committee was asked for and did grant waivers protecting 21 passages in the Defense appropriation bill. So 21 passages are protected. Up to nine pages of legislative text that would otherwise be subject to a point of order were protected by the rule against a point of order.

Those points of order could be against legislating on an appropriation bill or reappropriating funds. Of 123 general provisions in this bill, 3 are protected against a point of order. That is sections 8006, 8077, and 8092. The one provision that I could best determine was not protected was the amendment that was adopted by the full Committee and adopted by the full House in the authorizing bill only about a week ago.

I must say that I am extremely disappointed to find myself in this position, and I think Members of the House who held that position, members of our committee who voted for that amendment, and Members of the House who passed that amendment on the authorizing bill are being inconvenienced today as well.

I want to tell the Members this, and I hope that those who planned this scenario will listen: It is possible to offer this amendment making legislation on appropriations. It is possible because I drafted it. It is possible to draft my amendment in a simple way that makes it a limitation on expenditures. I cannot offer that amendment today, and if I did so, we would have an abortion debate on the floor and that would inconvenience the leadership of my committee, because I know the leadership of my committee wants to expedite the passage of this bill.

I feel inconvenienced. I think Members have been inconvenienced. But I want to tell the Members something: I am not going to inconvenience the leadership of my committee today. But let me make one thing clear: It is possible to achieve the effect that we achieved when the House passed the authorizing amendment by converting that language into a limitation on abortions.

I just want to serve notice as one Member who feels very strongly about a woman's right to choose, who feels very strongly that our servicewomen who may seek abortion services with their own funds, who are stationed in countries like the Philippines, have to turn to back-alley abortions because they are being denied access to military facilities, to purchase abortions with their own funds. I think they are being inconvenienced, too, and I will never again let this bill go through without offering an amendment that would not be subject to a point of order; it will be a limitation on appropriations against that regulation in the Department of Defense that denies those women those fundamental rights. I will not offer it today.

So let me just sum up the bidding. I am not going to offer that amendment today. This will be the last year that I will not offer it. But by that means in the future, Members can be assured that I will not have to go to the Rules Committee to get their acquiescence in order to work my will on the floor. I am going to offer the amendment on the floor even though that may provide some debate that consumes some time. I know that is an inconvenience to the leadership of my committee, but I think this is an inconvenience, to say the very least, to servicewomen who are stationed abroad. That is an issue that is too important to let go by.

The votes are not here today because all Members are not present, otherwise I might do it today. But this is the last year I will refrain from offering a limitation on expenditures, and I just want everyone to be perfectly clear on that today.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank my colleague for yielding this time to me.

I was not expecting to speak this morning. I just rise to set the record straight on one thing about our women in the military or their dependents who get pregnant. No military person or dependent has ever been forced to get a back-alley abortion in some place like the Philippines or anywhere else in this world. Any military person or dependent who finds themselves, to use the biblical words, with child, has been brought back to the United States at taxpayer expense.

As far as I am able to determine—and I am digging hard in the Pentagon to get the exact figure—about 1,250 military personnel of the female gender were brought home from the gulf area during Desert Shield, Desert Storm, and Desert Saber. They were brought back to the United States because they were with child. That is 1,250.

As to the average pregnancy of those on every ship that has naval personnel on board who are female during their cruise, 16.2 percent of all female members of every crew that embarks the continental United States or Hawaii for overseas tours, that is, 16.2 percent gets pregnant, and they are all able to disembark at the next port or they are taken off by helicopter, I guess, and brought back to the United States.

So in our Nation, no American person in uniform who has found themselves with child, or any dependent, has ever had to avail themselves of a back-alley abortion anywhere in the world. They come back home at taxpayer expense and then proceed to make up their minds whether or not to go through with the birth of their child.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I was not going to oppose the rule. I had talked with the chairman of the Subcommittee on Defense of the Appropriations Committee on the buy American amendment.

That buy American amendment would basically say that if it was determined by our Trade Representative that a foreign country which is party to a reciprocal trade agreement with America has violated the terms of that trade agreement, in fact if certain types of products covered under that agreement have been violated, we can take action to right that wrong and make sure they bring their barriers down. It is clearly legislating on an appropriation bill. I was told that the Ways and Means Committee was going to oppose it. They took the time to send a special letter to the Rules Committee. They did oppose it, and I have been instructed that the Ways and Means Committee is going to raise a

point of order, which means that my amendment is a dead duck.

But here is what I want to say today: Let us take a look at Bridgeport, CT, and take a look at our policies. I get knocked an awful lot because people say I talk too much about my own party, the Democrats.

Mr. Speaker, the Republicans have given us basically the trade policy that we have, and there are some Republican leaders who have reinforced it. And I am saying today that Bridgeport, CT, is really asking for Democrats to help them.

Now, it has been said that I did not come to the Ways and Means Committee. I have come to the Ways and Means Committee with amendments on buy American. I have come on foreign deferrals of tax profits and foreign subsidiaries having a special ride. When I came to testify, I was the last one to testify, and there was only one Member present and they were not even listening.

I cannot offer this amendment today, so I am going to offer a 1-percent cut, \$2.7 billion, to the bill, and if Members want to have cities like New York and Philadelphia to come looking for the money, they can vote for the 1-percent cut.

If that does not work, I am going to offer one-tenth of a 1-percent cut, \$277 million. So if you do not want to fund the space station, you can take the money from defense where the NASA bill should be in the first place. I did not like yesterday's voting, with two options: that we are either going to vote for outer space or for inner cities, both American programs.

The money should not come from housing on the space station. It should come from foreign aid and from this Defense budget, and we know it.

I have talked to this chairman and all the other chairmen, and maybe we have a difference of opinion and I will be the first to admit maybe they are right and I am wrong, but after 40 years I think you are wrong and I think you should have some reciprocal trade agreements in this country. Our workers are getting screwed and ripped off. Our products are being denied in other communities. We have fast track and free trade. Just ask Bridgeport, CT, what they think about it.

□ 1040

Ask them what they think about some revenue sharing. Ask them what they think about aid for the Soviet Union. Ask them what they think about \$160 billion of our defense money protecting Japan and Europe from the Soviet Union, which is bankrupt. Now we are going to give \$150 billion to the Soviet Union so they can be enough of a threat to again attack Japan and Europe, so we will have to give them \$160 billion.

Meanwhile, they are all going to have free trade. You know what we are going to have? Unemployment, bankruptcies. I predict that 1 of our 50 States will officially go bankrupt if we do not change our policies.

So I have no choice. The chairman is absolutely right. I do not even know if they will work a way to get around that amendment, and I do not even know if Members are going to vote for it.

But I want to say this to Members: if you do not want money coming out of housing, cut the Defense bill, and let this Congress know we do not want it coming from housing. Let them know we want a space station, and we do not want to cut housing. We will cut defense, we will cut foreign aid, but we are not going to cut housing.

Let me say one last thing: there might as well just be one committee in the House of Representatives. What the hell do we have an authorizing committee for?

I am sure I will not last here long enough, but damn it, if I do, and ever become a chairman, the Committee on Appropriations will have to have some authorization from my committee.

We just might as well have one big committee. When you get an appropriations chairman that wants to help, then another committee screws you. I am speaking to you now, Members. If you are part of an authorizing committee, you had better start standing up.

I appreciate the time.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would request Members be watchful with their language.

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

Mr. Speaker, I really would like to respond to my good friend from Ohio [Mr. TRAFICANT], just to tell him that under the Deficit Reduction Act of last year, it is not possible to transfer money from defense to domestic, or vice versa. Therefore, this very, very frugal bill is before us. I hope it will be adopted.

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

Mr. BEILENSON. Mr. Speaker, I have no further requests for 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.

**GENERAL LEAVE**

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include extraneous and tabular material, on H.R. 2521, the bill about to be considered.

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

There was no objection.

**DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992**

Mr. MURTHA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was agreed to.

□ 1044

**IN THE COMMITTEE OF THE WHOLE**

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2521, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

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

Mr. Chairman, I bring to the House of Representatives the fiscal year 1992 Defense appropriations bill.

I'd like to thank all the members of the Defense Subcommittee for the hard work they have performed all year.

The subcommittee held hearings on this bill during the time period of January 24 to May 9.

I'd like to give special thanks to the ranking minority member of the subcommittee, my friend from Pennsylvania, Mr. MCDADE.

The Appropriations Committee is recommending to the House a total of \$270.6 billion in new budget authority for fiscal year 1992 for the Defense Department.

This figure is basically at the level of the budget request and is \$12.8 billion below the fiscal year 1991 level, including supplements.

These spending levels do not include funds for the Nuclear Weapons Program of the Department of Energy or for military construction. Those activities are funded in separate appropriations bills.

Mr. Chairman, in past years, we have had significant differences with the executive branch in terms of the bottom line of the level of spending that should be approved for Defense by the Congress.

However, as we all know, the economic summit set funding levels for defense for a number of years and the Congress and the executive branch have agreed to abide by those numbers.

This bill which I am presenting to the House of Representatives today:

Agrees with the Defense figure set in the economic summit;

Agrees with the 602 allocation given to Defense by the full Appropriations Committee; and

Complies with the recently passed authorization legislation in terms of funding levels for major projects such as the B-2 bomber and SDI.

I recognize that some of those recommendations approved by the House on scientific programs are somewhat controversial, but the full House made those recommendations in the authorization legislation and the bill before you complied with those decisions.

I will place in the RECORD at this point a table which outlines the committee's recommendations by major account.

**COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1991 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1992**

Agency and item	Appropriated 1991 (enacted to date)	Budget estimates, 1992 <sup>1</sup>	Recommended in bill	Bill compared with appropriated, 1991	Bill compared with budget estimates, 1992
(1)	(2)	(3)	(4)	(5)	(6)
<b>RECAPITULATION</b>					
Title I—Military Personnel	78,245,467,000	78,016,900,000	78,753,100,000	+507,633,000	+736,200,000
Title II—Operation and Maintenance	83,737,560,000	85,411,800,000	87,720,527,000	+3,982,967,000	+2,308,727,000
Title III—Procurement	67,176,648,000	63,370,700,000	64,645,839,000	-2,530,809,000	+1,275,139,000

## COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1991 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1992—Continued

Agency and item (1)	Appropriated 1991 (enacted to date) (2)	Budget estimates, 1991 <sup>1</sup> (3)	Recommended in bill (4)	Bill compared with appropriated, 1991 (5)	Bill compared with budget estimates, 1992 (6)
Title IV—Research, Development, Test and Evaluation	35,974,792,000	39,221,533,000	37,185,113,000	+1,210,321,000	-2,036,420,000
Title V—DBOF/Revolving and Management Funds	1,984,200,000	2,979,970,000	2,444,100,000	+459,900,000	-535,870,000
Title VI—Other Department of Defense Programs	1,476,300,000	1,749,600,000	1,729,694,000	+253,394,000	-19,906,000
Title VII—Related agencies	193,500,000	194,819,000	194,819,000	+1,319,000	
Title VIII—General provisions	393,000,000		-300,000,000	-693,000,000	-300,000,000
(Additional transfer authority)	(2,250,000,000)	(3,000,000,000)	(3,000,000,000)	(+750,000,000)	
Title IX—Desert Shield/Desert Storm	15,000,000,000			-15,000,000,000	
Total, Department of Defense (Transfer authority)	284,181,467,000 (2,250,000,000)	270,945,322,000 (3,000,000,000)	272,373,192,000 (3,000,000,000)	-11,808,275,000 (+750,000,000)	+1,427,870,000
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Shipbuilding and conversion, Navy (by transfer)	(44,900,000)	(111,700,000)	(117,600,000)	(+72,700,000)	(+5,900,000)
Aircraft procurement, Navy (by transfer)			(851,600,000)	(+851,600,000)	(+851,600,000)
Other procurement, Navy (transfer out)	(-34,300,000)			(+34,300,000)	
Procurement, Marine Corps (transfer out)		(-29,300,000)	(-29,300,000)	(-29,300,000)	
Weapons procurement, Navy (transfer out)		(-50,600,000)	(-37,600,000)	(-37,600,000)	(+13,000,000)
Other procurement, Navy (transfer out)		(-12,400,000)	(-4,200,000)	(-4,200,000)	(+8,200,000)
RD1 & E, Navy (transfer out)		(-4,300,000)	(-853,000,000)	(-853,000,000)	(-848,700,000)
Aircraft procurement, Navy (transfer out)	(-10,600,000)	(-180,100,000)	(-210,100,000)	(-199,500,000)	(-30,000,000)
RD1 & E, Navy (by transfer)		(165,000,000)	(165,000,000)	(+165,000,000)	
Operation and Maintenance, Navy (transfer out)	(-300,000,000)			(+300,000,000)	
Coast Guard (by transfer)	(300,000,000)			(-300,000,000)	
O & M, Defense Agencies (transfer out)	(-912,000)		(-20,000,000)	(-19,088,000)	(-20,000,000)
Radiation Exposure Compensation Trust Fund (by transfer)			(5,000,000)	(+5,000,000)	(+5,000,000)
Library of Congress	(912,000)			(-912,000)	
RD1 & E, Defense Agencies (transfer out)			(-5,000,000)	(-5,000,000)	(-5,000,000)
Atomic Energy Defense Activities (by transfer)	(30,000,000)		(20,000,000)	(-10,000,000)	(+20,000,000)
DOD transfer to DOE	(-30,000,000)			(+30,000,000)	
Payment of claims	4,749,000			-4,749,000	
Rescissions	-798,140,000		-1,807,400,000	-1,009,260,000	-1,807,400,000
Total adjustments	-793,391,000		-1,807,400,000	-1,014,009,000	-1,807,400,000
Total (including adjustments)	283,388,076,000	270,945,322,000	270,565,792,000	-12,822,284,000	-379,530,000
Amounts in this bill	(284,181,467,000)	(270,945,322,000)	(272,373,192,000)	(-11,808,275,000)	(+1,427,870,000)
Scorekeeping adjustments	(-793,391,000)		(-1,807,400,000)	(-1,014,009,000)	(-1,807,400,000)
Total mandatory and discretionary	283,388,076,000	270,945,322,000	270,565,792,000	-12,822,284,000	-379,530,000
Mandatory	(164,600,000)	(164,100,000)	(164,100,000)	(-500,000)	
Discretionary	(283,223,476,000)	(270,781,222,000)	(270,401,692,000)	(-12,821,784,000)	(-379,530,000)

<sup>1</sup> Includes FY 1992 Budget Amendment (H. Doc. 102-72).

#### FUNDING DECLINE FOR DEFENSE BECAUSE OF FOREIGN POLICY SUCCESSES

Mr. Chairman, maintaining a strong defense and a consistent foreign policy over the years has paid enormous dividends in the past few years.

The collapse of the Berlin Wall; The collapse of the Warsaw Pact; and A much more benign Soviet foreign policy.

As a result of these successes we have been able to substantially scale back the resources expended for America's defense budget.

We are withdrawing large numbers of troops from Europe.

As we are all painfully aware, we are closing down many military bases and facilities.

Over the next few years, the force structure of America's forces will be reduced by about 25 percent.

The budget before you represents the seventh consecutive year of decline of defense spending when measured in constant dollars and not including the one time spike upward for Operation Desert Shield/Desert Storm.

#### DEFENSE PRIORITIES FOR THE 1990'S

However, despite the dramatic and favorable historical trends of the last few years, we must keep in mind that the men and women of our Armed Forces have been asked to carry out many important and dangerous missions to achieve the foreign policy objectives of America in recent years.

The attack on the terrorist regime in Libya;

The rescue mission in Grenada; The removal of General Noriega from Panama; and

The defeat of Saddam Hussein—a dictator who would have controlled half of the world's oil reserves had he invaded northern Saudi Arabia.

Mr. Chairman, to ensure the continued high level of capability of our troops, we have reshuffled somewhat the funding priorities requested in the budget submitted to the committee although we have not changed the bottom line.

The committee believes that the funds added for certain programs in this legislation will significantly enhance the military effectiveness of our downsized force structure for the 1990's.

We have emphasized the following areas: Morale, readiness, mobility, deployability, and sustainability.

I would like to say just a word or two about some of these initiatives.

#### MORALE

We added \$300 million to the military personnel account to avoid the involuntary separation of troops. The subcommittee simply found it unacceptable that troops who had served so admirably in the Persian Gulf should face being involuntarily separated from the service upon their return home.

#### READINESS

In the operation and readiness account we added substantial funds above

the budget request for depot maintenance and real property maintenance.

There are substantial backlogs in both these areas.

These initiatives will enhance the quality and readiness of the downsized force structure.

#### DEPLOYABILITY

As we withdraw large numbers of troops for overseas, having the capacity to deploy those forces should it become necessary becomes vitally important.

The committee has added \$1.3 billion for sealift and supported the budget request for strategic airlift.

We have added almost \$1 billion to procure new equipment to:

Go onboard the maritime prepositioning ships which have military equipment ready to be deployed to any hot spot in the globe and be married up with the troops brought in by airlift; and

Some of these funds are also to provide new equipment at land based prepositioned equipment locations.

#### MOBILITY

You need highly mobile troops once they are deployed.

We have added funds for the V-22 Osprey tilt rotor aircraft and for additional landing craft which are deployed from ships.

#### SUSTAINABILITY

You need a force which can be sustained with consumables once it is deployed;

We have added \$600 million for additional spares and repair parts;

We have added \$100 million for ammunition; and

Of course, the additional sealift will also help sustainability.

In summary, Mr. Chairman, the Defense appropriations bill for 1992 which we are reporting to the House of Representatives:

Complies with budget figure set for Defense in the economic summit;

Complies with the 602 allocation set by the full Appropriations Committee;

Complies with the funding level for major programs set by the recently passed authorization legislation;

Enhances the morale of our Armed Forces;

Enhances the readiness of our troops; Enhances the deployability and mobility of our troops; and

Enhances their sustainability once they are deployed.

I urge acceptance of the committee's recommendations.

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

Mr. Chairman, I rise in support of this particular piece of legislation. Before saying anything about the bill, I would like to express my deep appreciation to the distinguished gentleman from Pennsylvania [Mr. MURTHA], the chairman of our committee, for the fashion in which he has conducted the hearings this year, as he has in so many other years, openly, bipartisanship, objectively, looking for the facts, and, above all, trying to help to shape a solid defense bill, which I think, above all, is committed to the individual soldier, sailor, airman, marine, and their families, and provides what they need to do the job when called upon.

Mr. Chairman, I want to say as well that the members of the staff of the committee on both sides of the aisle have functioned superbly, working long hours with complex, difficult issues, to resolve them, in order that we could bring before Members today a bill which I believe the House ought to send to conference.

Mr. Chairman, I think all of us should also spend a moment and take pride in our former colleague Dickey Cheney, the Secretary of Defense, who has performed with such distinction. We are proud, I know, to call him an alumni of this body, and to recognize his role, not only in the conduct of Desert Storm, but in the difficult problem of engaging in the build-down of the establishment of the Defense Department. He has shown exemplary decisionmaking ability and toughness, as he has tried to work his way through that critical process.

Mr. Chairman, I need to say just briefly that this bill as we see it today mirrors, of course, the authorization bill, which passed the House a few weeks ago. All of us know that that

particular bill is not going to be signed by the President.

This bill honors the funding levels that are set in the authorization bill, and thus in its current form, also would not be signed by the President as we take it up today.

I want to make it clear to Members, as I have in previous years, that the process demands that we move this bill over to the Senate and get into conference with the Senate. The administration will begin to negotiate with the authorizing committees of the House and Senate, and the Appropriations Committees. We will be in a position in this bill to work an agreement that will indeed enable the President and the country to have an acceptable and useful defense bill, which can meet the national security interests of this great Nation and the light of liberty that she holds proudly around the world.

□ 1050

I want to indicate just briefly, Mr. Chairman, that this bill is the seventh straight year of declining defense budgets, 12 percent below in real dollars the bill that was enacted just 2 years ago. It represents substantial cuts in procurement accounts, R&D accounts, and others, as the chairman has indicated so ably. We have made sure that the personnel accounts and O&M accounts have been kept at robust levels because we want to see our people trained and ready to move if need be.

I do think all of us need to be pondering, because this issue is going to keep coming back, about industrial base. We used to produce five submarines a year. We are down to one; we used to have six fighter lines going, we will be at one. The Nation, for more than half a century, has had a warm tank line, and now we are having difficulty just keeping that line going.

So we will have continuing problems as the bill moves along, not just this year but in the outyears, as we continue to do the build-down. It will be our task to make sure that the Nation remains secure and that the lamp of liberty remains bright.

I want to express my deep appreciation to all of the members of the subcommittee who each contributed, and they all contributed mightily, to the shaping of the bill. It comes before the body unanimously recommended by the members of the Defense Subcommittee, all of whom, as I say, worked mightily to shape the final product.

Mr. Chairman, I urge the adoption of this bill.

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

Mr. MURTHA. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2521, the Department

of Defense appropriations bill for fiscal year 1992. This is the 5th of the 13 annual appropriations bills.

Commend the chairman and the ranking member for adhering to the limits of the budget resolution and budget agreement.

The bill provides \$270.402 billion in discretionary budget authority and \$275.191 billion in discretionary outlays. I am pleased to note that the bill is \$52 million below the level of discretionary budget authority and \$164 million below the discretionary outlays as compared to the 602(b) spending subdivision for this subcommittee.

As chairman of the Budget Committee, I plan to inform the House of the status of all spending legislation, and will be issuing a "Dear Colleague" on how each appropriations measure compares to the 602(b) subdivisions.

I look forward to working with the Appropriations Committee on its other bills.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, June 6, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2521, the Department of Defense appropriations bill for fiscal year 1992. This bill is scheduled to be considered on Friday, June 7.

This is the fifth regular fiscal year 1992 appropriations bill to be considered. The bill is below the 602(b) subdivision.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,  
Chairman.

[Fact Sheet]

H.R. 2521, DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-95)

The House Appropriations Committee reported the Department of Defense Appropriations Bill for Fiscal Year 1992 on Tuesday, June 4, 1991. Floor consideration of this bill is scheduled for Friday, June 7, subject to a rule being granted.

COMPARISON TO THE 602(b) SUBDIVISION

The bill, as reported, provides \$270,402 million of discretionary budget authority \$52 million less than the Appropriations subdivision for this subcommittee. The bill is \$164 million under the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

COMPARISON TO DEFENSE SPENDING ALLOCATION

[In millions of dollars]

	Department of Defense appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	270,402	275,191	270,454	275,355	-52	-164
Mandatory	164	164	164	164		
Total	270,566	275,355	270,618	275,519	-52	-164

Note: BA—New budget authority; O—Estimated outlays.

The House Appropriations Committee reported the Committee's subdivision of budget authority and outlays in House Report # 102-81. These subdivisions are consistent

with the allocation of spending responsibility to House committees contained in House Report 102-69, the conference report to accompany H. Con. Res. 121, Concurrent Resolution on the Budget for Fiscal Year 1992, as adopted by the Congress on May 22, 1991.

#### PROGRAM HIGHLIGHTS

The following are the major program highlights for the Department of Defense Appropriations Bill for Fiscal Year 1992, as reported:

(In millions of dollars)

	Budget authority	New outlays
Military personnel .....	78,753	74,989
Procurement .....	64,646	11,855
Operations and maintenance .....	87,721	67,367
Research and development .....	37,185	20,616

Mr. MCDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I want to compliment the members of the subcommittee on producing an excellent bill. I would like to highlight a couple of items in the bill that I think are important, two sections that deal with buy America. I am pleased to see that this bill in sections 8112 and 8113 does require the Defense Department to buy America, where possible, particularly in the area of steel. In conjunction with that, the language of H.R. 2445 was put into this bill creating an Office of Critical Technology Assessment.

The reason for this is that it was determined that in Desert Storm about 50 percent of the high-technology equipment that was used there was sourced offshore. What that means is that our Defense Department was dependent on offshore sources for a significant and important part of their equipment.

I think it is important that we review our industrial base in the United States to determine if we can produce these critical items in the future. What this language does is provide a committee made up of Secretaries from Commerce, Labor, Energy, and Defense to assess the critical industries in the United States and report back to this Congress on the ability to produce the needs that we have, the impact of foreign producers, the affect of domestic laws and definitions of critical technologies so that Congress can make judgments as to how to address this problem in the future.

I do not think we want to long term be dependent on offshore sources for 50 percent of our high-technology or our critical technologies.

There is another element. That is what we are going to be in the very competitive world tomorrow, with the emergence of the European Common Market and the Pacific rim countries. Therefore, if we are going to be a competitive nation in the future, both economically and in terms of our defense, we have to have a manufacturing industry, we have to have the ability to produce the critical materials that are essential to a strong industrial econ-

omy. The language that was included in this bill by the subcommittee takes a giant step toward that in the sense that in a year from the establishment of the Critical Technologies Executive Committee created in the bill we should have this kind of an assessment available to all of us so that all the committees in their process of legislating can ensure that the actions we take do provide for a critical materials program in the United States.

Mr. VENTO. Mr. Chairman, I rise in support of the bill, H.R. 2521, the Defense appropriations bill for fiscal year 1992.

While several of the amounts provided for certain weapons systems in this legislation are, in my opinion, still excessive, nevertheless, I believe that the Armed Services Appropriations Subcommittee and the full committee have done an acceptable job in trying to reconcile conflicting demands for defense expenditures in the coming fiscal year.

I am particularly pleased that the distinguished chairman of the Defense Appropriations Subcommittee, Mr. MURTHA, included an amendment which prohibits the U.S. Army Corps of Engineers [USACE] from using any funds in this bill or any prior acts for implementing its reorganization study until such proposed reorganization is specifically authorized by law after the date of enactment of the bill.

Mr. Chairman, I am very strongly opposed to the efforts of those who wish to implement the reorganization of the Corps of Engineers through the base realignment and closure process, also known as BRAC-91. I am not opposed to efforts by the Corps of Engineers to adopt a more rational organizational structure given its missions and functions. However, a vital question of process is at stake here.

On April 12, 1991, Secretary of Defense Cheney announced that he was rejecting the Army's recommendation to include the USACE reorganization in the BRAC-91 process. Secretary Cheney indicated at that time that because of overlapping congressional jurisdiction between several committees, including Armed Services and Public Works and Transportation, as well as the respective appropriations panels in both the House and Senate, that he would be working with these committees of jurisdiction to implement a reorganization plan.

I, along with many other Members, were quite surprised, to say the least, to learn, however, that on May 30, the Commission on base realignment and closure had invited Army Secretary Stone to testify before the Commission regarding the reorganization plan of the USACE. On June 5, General Hatch and Assistant Secretary of the Army Livingstone testified before the Commission regarding the USACE reorganization plan.

The Commission later extended invitations to the chairmen of the committees of jurisdiction, as well as the ranking minority members, to also testify on this issue. Chairman ROE of the Public Works and Transportation Committee appeared, as did the ranking minority member of the Senate Armed Services Committee, Senator WARNER. My colleague from Minnesota, Mr. OBERSTAR, a senior member of the Public Works Committee and I were also

permitted to testify before the Commission on June 5.

These Members all urged the Commission not to include the USACE reorganization plan in the BRAC process. The criteria which are applicable to BRAC are inappropriate since they are heavily weighted toward national security considerations. The corps' civil works functions, including wetlands management, issuing permits under the Clean Water Act, building and maintaining locks, dams, and flood control projects, are not related to national security although these activities are extremely vital to the communities which the corps serves.

Most importantly, if the Commission on base closure and realignment includes the USACE reorganization plan in the BRAC process, and the President concurs, Congress will not have an opportunity to remove the corps from this process unless it defeats the entire BRAC package later this year. The Commission has until July 1 to issue its report.

Mr. Chairman, the manner in which this proposed reorganization has been handled leaves many serious questions in my mind and in the minds of many Members.

It was only 2 weeks ago, on May 24, that the corps formally unveiled its reorganization plan. Prior to that time, the corps had imposed a gag order on its own employees ordering them not to discuss any details of the reorganization with Congress or anyone else.

The details of the plan are also disturbing. Using its own ranking criteria to evaluate which facilities to retain or increase and which ones would be downsized or closed, the corps' own recommendations retain four of the bottom five corps facilities, while reducing or closing others which scored significantly higher using the corps' own internally developed criteria, such as Philadelphia and St. Paul.

It is also of concern to me that the corps seems to be suggesting that it does not currently have the authority to accomplish certain internal administrative functions when, in fact, it not only has such authority, but has used such authority. For example, General Hatch testified before the Commission on June 5 that the USACE is seeking authority to consolidate certain administrative functions, such as human resources, finance and accounting, and information management. It is my understanding, however, that the corps has such authority already. In fact, several years ago, the corps consolidated its Human Resources function for its South Pacific Division in Sacramento, CA. In short, the corps' hands are not tied and the corps does not need authority through the BRAC process to implement certain internal administrative functions.

The corps must, however, give the authorizing and appropriating committees of the Congress an opportunity to carefully scrutinize the details of this reorganization proposal.

I applaud Mr. MURTHA for his actions in preserving the prerogatives of his committee and the other committees to give this plan the full and careful review which it demands.

Mr. GALLO. Mr. Chairman, I join with my colleagues today who support the Defense appropriations bill for fiscal year 1992, because I believe we must move forward with the appropriations process.

In particular, I am pleased that this bill follows the mandate of the authorizing language passed by the House in May to ensure a fair and orderly realignment of our military Reserves and National Guard, without hitting States like New Jersey with a disproportionate share of the cuts.

Other aspects of this bill, frankly, cause me a great deal of concern, because I see too much disparity between the best judgment of the administration and the often conflicting set of priorities represented in this bill.

I am hopeful that further changes can be made by the Senate and through the conference committee process, so that we can resolve some of these substantive differences in military spending priorities.

I commend my colleagues on the subcommittee for their hard work in bringing this bill to the floor. I understand the constraints under which they were working and appreciate the fact that their options were limited by the earlier actions of the House with regard to authorizations.

Let me emphasize again that I place a great deal of importance on the fair and equitable treatment of our Reserves and National Guard as part of our overall defense posture, as well as the great importance of domestic disaster relief rapid response that we could lose if these cuts are too severe.

I had great difficulty casting a negative vote in May on the President's language to authorize funding for the Department of Defense for fiscal years 1992-93, but I did so because of my strong opposition to the proposed drawdown of the National Guard and Reserve.

The administration's defense bill this year called for a drastic reduction in the Army National Guard and Reserve by over 106,000 over a 4-year period. This equates to a discharge of about one in every three Army guardsmen and reservists and the closing of one out of every three National Guard and Reserve armories in Members' communities across the Nation.

Every State would share the burden of these cuts, however, New Jersey, as well as New York, Pennsylvania, and several other States would have been unfairly required to shoulder a disproportionate reduction in force.

New Jersey alone would be required to shoulder nearly 48 percent of this reduction, while across-the-board estimates indicate that States overall would absorb about 30 percent or less.

Mr. Chairman, I believe we have made our best effort in the House to resolve differences that remain and that we must move the process forward in the hope that the remaining items in contention can yet be resolved. I urge my colleagues to recognize what we have accomplished, as well as those areas of continuing disagreements. Let's move forward.

Mr. DICKS. Mr. Chairman, I want to commend the chairman, Mr. MURTHA and our ranking member, Mr. MCDADE, along with all my colleagues on the Defense Appropriations Subcommittee for the work they have done to bring to the floor a bill that deserves the support of the entire House. I also want to thank the staff of the subcommittee whose long hours of hard work and professional expertise are essential to effective oversight of this the

largest single appropriations bill we will consider.

The task this year was especially difficult as we strive to reduce our defense structure to reflect budgetary constraints and changing world realities. Under current plans, defense spending in 1996 will be 34 percent lower than the level appropriated in fiscal year 1985. The Army plans to reduce its forces from 18 to 12 active divisions. We are going down to a fleet of 450 combatants with two fewer carrier battlegroups. The Air Force is cutting out 12 tactical air wings. This House has to realize that this exercise, while necessary, is not going to be painless. There are going to have to be congressional districts where jobs are lost. Some production lines are going to have to be terminated. We can't go on a path where we try to have our cake and eat it too.

Nonetheless, the bill includes some important initiatives in areas such as mobility, readiness, and sustainability that are fully discussed in the committee's report.

In light of the action taken on the Defense authorization bill, there is in my view a critical deficiency in the bill as reported. That is the lack of B-2 production funding.

While there will be no amendment offered on the floor to restore these funds, this promises to be a central issue in the expected conference on this legislation. And the President has clearly indicated that he will veto any defense spending legislation that does not allow this vital production program to proceed.

There are compelling reasons for the President's determination on the B-2. We all agree on the dramatic impact that stealth had on the success of Operation Desert Storm. More than any other single factor, the new stealth technology made the battle against the world's fourth largest standing army a brief encounter of the best kind. The fact that 8 F-117's successfully attacked an Iraqi nuclear facility that an armada of 75 conventional aircraft, with 5 times the life cycle cost, could not is telling testimony to this revolution in war fighting.

But the use of the F-117 in Iraq depended on a number of favorable circumstances that we can not count on to exist in a potential future conflict. First, was the fact that Saddam Hussein chose to stop and wait 6 months for our forces to be deployed and consolidated. Second, was the ability to gain access to local bases. If the scenario had been different—if Saddam Hussein had crossed into Saudi Arabia in those early days before the F-117 and other coalition forces were in place—the story of Desert Storm could have been much different. Victory would still have been achieved, but much more slowly and at much greater cost.

In the future, when the B-2 is available for such a scenario, the fact that it has 5 times the unrefueled range and 10 times the payload will make a critical difference. Analysis done by the Rand Corp. has determined that the planned force of B-2's, equipped with terminally guided munitions now under development, could destroy half a division's equipment a day, enough to thwart a multidivisional attack by itself.

This capability will in fact provide the kind of conventional deterrence that could well convince future would-be conquerors not to take the first step.

The B-2 will also play a critical role in our future strategic nuclear triad. It is the only bomber that will be capable of reliably penetrating Soviet air defenses into the next century, and the only system that can hold a key set of targets at risk. It is also central to our START arms control strategy of reducing the dependence of both sides on destabilizing multiple warhead ICBM's, and placing greater reliance on second strike, recallable systems.

I know the cost of the program has become a symbol for many who are frustrated by budget constraints and the high cost of modern weapons technology. But this frustration can not translate into additional funds for domestic programs under the budget agreement, it will simply go to lower priority defense programs.

As former Secretary of Defense Harold Brown stated in a recent letter,

We should consider only the remaining cost, because the sunk cost is indeed sunk. \* \* \* The remaining cost of the B-2 program will be less than the cost of the equivalent delivery capability by the next generation of tactical attack aircraft which would require forward bases either on land or on carriers and substantial deployment time to reach attack distance.

For all these reasons I hope that the Members will carefully reevaluate their position on the B-2 in light of the lessons demonstrated in Operation Desert Storm and will support a conference agreement that rightfully restores production funds for this program.

Mr. MILLER of Ohio. Mr. Chairman, today we are considering the fiscal year 1992 appropriations bill for the Department of Defense. The bill provides funding for Defense within the levels contained in last year's budget agreement and the congressional budget resolution. This continues the trend that was established 6 years ago of reducing defense spending. Expenditures in fiscal year 1992 will be \$12.8 billion below the current year and represents, when adjusted for inflation, a decline in the Defense budget of 24 percent since 1985.

Implementing these reductions in a manner which does not adversely impact our Nation's defense is a considerable challenge and I want to recognize the leadership provided by the gentlemen from Pennsylvania, Chairman MURTHA and Mr. MCDADE, during the course of this year's deliberations by the Defense Appropriations Subcommittee.

While I disagree with some of the decisions embodied in this bill—such as the termination of B-2 Stealth bomber production and the reductions in the Strategic defense initiative—which were dictated by the positions adopted earlier by the House during consideration of the Defense authorization bill, and it is my hope and expectation that conference action with the Senate will allow us to improve upon them.

With respect to SDI, the administration has made clear that a veto will be recommended if current funding levels remain unchanged. Despite changes in the international security environment, there remains a formidable nuclear threat to the United States. Soviet nuclear forces continue to modernize and, as the Persian Gulf conflict demonstrated, there is a growing ballistic missile capability in developing nations. Strategic defenses could provide

a meaningful level of protection to the United States. By crippling SDI research, the funding level proposed in the House authorization and appropriations bill will prevent the United States from exploiting its technological capability to develop defenses which will protect against ballistic missile attacks on the United States as well as our allies and forces overseas.

I also point out to my colleagues the language in the committee report accompanying this bill which directs the Department of the Army to update Congress on an annual basis regarding the potential future use of chemical demilitarization facilities. Our country will be investing \$6½ billion—\$6.5 billion—over the next 10 years to build, operate and then dismantle facilities which will destroy our chemical weapons stockpile. While current law requires these facilities to be destroyed after the disposal of the chemical weapons stockpile is completed, a recent Army study, conducted at the request of the House Defense Subcommittee, found these facilities could be used for other purposes such as disposing of hazardous material or munitions found on military facilities.

I believe it would be a waste of taxpayer dollars to destroy facilities that could be put to productive use and it is appropriate that the Army continue to consider the option of follow-up uses of chemical demilitarization facilities.

Again, I commend Chairman MURTHA, JOE MCDADE and all the members of the Defense appropriations for working so well together to bring this bill to the House floor, it is a privilege to work with them.

Mr. LANCASTER. Mr. Chairman, as one of four House observers to the chemical weapons talks in Geneva, I want to emphasize the importance of language in the committee report relating to the Chemical Demilitarization Program. That language reflects Congress' frustration with the Army's active promotion of the Jacads baseline technology and its distinct reluctance to consider the possibility that there may exist other technologies equally or more effective than the Jacads approach, and at less cost. Meanwhile, schedule delays, manpower requirements, and program management overruns continue to cause costs for Jacads to soar while test results have fallen far short of expectations. Furthermore, schedule delays call into question United States dependence on Jacads as the sole vehicle for compliance with the United States-Soviet Bilateral Destruction Agreement and with a future multilateral agreement. Thus it is important that we consider the Chemical Stockpile Disposal Program in the larger context of our efforts to achieve a worldwide ban on chemical weapons.

The President recently announced reversal of two policies which had brought the multilateral negotiations to a standstill: U.S. policy now forswears the right to use chemical weapons in any situation and abandons retention of a 2-percent stockpile of chemical munitions, committing instead to complete stockpile destruction. In the wake of this pivotal announcement, the negotiations hold more promise for a swift and successful conclusion than they ever have. Thus, it is absolutely essential that the Army remain open-minded about destruction technologies.

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

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

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military functions administered by the Department of Defense, and for other purposes, namely:

#### TITLE I

##### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$24,526,100,000: *Provided*, That the Army shall not involuntarily separate any military personnel, except for causes consistent with past policy.

###### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$19,577,700,000.

###### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$6,086,800,000.

###### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation ca-

dets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$18,905,500,000.

###### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$2,320,800,000.

###### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$1,718,600,000.

###### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$354,900,000.

###### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$721,500,000.

###### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United

States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$3,395,700,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$1,145,500,000.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order?

If not, are there any amendments to title I?

The Clerk will read.

The Clerk read as follows:

#### TITLE II

#### OPERATION AND MAINTENANCE

#### OPERATION AND MAINTENANCE, ARMY

#### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$18,362,945,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$36,800,000 for Depot Maintenance, \$450,000,000 for Real Property Maintenance, and \$152,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That \$350,000 shall be available for the 1992 Memorial Day Celebration and \$350,000 shall be available for the 1992 Capitol Fourth Project: *Provided further*, That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, \$4,000,000 shall be available only for a grant to the National D-Day Museum Foundation, and \$4,000,000 shall be available only for a grant to the Airborne and Special Operations Museum Foundation. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That \$6,800,000 shall be available only as a grant to the Monterey Institute of International Studies: *Provided*

*further*, That \$350,000 shall be available only to the Oregon Department of Economic Development: *Provided further*, That \$40,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS): *Provided further*, That of the funds appropriated, \$22,000,000 shall be transferred by the Secretary of the Army to the local educational authority at Fort Irwin, California for the construction of an elementary and a high school at Fort Irwin. The transfer of funds to the local educational authority at Fort Irwin is contingent upon an agreement from the local educational authority to assume responsibility for the operation and maintenance of such elementary and high school. In addition, impact aid cannot be reduced to the Fort Irwin school district because of this specific increased funding grant.

#### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,609,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$21,394,932,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$600,000,000 for Depot Maintenance, \$330,000,000 for Real Property Maintenance, and \$168,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further*, That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$2,082,500,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$27,200,000 for Depot Maintenance, \$70,000,000 for Real Property Maintenance, and \$78,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That none of the funds appropriated in this paragraph may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular A-76 until the General Accounting Office completes their audit and validates the decision: *Provided further*, That of the funds

appropriated in this paragraph \$296,195,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,646,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$17,660,213,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$136,000,000 for Depot Maintenance, \$150,000,000 for Real Property Maintenance, and \$100,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992.

#### OPERATION AND MAINTENANCE, DEFENSE AGENCIES

#### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$18,599,037,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$15,743,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the funds appropriated by this paragraph, \$760,535,000 shall be available for the Special Operations Command, of which \$76,912,000 shall be transferred to the Operation and Maintenance appropriations of the Reserve Components for execution: *Provided further*, That of the funds appropriated and made available in this paragraph, \$102,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, \$81,400,000 shall be available only to maintain the operations and personnel levels of a 185-bed facility either at Letterman Hospital or by using contractual services at or near the Presidio, in San Francisco, California: *Provided further*, That of the funds appropriated in this paragraph \$8,246,454,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$995,600,000: *Provided*, That of the funds appropriated in this paragraph, \$49,050,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$825,500,000: *Provided*, That of the funds appropriated in this paragraph,

\$28,803,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$85,900,000: *Provided*, That of the funds appropriated in this paragraph, \$7,673,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,091,200,000: *Provided*, That of the funds appropriated in this paragraph, \$23,840,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$2,165,600,000: *Provided*, That of the funds appropriated in this paragraph, \$68,460,000 shall not be obligated or expended until authorized by law.

#### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$2,275,700,000: *Provided*, That of the funds ap-

propriated in this paragraph, \$32,584,000 shall not be obligated or expended until authorized by law.

#### NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed \$5,000,000 of which not to exceed \$7,500 shall be available for incidental expenses of the National Board: *Provided*, That of the funds appropriated in this paragraph, \$1,000,000 shall not be obligated or expended until authorized by law.

#### COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$5,500,000, and not to exceed \$2,500 can be used for official representation purposes.

#### ENVIRONMENTAL RESTORATION, DEFENSE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; \$2,152,900,000, to remain available until transferred: *Provided*, That of the funds appropriated and made available in this paragraph, \$900,000,000 shall not become available for obligation before September 1, 1992: *Provided further*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That of the funds appropriated in this paragraph, \$900,000,000 shall not be obligated or expended until authorized by law.

#### HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; \$15,000,000, to remain available for obligation until September 30, 1993: *Provided*, That the Department of Defense shall notify the Committees on Appropriations and

Armed Services of the Senate and House of Representatives 21 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress: *Provided further*, That of the funds appropriated in this paragraph, \$2,000,000 shall not be obligated or expended until authorized by law.

#### WORLD UNIVERSITY GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the World University Games) provided by any component of the Department of Defense to the World University Games; \$3,000,000.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

#### PARLIAMENTARY INQUIRIES

Mr. TRAFICANT. Mr. Chairman, I have a parliamentary inquiry. I would like to inquire of the Chairman if it is in order to ask if there is any legislation on this section of the bill that has not been, in fact, waived from such legislating or allowed to legislate by the Rules Committee. I would then be forced to object to any legislating language that is appropriating in title II of the bill.

Mr. MURTHA. Mr. Chairman, if the gentleman will yield, the only thing that it protected in the language is the normal appropriation paragraph protection that we afford to the bill or to parts of the bill when there is no final authorization. In other words, we normally try to wait until the authorization is passed through the Senate and signed by the President. So in order to proceed and not have to wait until fall for enactment of the authorization, we have to have some waivers.

Mr. TRAFICANT. Further reserving my right to object, I am not so sure I have an answer. I want to know if there is any legislation in title II that has not been specifically protected from objection on the floor.

Mr. MURTHA. Sure.

Mr. TRAFICANT. If there are some that have not been protected by the Rules Committee, then I will object to any section of title II that is not officially protected by the Rules Committee as in fact legislating on an appropriation bill.

The CHAIRMAN. The Chair would advise the gentleman from Ohio that the gentleman must be specific as to the provisions against which he makes points of order.

Mr. TRAFICANT. Is the Chair instructing the Member that a Member cannot request a blanket prohibition of

legislation on an appropriation bill in title II of the defense bill?

The CHAIRMAN. The gentleman is correct. The Chair is advising the gentleman that a point of order may be made but it must specify the provision of the bill against which it is made.

Mr. TRAFICANT. The specificity is, in fact, that any part of the legislation that has not been in fact protected from objection and to be stricken by the Rules Committee.

□ 1100

The CHAIRMAN. The Chair would restate for the gentleman from Ohio that he must specify the provisions in the bill to which he objects and on which he wishes to make a point of order.

Mr. TRAFICANT. So the Chair then has ruled that a Member must be specific in stating what legislative language there is?

The CHAIRMAN. Those are the rules of the House. The gentleman may not enter a general objection to "such legislation as may be unprotected by waiver." His point of order must identify text and articulate grounds.

Mr. TRAFICANT. That he cannot ask for a specific blanket objection for all legislative language on an appropriation bill that has not been protected under the rule? Is that what the Chair's ruling is?

The CHAIRMAN. The Chair will elaborate further for the gentleman.

The Chair cannot accept the gentleman's assumption that language may be objectionable merely because there is not a waiver provided for it. That is why the practice and precedents of the House require that such points of order be specific.

Mr. TRAFICANT. Would it be in order then, Mr. Chairman, for the gentleman to read each section of title II and object to them officially and to, in fact, reserve the right to object on each specific section for, in fact, legislating on an appropriation bill?

The CHAIRMAN. If the gentleman objects to opening this title, then the Clerk will read by paragraph.

Mr. TRAFICANT. Well, not to belabor the Members here and make any more enemies that I have, and I do not want to tie this House up for 8 hours, but what the gentleman is prepared to do is to object to every single element of title II on the strength it is legislating and force you to rule even though I may not know, in fact, in advance that it is, in fact, illegal or should be ruled and could be blocked, and so I am prepared to do that. I do not want to do that unless someone will tell me what part of title II is legislating on an appropriation bill that is not protected by the rule, because my city is going to go bankrupt next. I do not know anywhere else to get it, to tell you the truth. I am prepared to do that. I do not want to do that.

We have two fine chairmen and a fine ranking member. I do not want you to take what defense industry I have in my district, but I am prepared to do that.

Mr. MURTHA. This is the operation and maintenance title for the entire armed services. This title provides the training money for the services that you are deleting. This is training money and operation and maintenance money for the services.

Mr. TRAFICANT. Mr. Chairman, I certainly would like to have a Buy American in that section.

Mr. WELDON. Mr. Chairman, I ask for regular order.

The CHAIRMAN. Is there objection to opening up title II of the bill?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

POINTS OF ORDER

Mr. TRAFICANT. Mr. Chairman, I bring a point of order against title II of the bill on page 9, line 10, Operation and Maintenance of the Navy, for language which is, in fact, specifically legislation on an appropriation bill.

The CHAIRMAN. Will the gentleman restate his point of order? The gentleman makes a point of order against which line?

Mr. TRAFICANT. Reserving my right to further object, on page 9, line 10, the section under title II, Operation and Maintenance, Navy, that, in fact, that section from page 9, line 10, through, in fact, page 10, line 17, constitutes legislating on an appropriation bill. I say it should be stricken unless specifically protected by the rule.

The CHAIRMAN. The Chair will advise the gentleman that the text from page 9, line 10 through the first portion of page 9, line 23 is protected under the rule. The balance, beginning with "Provided further" on line 23 through line 17 on page 10 is not protected.

Mr. TRAFICANT. The gentleman then officially objects to title II, starting on page 9, line 23, through and continuously through page 10, line 17, for, in fact, being legislating on an appropriation bill that has not passed through an authorizing committee, and it should be stricken.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MURTHA] wish to be heard on the point of order?

Mr. MURTHA. We concede it is legislation. However, we want the gentleman to know that he is very seriously harming the defense of this country by making these deletions which he admits himself he is not aware of the impact that they are having on the bill and, you know, as I say, this section is for operation and maintenance. This is one of the most important sections in the bill for the troops that served in Desert Storm. I know he voted against Desert Storm, and I know he was against the operation, and that is his right. But this is the very section of

the bill that allows our service people to be able to have the things that they need, and I do not think that because it is not authorized that he would want it to be deleted. But I have to concede the point of order. If you want to knock it out, it would be knocked out under the point of order.

Mr. TRAFICANT. The gentleman wants a specific reciprocal trade agreement language, buy American, put into the agreement. It is, in fact, legislating, constitutes legislating in an appropriation bill. Members have come down here and say we are not going to do it. I am going to go title by title, section by section.

The CHAIRMAN (Mr. OBERSTAR). The gentleman from Ohio will refrain from debating the merits of the bill on his point of order.

The Chair wishes to advise, again, that the point of order is made against the two provisos, one beginning on line 23, on page 9, and the other beginning on line 11 on page 10.

The gentleman from Pennsylvania has conceded the point of order. Accordingly, the two provisos are stricken.

Mr. TRAFICANT. Reserving my right to object to title II.

The CHAIRMAN. Are there any other points of order against the provisions of title II?

Mr. TRAFICANT. Reserving the right to object.

The CHAIRMAN. There is not reservation. There has been no unanimous-consent request made.

Are there any other points of order against title II?

Mr. BURTON of Indiana. Mr. Chairman, later in this section, I have an amendment, but right now I would like to raise a point of order on line 18 and 19 dealing with the Monterey Institute of International Studies. It is on page 8.

The CHAIRMAN. Against which provision does the gentleman raise his point of order?

Mr. BURTON of Indiana. Mr. Chairman, starting on line 17, Mr. Chairman, through line 19, page 8.

The CHAIRMAN. The gentleman makes a point of order against the proviso on page 8, line 17 through line 19?

Mr. BURTON of Indiana. Yes, sir.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MURTHA] desire to be heard on the point of order?

Mr. MURTHA. I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. Accordingly, the point of order is sustained. The proviso is stricken.

Are there any other points of order against title II of the bill?

Mr. TRAFICANT. Mr. Chairman, I have a point of order.

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

Mr. TRAFICANT. Proceeding, and reserving a continuing point of order on each and every section, I raise a point of order in such continuum, starting on page 10, line 18, and continuing through page 11, line 11, for language that is, in fact, constituting legislation on an appropriation bill.

The CHAIRMAN. The gentleman's point of order may be made against the proviso beginning on page 11, line 1, after "September 1, 1992."

Will the gentleman again state the point of order?

Mr. TRAFICANT. The point of order is legislating on an appropriation bill, page 11, line 1, through line 11, of the section of Operation, Maintenance, Marine Corps, and I ask that it be stricken for legislating on an appropriation bill.

The CHAIRMAN. The gentleman is advised that on page 11, only lines 1 through 8, after "September 1, 1992," are unprotected.

□ 1110

Mr. TRAFICANT. Mr. Chairman, I move that language be stricken.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. TRAFICANT. Mr. Chairman, I would like an answer on this.

The CHAIRMAN. The gentleman has made his point of order. The Chair has inquired of the chairman of the committee whether he wishes to be heard on the point of order.

Mr. MURTHA. Mr. Chairman, I concede the point of order.

I will say, Mr. Chairman, it is embarrassing that a Member would take it out on the Armed Forces which have done such a magnificent job in the Persian Gulf, when the gentleman does not even know or understand the impact of what he is doing in the traditional way that we do business in the House, in order to satisfy his own ego.

It is really embarrassing to me. The gentleman from Ohio is a good friend of mine. I know the gentleman from Ohio [Mr. TRAFICANT] is trying to take care of his own district, and I appreciate that. We have tried to accommodate him. The Ways and Means Committee objects to everything that we have tried to work out.

I agree with what the gentleman is trying to do, but what the gentleman is doing here is decimating things under the normal procedure that are important to the defense of this country.

Mr. TRAFICANT. Continuing my point of order, Mr. Chairman, and to respond—

The CHAIRMAN. The Chair will hear argument on the point of order, not on collateral issues.

Mr. TRAFICANT. Continuing on my point of order, Mr. Chairman, this gentleman is not here on any ego trip. I think the procedures of the House have finally brought us to this.

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

Mr. TRAFICANT. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The point of order has been conceded and is sustained, and accordingly, the language on line 1 of page 11 beginning with "Provided further," through line 8, concluding with "decision:" is stricken.

Are there other points of order against the provisions of title II?

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, under the rules of the House, those provisions which have now been stricken and others which might be stricken, if under the rules of the House this bill was sent back to the Rules Committee and the Rules Committee came out with a different rule, would there be any obstacle to then adopting these provisions?

The CHAIRMAN. If the bill were to go back to the Rules Committee and that committee reported a different rule, the Chair would have to apply that new rule reported, if adopted by the House.

Mr. FRANK of Massachusetts. Mr. Chairman, the Rules Committee could make all these back in order?

The CHAIRMAN. The Chair cannot speculate on what the House might do. It would depend on the terms of any new rule proposed by the Rules Committee that the House might approve.

Are there other points of order against title II?

If not, are there any amendments to title II?

Mr. MURTHA. Mr. Chairman, we have an agreement with the gentleman from Ohio that he can offer his amendment at the appropriate place, if he would ask unanimous consent to put back the provisions that he has taken out.

Mr. TRAFICANT. Mr. Chairman, I would be glad to do that if I could feel that when we got to conference and got everybody in the back room, that when the law is signed by the President the Traficant amendment would be in there.

Now, if I could have that assurance, I would in fact give that. If I do not have that assurance, I have it done in defense bills now for 6 years. It goes to conference, it comes back, it is like an exercise. You can say what you want. I am going to go down every item here today, unless I have some assurance.

Mr. MURTHA. Mr. Chairman, as the gentleman knows, I will do the best I can with every provision we have put in, including the provisions that the gentleman has put in the bill. We will do the best that we can to hold that provision.

I agree with the gentleman on the provision. I think it is a very important provision, and I agree with the gentleman completely on it.

The CHAIRMAN. Are there any other points of order against title II?

If not, are there any amendments to title II?

VACATING PROCEEDINGS ON PREVIOUS POINTS OF ORDER BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that any provisions of title II stricken by my objections to such provisions for having constituted legislation on an appropriation bill be vacated and the bill stand as it is.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to vacate proceedings under points of order raised by the gentleman from Ohio only, not the gentleman from Indiana, under title II.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Those provisions, accordingly, are restored to title II of the bill.

The Chair will ask again, are there any amendments to title II?

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. WHITTEN. Mr. Chairman, I am pleased to comment at this time on the fine job that has been done on the Defense appropriations bill for fiscal year 1992.

I served on the Naval Appropriations Subcommittee in 1943 and continue to serve on the Defense Subcommittee. I want to join in the commendations of the gentleman from Pennsylvania [Mr. MURTHA], the subcommittee chairman; the gentleman from Pennsylvania [Mr. MCDADE], the ranking minority member; and my other colleagues on the Defense Subcommittee.

What we faced in developing this bill to meet the real defense needs of the Nation as a changing world was very challenging.

I am particularly pleased that we did not agree to Guard and Reserve reductions that were proposed by the Department of Defense. We must continue a strong Guard and Reserve where members contribute to the economy during the week and train on the weekends, and that includes this year's final action on military construction by the Congress.

At no time in history has this Nation proposed to reduce its voluntary military force to the extent that is being proposed over the next 5 years. A program is needed to insure that this transition for our military personnel into the civilian sector be as smooth as possible so that troops reductions do not produce undue hardship on either the personnel being displaced or on those areas of our country where facilities are located.

In this connection, we should give attention to using this resource to restore the condition of our roads, our bridges, our highways, harbors, waterway locks and dams, schools, hospitals, and other public facilities. The need for these facilities has been well documented. Programs developed to provide for this asset investment not only provide employment opportunities which help the economy, but the facilities themselves provide benefits and growth for the Nation as they are put to their intended use. Such a program needs to be developed which will phase in with the military build-down and would create productive employment for those crowded out of military production and those who are forced to retire from the military or contractors after devoting their time to the defense of our country.

At the time we discuss the Defense bill, I feel it is appropriate to mention that today I am introducing House Resolution 172 to provide for printing, as a House document, the proceedings of the portrait unveiling ceremony for my predecessor and a former Defense Subcommittee chairman, George Mahon. George was chairman of the full committee for 14½ years and chairman of this subcommittee for 28 years.

Mr. Chairman, this is a fine bill, and I mean every word I say in complimenting the chairman and the ranking member and other members of this subcommittee. I urge adoption of the bill.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to salute the gentleman from Ohio. I think he has pointed out a very serious omission. I am delighted that he gets to offer his amendment, but I want to point out, too, a serious omission in the rule, and that is specifically allowing a point of order against the AuCoin-Machtley provision in the general provisions.

You know, it has been a very bad week for women around here. First of all, we bring out a civil rights bill where everybody is perfectly willing to cap the damages and we tried very hard to get a rule that would allow us to proceed to take the cap off women. We were not allowed to do that. We were instead allowed to present it as an entirely separate bill, which everyone knew would fail.

Now we are getting ready to celebrate a great parade here in the city where the women are going to march down the street and everybody is going to be very happy about the great service that they had overseas.

This body made a historic vote saying we should turn around our choice decisions for women and dependents of the military who are overseas, and now we see we are operating under a rule that is not going to allow us to protect this provision that is in here.

□ 1120

And I really think that this is very unfair. I certainly hope someone is going to move to take this out of the bill. It really tempts me to pick up where the gentleman from Ohio was going and say that we ought to move to strike everything else in the bill if they are going to move to strike that. I mean, we end up with these incredible things going on here. But I just find that very surprising that we cannot protect the women who served this country so well with a rule and, instead, one person will be able to move to strike and knock it out and there will not be anything that we can do. So I am just rising to say I really think that that throws a cast over the whole celebration that is going on and it is not treating all of our service people equally.

I wish we only had a chance to reconsider this in the Committee on Rules. I think we have got to be much more mindful of what kind of rules come out of that place and what we are doing to over half of America's population.

I am not going to do that, because I realize it is Friday and people want to get out of here. But I am going to tell you, I am going to start doing it if I have to sit up in the Rules Committee day after day after day.

I am really outraged as to how we have been treating women around this place, how we have been tokenizing them, and this rule does it again today. And I certainly hope no one Member stands up and overrules the wishes of the majority of this body, moving to strike that language when we get there, because I think it is very important that everybody be able to celebrate equally tomorrow, and they will certainly be saying some are not as equal as others if they do that.

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise our guests in the gallery that they are guests of the House and they are not to respond to statements made on the House floor.

The Clerk will read.

The Clerk read as follows:

## TITLE III

## PROCUREMENT

## AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,730,787,000, to remain available for obligation until September 30, 1994.

## MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,109,595,000, to remain available for obligation until September 30, 1994.

## PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,084,813,000, to remain available for obligation until September 30, 1994.

## PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,364,859,000, to remain available for obligation until September 30, 1994: *Provided*, That with funds herein appropriated or otherwise available to the Army and the Navy, the services shall jointly evaluate NATO classified NDI plastic ammunition containers as an alternative to current plans for packaging 81mm mortar ammunition and report the results of such evaluation to the Congress by March 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, \$98,459,000 shall not be obligated or expended until authorized by law.

## OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 225 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction pros-

ecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$3,021,435,000, to remain available for obligation until September 30, 1994.

**AIRCRAFT PROCUREMENT, NAVY  
(INCLUDING TRANSFER OF FUNDS)**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$7,683,633,000, to remain available for obligation until September 30, 1994: *Provided*, That \$851,600,000 of the funds appropriated in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) under the heading "Research, Development, Test and Evaluation, Navy" shall be transferred to "Aircraft Procurement, Navy": *Provided further*, That the funds transferred are to be available for the same time period as the appropriation from which transferred and for the same purposes as the appropriation to which transferred: *Provided further*, That of the funds appropriated in this paragraph, \$174,103,000 shall not be obligated or expended until authorized by law.

**WEAPONS PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Ballistic Missile Programs, \$1,204,166,000;  
Other Missile Programs, \$2,360,879,000;  
Torpedoes and Related Equipment, \$689,456,000;  
Other Weapons, \$130,123,000;  
Other Ordnance, \$234,292,000;  
Other, \$107,879,000;

In all: \$4,726,795,000, to remain available for obligation until September 30, 1994.

**SHIPBUILDING AND CONVERSION, NAVY**

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

SSN-21 attack submarine program, \$1,903,225,000;

DDG-51 destroyer program, \$3,330,337,000;  
LHD-1 amphibious assault ship program, \$972,000,000;  
LSD-41 dock landing ship cargo variant program, \$245,134,000;  
MHC coastal mine hunter program, \$231,096,000;  
T-AGOS surveillance ship program, \$149,000,000;  
AOE combat support ship program, \$500,000,000;  
LCAC landing craft air cushion program, \$807,102,000;  
Oceanographic ship program, \$41,200,000;  
Sealift and Preposition ship program, \$1,300,000,000;  
For craft, outfitting, and post delivery, \$510,771,000;

For inflation and Public Law 85-804 settlement, \$599,900,000: *Provided*, That up to \$75,000,000 shall be available for payments pursuant to settlement of Public Law 85-804 claims for T-AGS 39 and T-AGS 40;

For first destination transportation, \$5,939,000;

In all: \$10,595,704,000, to remain available for obligation until September 30, 1996: *Provided*, That additional obligations may be incurred after September 30, 1996, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That of the funds appropriated in this paragraph, \$2,096,504,000 shall not be obligated or expended until authorized by law.

**OTHER PROCUREMENT, NAVY**

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 651 passenger motor vehicles of which 621 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$6,574,568,000, to remain available for obligation until September 30, 1994.

**PROCUREMENT, MARINE CORPS**

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 45 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$1,043,218,000, to remain available for obligation until September 30, 1994.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$7,444,121,000, to remain available for obligation until September 30, 1994.

**MISSILE PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$5,243,841,000, to remain available for obligation until September 30, 1994: *Provided*, That notwithstanding section 163 of Public Law 101-189 funds may be obligated to undertake full-rate production of the Advanced Medium Range Air-to-Air Missile (AMRAAM) after the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) submits the beyond low-rate initial production report required by section 2399(b)(2) of title 10, United States Code, stating that AMRAAM is operationally effective and suitable.

**OTHER PROCUREMENT, AIR FORCE**

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 408 passenger motor vehicles of which 285 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$8,001,524,000, to remain available for obligation until September 30, 1994.

**NATIONAL GUARD AND RESERVE EQUIPMENT**

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; \$1,292,500,000, to remain available for obligation until September 30, 1994: *Provided*, That of the funds appropriated in this paragraph, \$642,500,000 shall not be obligated or expended until authorized by law.

**PROCUREMENT, DEFENSE AGENCIES**

For expenses of activities and agencies of the Department of Defense (other than the

military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 337 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$2,708,446,000, to remain available for obligation until September 30, 1994, of which \$972,815,000 shall be available for the Special Operations Command: *Provided*, That of the funds appropriated in this paragraph, \$132,096,000 shall not be obligated or expended until authorized by law.

#### DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); \$25,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate thirty days prior to the release of funds for any metal, mineral, or material not previously approved by Congress: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

#### PROCUREMENT OF PREPOSITIONING EQUIPMENT, DEFENSE

For procurement of missiles, tracked combat vehicles, ammunition, other weapons, communications, and other procurement for the Department of Defense prepositioning program, \$995,000,000, to remain available for obligation until September 30, 1994: *Provided*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

If not, are there any amendments to title III?

The Clerk will read.

The Clerk read as follows:

#### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$6,241,621,000, to remain available for obligation until September 30, 1993, of which not less than \$6,300,000 is available only for the

Vectored Thrust Combat Agility Demonstration flight test program utilizing the Vectored Thrust Ducted Propeller upon successful completion of Phase I of this demonstration project.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$7,464,910,000, to remain available for obligation until September 30, 1993: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, \$1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed \$250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the P-3 aircraft that do not include the AN/UYS-2 Enhanced Modular Signal Processor: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the Surveillance Towed Array Sensor System that do not include the AN/UYS-2 Enhanced Modular Signal Processor.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$14,263,941,000, to remain available for obligation until September 30, 1993, of which not less than \$30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided*, That not less than \$2,500,000 of the funds appropriated in this paragraph are available only for continuing the research program on development of coal based high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels: *Provided further*, That \$8,000,000 of the funds appropriated in this paragraph shall be available only for a side-by-side evaluation of the ALR-56M and the ALR-62I radar warning receivers: *Provided further*, That none of the funds appropriated by this paragraph may be used for the B-1B ALQ-161 CORE program or an advanced radar warning receiver, except for costs associated with the side-by-side testing of the ALR-56M and the ALR-62I, until the Air Force submits and Congress approves a plan for correction of B-1B operational shortfalls and the estimated cost of these corrections: *Provided further*, That \$5,700,000 is available only for the U.S./U.S.S.R. Joint Seismic Program administered by the Incorporated Research Institutions for Seismology.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

###### (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$8,979,141,000, to remain available for obligation until September 30, 1993, of which \$266,970,000 shall be available for the Special Operations Command: *Provided*, That not less than \$171,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT): *Provided further*, That not less than \$30,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the National Biomedical Research Foundation for laboratory efforts associated with major research programs in neurology, oncology, virology, cardiology, pediatrics and associated specialty areas of critical importance to the Veterans Administration and the Department of Defense: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph shall be available only for an Experimental Program to Stimulate Competitive Research (ESPCoR) in the Department of Defense which shall include all States eligible for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further*, That the Secretary of Defense shall transfer \$20,000,000 of amounts appropriated for research, development, test and evaluation for Defense Agencies for fiscal year 1991 to the Department of Energy for the Environmental and Molecular Sciences Laboratory: *Provided further*, That none of the funds in this paragraph may be obligated for the development of the Superconducting Magnetic Energy Storage System unless its processes, materials, and components are substantially manufactured in the United States.

##### DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; \$221,300,000, to remain available for obligation until September 30, 1993.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; \$14,200,000, to remain available for obligation until September 30, 1993.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

If not, are there any amendments to title IV?

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 35, line 2, strike out "\$14,263,941,000" and insert in lieu thereof "\$14,003,859,000".

Mr. FRANK of Massachusetts. Mr. Chairman, this is a rather unusual item for us to be discussing today; it is an amendment to the bill that is in order.

What it does is to save \$260 million by canceling low-level research on the MX rail garrison program.

Now, Mr. Chairman, I was going to say we need the MX like we need a hole in the head; but I should have said we need it less than we need a hole in the ground because we have the hole in the ground. That is where the MX's are.

We built 50 of these. We had a great compromise in 1983. Some Members will remember one of the few really successful arms control agreements we had, it was between some of the Democrats here and Ronald Reagan. They made a deal.

Out of it came the MX and the Midgetman, and nobody else remembers the details.

But what we now have is a continued—well, the MX is on life support. I understand if we were talking about a human being, there would be Members here who would not want to pull the plug. I do not mean to get into that.

But when we are talking about a \$260 million railroad train for a missile that is never going to be used, that is on life support and is brain-dead, I think we ought to pull it.

Now, lest you think I am exaggerating, let me read from a publication. They put out a nice thing here about the ICBM, it has got a nice picture of the chairman of the subcommittee taken around the time of his bar mitzvah. And it is from the ICBM Education Bureau in Reston. Here is what it says about the MX: "We are going to have low-level research," low-level research because that is what the administration wants. So the question is do we need \$260 million to add to the deficit of the United States for the MX missile?

Now, I offered an amendment the last time to kill the Midgetman. That lost. We have the triad. Now the question is—you saw the thing in the paper today about how good are our kids at mathematics. Well, I hope they are better than we are because we are the only

people who think a triad has five sides. And you have to pay for all of them.

You have the MX missile and the Midgetman missile and the Minuteman missile, so that is one side, those three. You have the B-1 and the B-2 bombers, and that is another side, those two.

I take it back, I am up to six sides. I am not that good either.

Then you have the nuclear submarines. So we got a six-sided friend. I am just saying let us cancel one-sixth of the triad, one-third of the extra triad, the triad in reserve. We do not need the MX. Nobody thinks so.

Do you know what this says in the official justification? They say we need this to scare the Russians into a good arms control agreement.

The Russians are lucky to cross the street these days.

The notion that they are really going to be scaring us militarily I think is a little weak.

The President is, simultaneously, of course, preparing to ask us to give them billions of dollars. Then we have to spend \$260 million on the MX missile to scare them.

Why don't we just deduct it from the money we give them? Then we could save it. We could make it self-financing.

But what it says in the justification is: We want to do low-level research and then put it on the shelf.

Now, think, if you are a Russian general, are you not terrified? "Oh, my God, the Americans are going to do low-level research and put the program on the shelf, so I had better negotiate to kill it."

Mr. Chairman, this is residual inertial money. If you were for the MX 7 or 8 years ago, maybe it made sense, maybe it did not. The gentleman from California once explained, I think, there were 37 varieties of the MX that they kept coming up with the phasing mode. The back-to-the-rail garrison, Jimmy Carter's bad idea in the first place.

The bill has \$260 million. The chairman of the subcommittee has done an admirable job of providing it. He talks about operation and maintenance with justifiable pride because he has been fighting for years to see that the fighting men and fighting women of this country are given what they need. He has worked hard to see that when we do have to defend our national interests militarily, that they are provided what they need.

Spend \$260 million on low-level research for a program that is destined for the shelf, and I quote their document, and you detract from the ability of the gentleman from Pennsylvania to do this.

Now, he is the chairman of the subcommittee, he is carrying this forward. I do not believe passing this amendment in any way detracts from the program he has got.

If someone can explain to me what use this foolish railroad train for these 50 missiles is going to be in the future, I will be glad to listen. We are going to be told, well, it is uncertain, you are not sure. \$260 million—we fought yesterday over \$200 million here, \$100 million there. Secretary Kemp made a major effort, and the only thing he got was \$150 million. He got a little more than half of what you want to spend on low-level research. So people were up here yesterday fighting hard over \$150 million for home ownership. Think what you can do with this \$260 million, and vote for my amendment.

Mr. MURTHA. Mr. Chairman, I hope that we can limit the debate on this particular issue. I have had so many members who even wanted to go last night on this thing. I hope we can just vote this as quickly as possible. I do not think we will change many minds on the thing. I wonder if we could limit the debate on this to 10 more minutes, 5 minutes to the gentleman from California [Mr. DELLUMS] and 5 minutes for myself, in just a few minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I have no objection to that.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MURTHA] have a unanimous-consent request?

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 10 minutes, 2½ minutes for the gentleman from Pennsylvania [Mr. MCDADE], 2½ minutes for myself, and 5 minutes for the gentleman from California [Mr. DELLUMS].

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

There was no objection.

□ 1130

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I rise in enthusiastic support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK], and let me attempt to put the gentleman's amendment in historical perspective.

There was an argument that began to rattle around Washington, DC, in the early 1970's. The argument was known as the window of vulnerability argument. It essentially said that our land-based missiles on the basis of their fixed mode would be vulnerable to Soviet attack, nuclear attack, somewhere in the mid to late 1980's. I argued in the early 1970's that the Pentagon and my colleagues were attempting to fashion a solution to a problem that did not exist, that no rational Soviet planner would attempt to attack one leg of our nuclear triad when we had two remaining surviving legs of our triad that could inflict such incredible damage upon the Soviet Union that they could

not emerge as a civilized society. But at that time, in the early 1970's, the argument fell on deaf ears, and the MX missile began to rattle forward. They used a number of different modes. One of them was to put several hundred holes in the ground, and sometime during the late of night we would sneak these missiles from one hole to another. I thought that might have some merit if we dealt 435 holes, one in each congressional district, and once people recognized that these MX missiles would be in their district, maybe we would mobilize our position. That went down the drain. Then we went to the race track concept, and I thought that might have an interesting set of ideas. We could create a lottery around that and decide which missile came in first, second, or third, but then we went to a mass transit concept. I thought that had some genius to it. We could build a mass transit system for these missiles, and then demilitarize it and would have a national mass transit system. That did not work. We ended up with dense pack, pack dense, a whole range of things. Finally we come to rail garrison, and, Mr. Chairman, suddenly then in the Reagan administration they decided to put together a commission and got General Scowcroft to chair it. They labored long and hard, spent hundreds of thousands of dollars studying, finally came out with a recommendation that we place 50 MX missiles, each with 10 warheads in 50 fixed Minuteman silos. Suddenly people rose and said, "Wait a minute, but aren't those the same fixed-based silos that we thought were vulnerable several years ago," and then the Scowcroft Commission stepped forward and said, "But one leg of our nuclear triad doesn't have to be independently survivable. Survivability is in the aggregate." So, they took the argument this gentleman gave them free on the floor of Congress in the early 1970's, spent hundreds and thousands of dollars to come to the same conclusion, and then they gave it a sophisticated name. They called it synergism. Overnight that became the father of synergism.

Mr. Chairman and members of the committee, this MX missile is not needed. We do not need a mobile missile. The Soviet Union is not sitting there waiting to attack the United States. We were supposed to be attacked by the mid to late 1980's. It is now 1991, and there is no attack, and we are even stronger now than we were in the past.

The gentleman from Massachusetts [Mr. FRANK] makes an excellent point. This is an absurd idea, and it seems to me that we ought to end it, terminate it, now, and I conclude by suggesting that all of my colleagues rise with us at the appropriate point in the proceedings and adopt the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

Mr. MURTHA. Mr. Chairman, last year Congress directed DOD to descope the MX missile rail garrison program, directed them to proceed with R&D only and then mothball the system. DOD did exactly as was suggested. They cut the MX budget by \$2 billion and will mothball the MX system after 1993.

If we eliminate the 1992 funds, Congress breaks its agreement with DOD, shows that Congress is not willing to live up to its agreement, and is not willing to back its directives.

Mr. Chairman, experience in the Persian Gulf shows that mobile missiles are very difficult to detect and cause us to invest great resources in finding those particular types of missiles. The United States must prove that a mobile nuclear missile is possible and it can be launched in its mobile configuration.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MURTHA] for yielding, and he did say it is going to be mothballed, but I am intrigued by the notion that we would be breaking a treaty with the Defense Department. I mean was this treaty ratified by some third party? We told them to do this. We did it, and now they are saying we do not need to spend the money. Are they going to say we broke our word to them by saving \$260 million?

Mr. MURTHA. Mr. Chairman, I say to the gentleman that we are trying to work with them and mothball a system which all of us agree is not needed now, but we do think we need the ability to respond, and, as the gentleman suggests, it has taken a long time for us to get to this position.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MURTHA]. I thought it was occasionally unfair to talk about \$800 toilet seats because it left some things out, but \$260 million worth of mothballs is a very impressive figure.

Mr. MCDADE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the amendment, and I was going to talk a little bit about the MX and why I think it should not be. Let me instead go to a broader topic, and that is certainly there are two or three things we all agree.

One is we are going to continue to have a strong defense. No. 2, we have already decided to reduce our cost substantially, and, No. 3, if we are going to do that we are going to have to spend those bucks where they are best spent, and I think we do that in large measure by listening to the people who were

so proud of their performance in Desert Storm just completed, and the recommendation is that we do this from the Defense Department, and I think we should continue to do that, and I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. FRANK].

Mr. MCDADE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. FRANK of Massachusetts that would terminate the MX Rail Garrison Program. This shortsighted amendment would have an adverse impact on our national security and the credibility of our nuclear deterrence force.

Both the Armed Services and Appropriations Committees responsibly decided to continue funding further research and development of the MX Rail Garrison Program. It has been authorized by the Defense authorization bill that passed this House just 2 weeks ago. The Peacekeeper, which some still call the MX, is our front-line, modern ICBM capable of carrying 10 nuclear warheads. It provides a significant amount of strength to the ICBM leg of our triad, and will carry even more of the burden in the future as Minuteman II's and III's, our only other ICBM's are retired. At present, the MX, like all our ICBM's, is based in hardened silos—silos which can be very easily targeted and destroyed by Soviet missiles. The Peacekeeper, like the older, smaller, less accurate, and more vulnerable Minuteman force, is a very tempting target. The MX—Peacekeeper—Rail Garrison Program would increase the survivability of the Peacekeeper and make first strike targeting by the Soviets or anyone else far more difficult due to this new basing mobility. Complicating the attack plans of our adversaries and increasing the chances that any attack may not achieve a satisfactory level of success increases nuclear stability and provides further incentive to engage in real strategic nuclear arms reduction negotiations.

MX missile procurement was terminated by the administration in fiscal year 1992. So this amendment has nothing to do with building more MX missiles. What this amendment does is terminate a very promising basing mode for our strategic nuclear deterrent. The difficulties we encountered finding the mobile Iraqi Scud missiles, as compared with the easy targets Iraq's fixed Scud missile sites were, clearly underscores the benefits of mobility. The Frank amendment aims to make our MX missile deterrent just as vulnerable as Iraq's fixed Scuds—missiles taken out in the first hours of the air war. That's silly.

Further, beginning next year we will be retiring Minuteman II missiles. That leaves only the older, smaller,

more vulnerable Minuteman III and the MX. The 50—and we've only deployed 50—MX missiles are a very critical and long-term part of our strategic nuclear triad. Due to strategic arms reductions, we can no longer count on quantity—high numbers of ICBM's—to ensure survivability. That's why the mobile Rail Garrison Program is so important.

The Rail Garrison MX Program undergoes intense testing and development at Vandenberg Air Force Base located in my district. In addition to providing critical security benefits to the United States and the free world, this program is also beneficial to the local economy of northern Santa Barbara County. The Vandenberg AFB area was hard hit by the decision not to launch the space shuttle from the west coast. Other space programs, like the advanced launch system, are still off in the future. Vigorous testing of the Peacekeeper would help offset that loss. This added bonus further strengthens my support for this important program.

While we again debate the future of the Peacekeeper, as we have over and over again for the past years—each time reconfirming our support for them—the Soviets are deploying their MX rail garrison and small ICBM. Rail-mobile SS-24, a fifth-generation missile of comparable size and warhead carrying capability to the MX, is being deployed. The smaller SS-25, which like the Midgetman is a single-warhead, road mobile system, joined operational Soviet units in 1985. I urge my colleagues to remember that we cannot look at our programs as if they are in a vacuum. We must factor in our decisions what the Soviets have done and are doing.

I am very encouraged by the extremely positive democratic revolutions in Eastern Europe and the dissolution of the Warsaw Pact. I am also cautiously optimistic that real political and economic reforms can occur in the Soviet Union, though I am troubled by recent crackdowns in the Soviet Union and the recentralization of power in the military and the KGB. During his resignation speech former Soviet Foreign Minister Eduard Shevardnadze warned about the return of a hardline dictatorship in the U.S.S.R. It is a warning we should not ignore. While Gorbachev has been very successful in wooing the West with promises of perestroika and reform, the same Mikhail Gorbachev has continued to modernize and strengthen Soviet strategic nuclear forces. To me, actions speak louder than words. While we hope the words come true, we should not ignore the actions as these Frank amendments do. Despite all the euphoria in the West, we're not out of the woods yet. We cannot take chances with our national security.

We have had this debate many, many times before in one form or another. It's the debate over unilateral disarmament. And, let us not be fooled, this Frank amendment is unilaterally disarming our strategic modernization program.

Unilateral disarmament does not work. We proved it in the 1970's through failures like SALT and we proved it in the 1980's through the success of the Reagan-Bush program of peace through strength. Just look at the successful INF Treaty, which eliminated two entire classes of nuclear weapons, and the Conventional Forces in Europe Agreement which will drastically cut military forces in the European theater. We reached these agreements not through unilateral disarmament, but through tough negotiations backed up by credible, effective military modernization programs. The agreements are guaranteed through tough verification regimes.

I strongly believe that the Soviets, who are developing and deploying their own MX rail garrison and small, mobile ICBM's will be more cooperative in reaching an equitable and verifiable strategic arms reduction agreement if they recognize we are working to counter their recent advances. Our experience with the INF Treaty underscores that. Enactment of the Frank amendment removes that incentive and weakens both our national defenses and our negotiating position. What do we end up with? No American modernization and enhanced survivability, hundreds of new, mobile Soviet missiles we have no way to counter especially with the majority's opposition to the SDI, no new missile reduction agreement, and no way to really verify any agreement we may reach. That's foolish and dangerous.

For both national security and future nuclear arms reduction reasons it is very important for the United States to continue with the MX Rail Garrison Program. To terminate it would severely undercut our negotiators in Geneva, making equal, reasonable strategic arms control agreements much more difficult to achieve. I believe the majority—from both sides of the aisle—in the House, on the Armed Services Committee and now on the Appropriations Committee recognize these facts and have wisely provided funds for its continued development. The short-term political gains from terminating this program do not even come close to offsetting the long-term national security losses. I urge my colleagues to join me in supporting the position of both the Armed Services and Appropriations Committees and oppose this amendment.

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

Mr. Chairman, I oppose this ill-conceived amendment. I hope we can dispense with it quickly.

I think it is critical for the membership to understand what it is we are talking about here, today, with respect to the MX Program.

We are not talking about deploying any MX missiles here. The Congress settled that issue several years ago when it capped MX deployment at 50 missiles.

We are not talking about funding a development program which leads to MX deployment, either.

You need to understand that there has been a dramatic change in the rail-garrison MX Program, a change made in this budget.

The administration has changed its position on deploying a mobile MX missile. With the lessening of tensions with Moscow, and the overall defense build-down, the administration in this budget decided that given the tough fiscal choices ahead it could forego its long-term goal of deploying rail-mobile MX missiles.

What the budget proposes now is a reasonable and prudent step.

It proposes that we complete the work needed to test out the concept of making the MX mobile. We will proceed to the point where we fire one test missile off a rail car, late next year \* \* \* and then put the rail-garrison option on the shelf. That is it. Nothing more, nothing less.

By doing this we will at least get some benefits from the over 5 years of research and \$2 billion that have been invested in developing a mobile MX capability.

And we preserve the option to revisit rail-garrison in the future as a means to decrease the vulnerability of our fixed, land-based missiles, should the situation warrant.

At present, given the state of play between ourselves and Moscow, the President has concluded that we do not need to commit to deploying a mobile ICBM. But we do need to keep our options open.

Today, the United States has no mobile ICBM. The Soviets have two—the SS-24 and the SS-25—and over 330 of these are deployed.

It should be apparent to even the most casual observer of events in the Soviet Union that the United States should keep some flexibility as we try to deal with a most uncertain situation in that country.

The new plan on MX is not unreasonable; it is clearly affordable; and it will provide the Nation with at least an option to consider.

It is not a controversial plan and, my colleagues, you have already endorsed it by passing the Defense authorization 2 weeks ago.

Stay with this reasonable approach—reject the Frank amendment.

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

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 229, not voting 47, as follows:

[Roll No. 144]

AYES—155

Abercrombie	Hughes	Petri
Anderson	Jacobs	Porter
Andrews (ME)	Johnson (CT)	Price
Anunzio	Johnson (SD)	Rahall
Anthony	Johnston	Rangel
Applegate	Jones (GA)	Reed
Atkins	Jontz	Roberts
AuCoin	Kaptur	Roemer
Bellenson	Kennedy	Rohrabacher
Berman	Kennelly	Roth
Bonior	Kildee	Roukema
Borski	Klecicka	Roybal
Brooks	Kopetski	Russo
Bryant	Kostmayer	Sabo
Cardin	LaFalce	Sanders
Carr	Lantos	Savage
Clement	Leach	Sawyer
Collins (IL)	Lehman (CA)	Scheuer
Collins (MI)	Levin (MI)	Schroeder
Condit	Levine (CA)	Schumer
Conyers	Long	Sensenbrenner
Cox (IL)	Lowe (NY)	Serrano
DeLauro	Manton	Sharp
Dellums	Markey	Shays
Derrick	Matsui	Sikorski
Dooley	Mavroules	Skaggs
Dorgan (ND)	McCloskey	Slaughter (NY)
Downey	McDermott	Smith (FL)
Durbin	Mfume	Smith (NJ)
Early	Mineta	Solarz
Eckart	Mink	Staggers
Edwards (CA)	Moakley	Stark
Engel	Moody	Stokes
Evans	Moran	Studds
Feighan	Murphy	Swift
Flake	Nagle	Tanner
Foglietta	Neal (MA)	Torres
Ford (MI)	Neal (NC)	Traficant
Frank (MA)	Nowak	Traxler
Gejdenson	Nussle	Unsoeld
Gephardt	Oakar	Visclosky
Glickman	Oberstar	Volkmer
Gonzalez	Obey	Washington
Gray	Olin	Waters
Green	Owens (NY)	Waxman
Hall (OH)	Owens (UT)	Waxman
Hamilton	Panetta	Weiss
Hayes (IL)	Payne (NJ)	Whate
Hertel	Pease	Wolpe
Horn	Penny	Wyden
Horton	Perkins	Yates
Hubbard	Peterson (MN)	

NOES—229

Alexander	Bruce	Dingell
Allard	Bunning	Dixon
Andrews (NJ)	Burton	Doolittle
Archer	Byron	Dornan (CA)
Armey	Callahan	Dreier
Aspin	Camp	Duncan
Bacchus	Carper	Dwyer
Baker	Clinger	Edwards (OK)
Ballenger	Coble	Edwards (TX)
Barnard	Coleman (MO)	Emerson
Barrett	Coleman (TX)	English
Barton	Combest	Erdreich
Bateman	Cooper	Espy
Bennett	Costello	Fascell
Bentley	Coughlin	Fawell
Bereuter	Cox (CA)	Fields
Bevill	Coyne	Fish
Bibray	Cramer	Ford (TN)
Billakis	Crane	Franks (CT)
Billey	Cunningham	Galleghy
Boehert	Darden	Gallo
Brewster	Davis	Gaydos
Broomfield	DeLay	Gekas
Browder	Dickinson	Geran
Brown	Dicks	Gibbons

Gilchrest	Livingston	Roe
Gillmor	Lloyd	Rogers
Gilman	Lowery (CA)	Ros-Lehtinen
Gingrich	Luken	Rowland
Goodling	Machtley	Santorum
Gordon	Marlenee	Sarpallus
Goss	Martin	Saxton
Gradison	Mazzoli	Schaefer
Guarini	McCandless	Schiff
Gunderson	McCrery	Schulze
Hall (TX)	McCurdy	Shuster
Hammerschmidt	McDade	Skeen
Hancock	McEwen	Skelton
Hansen	McGrath	Slattery
Harris	McHugh	Slaughter (VA)
Hatcher	McMillan (NC)	Smith (OR)
Hayes (LA)	McMillan (MD)	Smith (TX)
Hefley	McNulty	Snowe
Hefner	Meyers	Solomon
Henry	Michel	Spence
Herger	Miller (OH)	Spratt
Hoagland	Molinari	Stallings
Hobson	Mollohan	Stearns
Hochbrueckner	Montgomery	Stenholm
Holloway	Moorhead	Stump
Hopkins	Morrison	Swett
Houghton	Murtha	Tallon
Hoyer	Myers	Tauzin
Huckaby	Natcher	Taylor (MS)
Hunter	Nichols	Taylor (NC)
Hutto	Ortiz	Thomas (CA)
Hyde	Oxley	Thomas (GA)
Inhofe	Packard	Thomas (WY)
Ireland	Pallone	Upton
James	Parker	Valentine
Jefferson	Patterson	Vander Jagt
Johnson (TX)	Paxon	Vucanovich
Jones (NC)	Peterson (FL)	Walker
Kanjorski	Pickett	Walsh
Kasich	Pickle	Weber
Klug	Poshard	Weldon
Kolbe	Pursell	Whitten
Kolter	Ramstad	Wilson
Kyl	Ravenel	Wise
Lagomarsino	Ray	Wolf
Lancaster	Regula	Wyllie
LaRocco	Rhodes	Yatron
Laughlin	Richardson	Young (AK)
Lewis (CA)	Ridge	Zeliff
Lewis (FL)	Riggs	Zimmer
Lightfoot	Rinaldo	
	Ritter	

NOT VOTING—47

Ackerman	Fazio	Pelosi
Andrews (TX)	Frost	Quillen
Boehner	Hastert	Rose
Boucher	Jenkins	Rostenkowski
Boxer	Lehman (FL)	Sangmeister
Bustamante	Lent	Shaw
Campbell (CA)	Lewis (GA)	Sisisky
Campbell (CO)	Lipinski	Smith (IA)
Chandler	Martinez	Sundquist
Chapman	McCollum	Thornton
Clay	Miller (CA)	Torricelli
Dannemeyer	Miller (WA)	Towns
de la Garza	Morella	Vento
DeFazio	Mrazek	Williams
Donnelly	Orton	Young (FL)
Dymally	Payne (VA)	

□ 1156

The Clerk announced the following pairs:

On this vote:  
 Mr. Vento for, with Mr. Orton against.  
 Mr. Sangmeister for, with Mr. Fazio against.  
 Mr. DeFazio for, with Mr. Dymally against.  
 Mr. Towns for, with Mr. Andrews of Texas against.  
 Mrs. Morella for, with Mr. Young of Florida against.  
 Mr. Lehman of Florida for, with Mr. Quillen against.  
 Messrs. SANDERS, ROHRABACHER, ATKINS, OWENS of Utah, and TORRES changed their vote from "no" to "aye."  
 So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title IV?

If not, the Clerk will read:

The Clerk read as follows:

TITLE V

DEFENSE BUSINESS OPERATIONS FUND

There is established on the books of the Treasury a Fund to be known as the "Defense Business Operations Fund" under which the following amounts are appropriated to the Defense Business Operations Fund established by this title:

Defense Business Operations Fund, Army Stock Fund Division, \$827,300,000; and

Defense Business Operations Fund, Air Force Stock Fund Division, \$1,616,800,000:

Provided, That such divisions shall maintain their separate identity and separate management structures and shall be reflected on the books of the Treasury as divisions of the Defense Business Operations Fund which shall reflect only the balances of such funds appropriated pursuant to this paragraph separately in accordance with the fund to which they applied prior to the enactment of this title: *Provided further*, That during the current fiscal year no functions, activities, funds or accounts may be assigned, transferred or otherwise added to the existing fund as established in this paragraph: *Provided further*, That funds appropriated herein for such funds shall not be transferred between or among the divisions of such funds: *Provided further*, That of the funds appropriated in this paragraph, \$24,000,000 shall not be obligated or expended until authorized by law.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title V of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

□ 1200

Are there any amendments to title V?

The Clerk will read.

The Clerk read as follows:

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, \$208,698,000; for Procurement, \$229,202,000 to remain available until September 30, 1994; for Research, development, test and evaluation, \$13,900,000 to remain available until September 30, 1993; In all: \$451,800,000: *Provided*, That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities (other than Tooele) until the Secretary of Defense certifies to the Congress that 1) Operational Verification Testing at the Johnston Atoll

Chemical Agent Destruction Facility is complete, 2) a report on the results of the tests has been submitted to the Congress, 3) plant design has been verified, and 4) necessary environmental permits have been secured for the sites for which the equipment is to be procured.

**DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE  
(INCLUDING TRANSFER OF FUNDS)**

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; \$1,155,994,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated by this paragraph, \$22,290,000 shall not be obligated or expended until authorized by law.

**OFFICE OF THE INSPECTOR GENERAL**

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, \$121,600,000; for Procurement, \$300,000; In all: \$121,900,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1994: *Provided further*, That of the funds appropriated in this paragraph, \$1,000,000 shall not be obligated or expended until authorized by law.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title VI?

Are there any amendments to title VI?

The Clerk will read.

The Clerk read as follows:

**TITLE VII  
RELATED AGENCIES**

**CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM FUND**

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$164,100,000.

**INTELLIGENCE COMMUNITY STAFF**

For necessary expenses of the Intelligence Community Staff; \$30,719,000.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title VII?

Are there any amendments to title VII?

The Clerk will read.

The Clerk read as follows:

**TITLE VIII  
GENERAL PROVISIONS**

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8005. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for

cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

**(TRANSFER OF FUNDS)**

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

**(TRANSFER OF FUNDS)**

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and to the "Foreign Currency Fluctuations, Defense" appropriation account in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts

appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

(c) None of the funds available to the Department of Defense in this Act shall be used to enter into any agreement or contract to convert any heating facility at military installations in the Kaiserslautern Military Community (KMC) in the Federal Republic of Germany to district heat, direct natural gas, or other sources of fuel, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, and until the Secretary of the Air Force has (1) ensured that the United States coal industry has had the opportunity to provide thermal energy supply to the KMC facilities through participation in a competitive solicitation for proposals for a third-party thermal energy supply, provided such solicitation allows evaluation of innovative technical proposals such as cogeneration to enhance the cost-effectiveness of coal derived thermal energy; (2) thoroughly evaluated the cost-effectiveness of all proposals received; (3) submitted evaluation results to the General Accounting Office for review; and (4) notified the Committees on Appropriations of the Senate and House of Representatives of the evaluation results.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 days in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8010. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8011. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1991 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services

the Secretary determines are overpriced based on an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8012. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1994.

SEC. 8013. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK-48 ADCAP Torpedo;  
UH-60 Black Hawk Helicopter; and  
Army Tactical Missile.

(TRANSFER OF FUNDS)

SEC. 8014. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 72,150: *Provided*, That none of the funds appropriated by

this Act shall be available to support more than 48,624 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.

SEC. 8016. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1992 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1992, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1993 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1993 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1993.

SEC. 8017. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8018. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8019. None of the funds appropriated by this Act or hereafter shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. 8020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assist-

ance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for not more than 250 civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act:

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and

allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act or; (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8027. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8028. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of \$1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded: *Provided further*, That none of the funds appropriated or made available by this Act may be used to deploy the Composite Health Care System beyond the initial alpha and beta test sites until system development is completed.

SEC. 8029. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8030. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8031. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8032. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth: *Provided*, That none of the funds available shall be used to reduce, revise, or terminate the CHAMPUS Reform Initiative contract before February 1, 1994.

SEC. 8033. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8034. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8035. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1992, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

SEC. 8036. Of the funds appropriated to the Army, \$172,072,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended:

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

(8) unless RCAS performs its own classified information processing.

SEC. 8037. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of \$10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided*, That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further*, That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8038. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8039. Not to exceed \$20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

SEC. 8040. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and

under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

#### (TRANSFER OF FUNDS)

SEC. 8041. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty legislative days before any such transfer of funds under this provision.

SEC. 8042. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8043. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred

and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That these limitations do not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care: *Provided further*, That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further*, That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.

SEC. 8044. The designs of the Army LH helicopter, the Navy A-X Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications and must fully comply with all DOD regulations requiring the use of the Ada computer programming language no later than 1998: *Provided*, That effective July 1, 1992 all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

SEC. 8045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to ac-

crue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by \$300,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1992, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided*, That this section does not apply to the reserve components: *Provided further*, That not more than \$1,188,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.

SEC. 8047. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8048. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed \$10,800,000, to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of \$4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

(c) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of \$15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.

SEC. 8049. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions, functions and commands until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any

transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual servicemember or have an adverse economic impact on a geographic area.

SEC. 8050. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 8051. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8052. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

*Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8053. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8054. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8055. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8056. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the expenses under the Program for the first \$150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided*, That the foregoing limitation shall not exceed the first \$300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further*, That higher deductible amounts and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further*, That the provisions of this section shall not apply in the case of dependents of military members in grades E-1 through E-4.

SEC. 8057. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 8058. Of the funds appropriated by this Act, no more than \$4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 8059. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8060. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8061. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments

under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8062. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8063. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five year period beginning on October 1, 1991, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8064. None of the funds appropriated in this Act shall be used to reduce the fiscal year 1992 2.5- or 5-ton truck maintenance workload at Letterkenny Army Depot as a direct result of either the proposed consolidation of truck maintenance or an increase in fiscal year 1992 truck maintenance at any other depot; neither shall funds be available for transfer of towed and self-propelled artillery maintenance from Letterkenny Army Depot.

SEC. 8065. No more than \$50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8066. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

SEC. 8067. None of the funds available to the Department of Defense in this Act shall be used to reduce the end strength and force structure of the Reserve Components below

the levels funded in this Act or be used to reduce or disestablish the operation of units of the Reserve Components below those in existence on April 15, 1991: *Provided*, That the foregoing limitation shall not apply to the modernization or restructuring of units at the same location or to the establishment of new units.

SEC. 8068. Funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1992, may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8069. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8070. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

SEC. 8071. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8072. None of the funds appropriated in this Act shall be used for the recruitment or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences after September 30, 1991.

SEC. 8073. Notwithstanding any other provision of law, after June 1, 1991, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of

Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code.

SEC. 8075. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes: *Provided*, That this training will be performed at Walter Reed Army Medical Center.

SEC. 8076. None of the funds appropriated by this Act shall be used to reduce the military and civilian work force at any military medical facility or medical support facility below the level maintained or authorized for fiscal year 1990: *Provided*, That the foregoing limitation shall apply to all military medical and medical support facilities.

#### (RESCISSIONS)

SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Procurement of weapons and tracked combat vehicles, Army, 1990/1992,	\$10,000,000;
Procurement of weapons and tracked combat vehicles, Army, 1991/1993,	\$114,000,000;
Procurement of ammunition, Army, 1991/1993,	\$23,700,000;
Other procurement, Army, 1990/1992,	\$10,300,000;
Other procurement, Army, 1991/1993,	\$26,800,000;
Aircraft procurement, Navy, 1990/1992,	\$893,500,000;
Weapons procurement, Navy, 1991/1993,	\$300,000,000;
Other procurement, Navy, 1991/1993,	\$2,700,000;
Procurement, Marine Corps, 1991/1993,	\$2,000,000;
Guard and Reserve Equipment, 1991/1993,	\$8,000,000;
Research, Development, Test and Evaluation, Army, 1991/1992,	\$85,200,000;
Research, Development, Test and Evaluation, Navy, 1991/1992,	\$41,800,000;
Research, Development, Test and Evaluation, Air Force, 1991/1992,	\$199,400,000;
Research, Development, Test and Evaluation, Defense Agencies, 1991/1992,	\$90,000,000.

SEC. 8078. Section 8104 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1898) is amended—

(1) by amending section 3 by adding the following new sentence at the end thereof: "The Commission is established until 30 days following submission of the final report required by section 6 of this section.";

(2) by amending section 6 as follows: (i) by amending subsection (b)—

(A) by striking out "SUBSEQUENT ANNUAL REPORTS" and inserting "FINAL REPORT" in lieu thereof;

(B) by striking out "an annual report for each of the first five years following the" and inserting "a final report one year following" in lieu thereof in the first sentence; and

(C) by striking out the second sentence; and

(ii) by amending subsection (c)—

(A) by striking out "Each report under this section" and inserting "The report under subsection (b)" in lieu thereof in the first sentence; and

(B) by striking out "Each such" and inserting "Such" in lieu thereof in the second sentence; and

(3) by amending section 8(c) to read as follows:

"(c) OBTAINING OFFICIAL DATA.—The Chairman or a designee on behalf of the Chairman may request information necessary to enable the Commission to carry out this Act directly from any department or agency of the United States."

SEC. 8079. Of the funds made available in this Act, not less than \$8,674,000 shall be available for the Civil Air Patrol, of which \$4,400,000 shall be available for Operation and Maintenance.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Tactical Airlift Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8081. Of the funds available in this Act in the operation and maintenance accounts of the Department of Defense, \$10,000,000 shall be available only to transport United States beef for resale in Department of Defense commissaries in foreign countries.

SEC. 8082. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8083. Of the funds appropriated in this Act for "Drug Interdiction and Counter-Drug Activities, Defense", \$40,000,000 shall be available only for the National Drug Intelligence Center.

SEC. 8084. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.

SEC. 8085. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient copayment for medical services provided to dependents of active duty personnel from August 2, 1990, until the return of troops from the Persian Gulf theater: *Provided*, That the Government's share of medical services is not increased during the specified time period.

SEC. 8086. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling on the Uniformed Services Treatment Facility account.

SEC. 8087. During the current fiscal year, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

(TRANSFER OF FUNDS)

SEC. 8088. During the current fiscal year, there is established an account entitled,

"Foreign National Employees Separation Pay Account, Defense": *Provided*, That there shall be deposited to this account: (a) all amounts previously obligated for the separation pay of foreign national employees of the Department of Defense from appropriations which are no longer available for obligation and (b) all amounts obligated for the separation pay of foreign national employees of the Department of Defense from appropriations available for obligation during the current fiscal year: *Provided further*, That amounts deposited to the Account shall remain available until expended.

SEC. 8089. During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. (a) Of the funds appropriated in this Act in title IV, Research, Development, Test and Evaluation, Navy, \$625,000,000 shall be available only for the V-22 aircraft program.

(b) Of the funds appropriated for the V-22 program in fiscal years prior to fiscal year 1992 (1) \$200,000,000 shall be subject to the provisions of section 204 of the Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991, (Public Law 102-27), and shall be used to initiate a new Phase II V-22 Full Scale Engineering Development program as further described in subparagraph (c)(2); (2) That of the funds appropriated in the Department of Defense Appropriations Act (Public Law 101-511) for fiscal year 1991 under the heading, "Aircraft Procurement, Navy" for the V-22 Osprey program, \$165,000,000 shall be transferred to "Research, Development, Test and Evaluation, Navy, 1992/1993", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred, subject to the provisions of subparagraph (c).

(c) Funds described in subparagraphs (a) and (b) of this section shall be obligated as follows:

(1) Not less than \$164,800,000 shall be obligated by October 31, 1991 to continue the existing V-22 Full Scale Engineering Development program;

(2) Not less than \$357,200,000 shall be obligated by November 30, 1991 to fund a Phase II V-22 Full Scale Engineering Development program to provide ten production representative new aircraft which will successfully demonstrate the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996: *Provided*, That the ten production representative V-22 aircraft shall be produced on tooling which qualifies production design;

(3) The remaining funds shall be obligated in accordance with the plan provided for in subparagraph (d).

(d) The Secretary of Defense shall provide to the Congress, within 60 days of enactment of this Act, the total funding plan and schedule to complete the Phase II V-22 Full Scale Engineering Development program.

SEC. 8091. During the current fiscal year, net receipts pursuant to collections from

third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

(TRANSFER OF FUNDS)

SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Research, Development, Test and Evaluation, Navy, 1991/1992", \$1,400,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", \$12,800,000;

Under the heading, "Aircraft Procurement, Navy, 1990/1992", \$30,000,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", \$15,100,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", \$24,800,000;

Under the heading, "Other Procurement, Navy, 1991/1993", \$4,200,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", \$29,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

DDG-51 destroyer program, \$46,400,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

USCG Patrol Boat Program, \$3,600,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, \$28,900,000;

DDG-51 destroyer program, \$64,900,000;

AOE-6 fast combat support ship program, \$161,200,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

TRIDENT ballistic missile submarine program, \$17,300,000;

MCM Mine Countermeasures ship program, \$7,300,000;

TAO Fleet Oiler program, \$3,500,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, \$18,900,000;

MHC coastal mine hunter program, \$6,900,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, \$9,600,000;

SSN-688 attack submarine program, \$113,600,000;

DDG-51 destroyer program, \$22,100,000;

TAGOS ocean surveillance ship program, \$400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, \$67,200,000;

SSN-688 attack submarine program, \$29,600,000;

LSD(CV) amphibious dock landing (cargo variant) ship program, \$5,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, \$44,400,000;

SSN-688 attack submarine program, \$15,600,000;

SSN-21 attack submarine program, \$4,500,000;  
MHC coastal minehunter program, \$13,900,000;  
TAGOS ocean surveillance ship program, \$10,800,000;

AO auxiliary oiler conversion ship program, \$5,500,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

MCM Mine Countermeasures ship program, \$12,300,000;

AO auxiliary oiler conversion ship program, \$4,500,000;

MTS(C) moored training ship conversion program, \$9,000,000.

SEC. 8093. None of the funds in this Act shall be obligated for the procurement of a Multibeam Sonar Mapping System not manufactured in the United States: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8094. Using funds available in the National Defense Stockpile Transaction Fund, during the period of fiscal years 1992 through 1994 and using procedures covered by section 3301 of the National Defense Authorization Act, 1991 (Public Law 101-510; 104 Stat. 1844-45), the President may acquire not less than 50,000 kilograms of germanium from current domestic sources to be held in the National Defense Stockpile.

SEC. 8095. None of the funds appropriated in this Act may be used to implement more than fifteen catchment area management demonstration sites: *Provided*, That each demonstration site criteria must be approved by the Assistant Secretary of Defense for Health Affairs before the demonstration begins and the project must be consistent with the Coordinated Care initiative: *Provided further*, That additional test sites cannot be initiated under any other program if the test contains catchment area management attributes: *Provided further*, That this provision does not apply to the Tidewater TRI-CAM demonstration project.

SEC. 8096. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a medical doctor unless the prospective candidate is a trained professional administrator.

SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, \$20,000,000 shall be available for the Civilian Health and Medical Program of the Uniformed Services for the payment of expenses of former members of the uniformed services who are 100 percent disabled, and the dependents of such members, notwithstanding the coverage by such former members and the dependents of such members of health care insurance benefits under part A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et. seq.): *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered and paid for under part A and B of title XVIII of the Social Security Act: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8098. From the amounts appropriated for the Department of Defense in the Depart-

ment of Defense Appropriations Act, 1991, (Public Law 101-511), Other Procurement, Air Force, funds may be used to purchase not more than 300 passenger motor vehicles, of which 290 shall be for replacement only.

SEC. 8099. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of Korean national employees, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided*, That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

SEC. 8100. During the current fiscal year, for the purposes of transactions between the stock and industrial funds of the Department of Defense and the United States Coast Guard, the United States Coast Guard shall not be subject to the surcharges assessed against stock and industrial fund customers.

SEC. 8101. Section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510, 104 Stat. 1621) is repealed.

SEC. 8102. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 90 percent of sales from such stock funds during the current fiscal year: *Provided*, That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence and repair of spare parts shall be excluded: *Provided further*, That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this section: *Provided further*, That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.

SEC. 8103. None of the funds appropriated by this Act shall be available for the compensation of military and civilian personnel assigned to each of the headquarters of the Naval Sea Systems Command, Naval Air Systems Command, Space and Naval Warfare Systems Command, Naval Supply Systems Command and Naval Facilities Engineering Command in excess of 75 percent of the number of personnel assigned to each such command headquarters as of September 30, 1991.

SEC. 8104. (a) None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the P-3 squadrons of the Navy Reserve below the levels funded in this Act.

(b) Notwithstanding any other provision in this or any other Act, the Secretary of the Navy shall obligate and expend funds appropriated for fiscal years 1991 and 1992 for modernization of P-3B aircraft of the Navy Reserve.

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available to the Department of the Army for fiscal years 1990, 1991, and 1992 for C-23 aircraft which remain available for obligation may be obligated or expended except to maintain commonality with C-23 Sherpa aircraft already in the Army National Guard fleet, and such funds may not be obligated for acquisi-

tion of modified commercial aircraft, unless the modifications are performed in the United States under a license agreement with the original manufacturer and are in accordance with the SD3-30 aircraft type specification as modified for Army mission requirements.

SEC. 8106. None of the funds appropriated in this Act may be obligated or expended for any contract or grant with a university or other institution of higher learning unless such contract or grant is audited in accordance with the Federal Acquisition Regulation and the Department of Defense Federal Acquisition Regulation Supplement or any other applicable auditing standards and requirements and the institution receiving the contract or grant fully responds to all formal requests for financial information made by responsible Department of Defense officials: *Provided*, That if an institution does not provide an adequate financial response within 12 months, the Secretary of Defense shall terminate that and all other Department of Defense contracts or grants with the institution.

SEC. 8107. None of the funds appropriated in this Act may be used for costs associated with a federally funded research and development center if a member of the Board of Directors of such a center simultaneously serves on the Board of Directors of a company under contract to the Department of Defense.

SEC. 8108. Section 361 of Public Law 101-510 is hereby repealed.

SEC. 8109. None of the funds appropriated in this Act may be used to either pay the salaries of more than four Senior Executive Service positions within the Navy Comptroller organization under the Secretary of the Navy or the Chief of Naval Operations, or to compensate individuals in these positions at a rate higher than level three of the Senior Executive Service.

SEC. 8110. None of the funds appropriated in this Act may be used to pay the salaries of debarment/suspension officials unless such personnel are assigned to a consolidated office of Debarment and Suspension within the Office of the Inspector General.

SEC. 8111. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8112. (a) During the current fiscal year, funds appropriated to the Department of Defense in accordance with section 822(a) of the National Defense Authorization Act, 1991, shall be made available to establish an Executive Committee under the auspices of the Critical Technologies Institute, com-

prised of the Secretaries of the Departments of Defense, Commerce, Labor, and Energy along with two individuals appointed by each of the above mentioned Secretaries. The Secretaries of Defense and Commerce shall serve as co-chairmen of the committee whose sole function shall be to fulfill the requirements of this section at which time the Executive Committee shall cease to exist. For the purposes of this section—

(1) "critical technology" means the act of a domestic industry in producing a product without which machine tools necessary to support the national defense could not be produced;

(2) "domestic producer" means those producers, situated within the United States, or its territories, wherein over 50 percent of the total voting stock of such producer is owned and controlled by citizens of the United States; and

(3) "national security" means the interest of the United States Government to preserve those basic conditions necessary to a domestic producer, using a critical technology, that are adequate to permit capital investment for needed improvements in technology that will enable the overall domestic industry to remain competitive.

(b) No later than one calendar year from the date of enactment of this Act the Executive Committee shall prepare and deliver to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate, the Ways and Means Committee of the House of Representatives, and the Finance Committee of the Senate a report providing—

(1) a listing and detailing of those products determined to be within the definition of "critical technology";

(2) a summary of the general economic condition of domestic industries producing a product used in a critical technology in the United States (including, but not limited to, productivity, exportation of products, capacity, and profitability);

(3) a summary of—

(A) current and prospective trends in the ability to compete by such industries; and

(B) the effect of such trends on employment and unemployment, individual and corporate income levels, private capital accumulation and investment, the balance of payments, revenues and expenditures of the Federal Government, and other relevant indicators of the economic health of such industries;

(4) a detailed review of policies, programs, and activities of the Federal Government, State and local governments, and nongovernmental entities that adversely affect the economic health (and ability to produce) of domestic industries using a critical technology;

(5) recommendations to—

(A) minimize or eliminate the adverse effects of Federal policies, programs, and activities affecting such industries; and

(B) encourage State and local governments and nongovernmental entities to minimize or eliminate the adverse effects of their policies, programs, and activities affecting such domestic industries;

(6) a detailed review of policies, programs, and activities of foreign governments, particularly major trading partners of the United States, that adversely affect domestic industries using a critical technology in the United States and in the international marketplace, and such policies or activities that would act to impair or threaten to impair our national security; and

(7) recommendations to encourage foreign governments to modify or eliminate policies,

programs, and activities that adversely affect such industries.

SEC. 8113. (1) Notwithstanding any other provision of law, none of the funds available to the Secretary of Defense shall be used to purchase bridge or machinery control systems, or interior communications equipment, for the Sealift Program unless, in each case—

(A) the system or equipment is manufactured in the United States; or

(B) more than half of the value in terms of costs has been added in the United States by a United States company under license from a foreign company.

(2) The Secretary may waive the requirement of subsection (1) of this section if, in each case—

(A) the system or equipment described in subsection (1) is not available; or

(B) the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

(TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated in this Act for "Operation and Maintenance, Defense Agencies", \$5,000,000 shall be transferred to the "Radiation Exposure Compensation Trust Fund" established by section 3 of the Radiation Exposure Compensation Act (Public Law 101-426; 104 Stat. 920) to be available for the same purpose and same time period as that Fund: *Provided*, That funds transferred pursuant to this section shall be identified separately within the foregoing Trust Fund and, notwithstanding the provisions of section 9 of such Act or any contract, no part of the funds transferred pursuant to this section shall be available to pay the representative of an individual for services rendered in connection with the claim of an individual under such Act: *Provided further*, That any representative of an individual who receives such a payment shall be subject to the penalty prescribed by the second sentence of section 9 of such Act.

SEC. 8115. Notwithstanding section 2805 of title 10, of the funds appropriated in this Act for "Operation and Maintenance, Navy", \$2,100,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington: *Provided*, That these funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.

SEC. 8116. None of the funds appropriated in this Act may be used to procure SQQ-89 systems which do not have the enhanced modular signal processor (EMSP) as the processor.

SEC. 8117. None of the funds provided in title III, Procurement, for Shipbuilding and Conversion, Navy, for fiscal years 1990, 1991, and 1992 may be used to procure vessels which were constructed in foreign shipyards.

SEC. 8118. None of the funds provided in this Act or any other Act may be used by the Department of the Army to acquire four-ton dolly jacks if such equipment is or would be manufactured outside the United States of America and would be procured under any contract, agreement, arrangement, compact or other such instrument for which any provisions including price differential provisions of the Buy America Act of 1933, as amended, or any other Federal buy national law was waived.

SEC. 8119. None of the funds appropriated or made available in this Act or any prior Acts shall be obligated or expended to implement the United States Army Corps of Engineers Reorganization Study until such reorganization proposed is specifically author-

ized by law after the date of enactment of this Act.

SEC. 8120. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8121. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.

SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided*, That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c)(1) Not later than June 1, 1992, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate a report on the nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

(2) The report shall include the following:

(A) a description of the categories of work performed under that program and the costs associated with those categories of work;

(B) a description of the capabilities of facilities that United States firms have established in Europe to perform work under that program;

(C) a description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States;

(D) a description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States;

(E) a description of the Air Force plans to expand the Overseas Workload Program to other depot maintenance activities including: prime weapon systems, aircraft, exchangeables, engine overhaul and repair, engine exchangeables and other major end items.

(d) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for non-restrictive, non-discriminatory contract competition under the Overseas Workload Program.

(e) The Secretary of Defense shall work with Israel to identify new specialized capabilities in depot maintenance and repair for which it is uniquely suited: *Provided*, That the Secretary of Defense shall report to the Committees on Appropriations of the House and Senate, not later than June 1, 1992, on its findings.

(f) No funds appropriated for the Overseas Workload Program for fiscal year 1992 shall be used for contracts awarded in fiscal year 1992 which have not been opened for competition in a manner consistent with this provision.

SEC. 8123. (a) REPRODUCTIVE HEALTH SERVICES IN MEDICAL FACILITIES OF THE UNIFORMED SERVICE OUTSIDE THE UNITED STATES.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074b the following new section:

**“§ 1074c. Reproductive health service in medical facilities of the uniformed services outside the United States**

“(a) PROVISION OF SERVICES.—A member of the uniformed services who is on duty at a station outside the United States (and any dependent of the member who is accompanying the member) is entitled to the provision of any reproductive health service in a medical facility of the uniformed services outside the United States serving that duty station in the same manner as any other type of medical care.

“(b) PAYMENT FOR SERVICES.—(1) In the case of any reproductive health service for which appropriated funds may not be used, the administering Secretary shall require the member of the uniformed service (or dependent of the member) receiving the service to pay the full cost (including indirect costs) of providing the service.

“(2) If payment is made under paragraph (1), appropriated funds shall not be considered to have been used to provide a reproductive health service under subsection (a). The amount of such payment shall be credited to the accounts of the facility at which the service was provided.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074b the following new item:

“1074c. Reproductive health services in medical facilities of the uniformed services outside the United States.”

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that title VIII be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against title VIII?

POINT OF ORDER

Mr. WEBER. Mr. Chairman, I make a point of order against section 8123, beginning on page 113, line 7, through page 114, line 13 of the bill.

This section proposes to change existing law and thus constitutes legislation on an appropriations bill in violation of clause 2(b) of rule XXI.

I ask for a ruling by the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MURTHA] wish to be heard on the point of order?

Mr. MURTHA. No, Mr. Chairman.

The CHAIRMAN (Mr. OBERSTAR). For reasons then stated by the gentleman from Minnesota, the point of order is sustained and the section is stricken.

Are there any points of order against title VIII?

Are there any amendments to title VIII?

Mr. AUCOIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what has just happened is that one Member of this body, because of the legislative circumstances permitted under this rule, one Member of this body has been able to strike a provision dealing with the reproductive freedoms of our servicewomen stationed abroad, irrespective of the fact that the full Appropriations Committee approved my amendment granting those women those rights earlier this week; irrespective of the fact that this House, 1 week ago, worked its will and by a majority granted those servicewomen those rights.

This circumstance today, I think, is highly deplorable. The circumstance which allows one person, one person, one man to thwart the will of the majority of the members of the full Appropriations Committee and the full House of Representatives and to inflict real pain and real injury on servicewomen who are serving proudly in the Armed Services of the United States.

I think that is deplorable in substance. It is deplorable in process. I am extremely frustrated, as I know my colleagues are who supported the AuCoin-Machtley amendment on the authorization bill, which 1 week ago was passed, and colleagues who supported the appropriations amendment which I offered in full committee.

We are in this situation today where one-man rule, and I stress, one-man rule, has created this incredible circumstance for women in the services.

Let me just explain so all Members know, so we do not have to perhaps in the future go through this again. We are in this circumstance today because of the rule, the rule that does not grant a waiver against a point of order with legislation on appropriations.

There are nine pages of text in this bill that are subject to a point of order, but the rule that was sought by the leadership of the Appropriations Committee waived points of order against those nine pages. They did not seek a rule waiving a point of order against these fundamental rights for servicewomen in uniform stationed abroad and serving this country proudly. I think that is extremely regrettable.

My frustration has increased because I cannot really blame the Rules Committee. I cannot blame the Rules Committee. When a committee leadership comes to the Rules Committee and does not seek a rule waiving points of order on work that has been adopted by its committee, it is hard for the Rules

Committee to grant such a rule that out of the blue provides a waiver of a point of order. So the Rules Committee cannot be blamed for the situation.

I think we ought to understand that the rule that we nevertheless got has put us in this situation.

I can understand the individual beliefs of Members of the leadership of the Appropriations Committee who in their heart personally disagree with the will of the House, 1 week ago, personally disagree with that. But I have been in the House for 17 years, and it has always been my experience that leaders of committees, when they bring bills to the Rules Committee, should represent the committee's position, represent the committee's position, and then if they choose to vote against the amendment on a vote, they may do so.

By representing the committee's position in this instance, we would be able to have that circumstance, that if anyone objected to the amendment it would be voted on, debated and voted on, and the House would again work its will. But by not representing the committee's position on the Rules Committee, what we have set the stage for is one person who just did it, striking this provision because that one person alone said he did not agree.

What is the result? The result is the personal belief of some leaders of the committee have been reflected now on this bill. The personal beliefs of the person who struck the amendment have been reflected in this bill, by the majority of the Members of this Congress, their beliefs expressed only 1 week ago, have been thwarted today. And I think that is highly deplorable.

The gentleman from Ohio [Mr. TRAFICANT] found earlier today a number of sections of the bill that were not protected under the rule against points of order. He proceeded to raise points of order against them.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AUCOIN] has expired.

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. GINGRICH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

Since the gentleman would not yield to me, I thought I would take the time directly. I find it ironic that a Democratic Member of the majority would be shocked that the House has rules. I would point out to the gentleman that there are, I believe in his own career, instances where he has done exactly what was just done.

□ 1210

He has risen and noted things on appropriations bills precisely, and I believe this is true, precisely as was just

done, because under the rules of a democracy, the rules matter.

Now, the gentleman had every opportunity. His side has the majority on the Committee on Rules. He had a chance to try to work his will. He failed.

To come down here and suggest that it is inappropriate for a Member to exercise his rights under the rules, the rules which protect every Member, Democrat or Republican; the gentleman from Ohio [Mr. TRAFICANT] exercised them earlier. It is the right of Members to be protected by the rules.

To suggest that having failed to succeed under the rules it was somehow wrong for those who disagreed with the gentleman to use their rights under the rules which protect all of us, it protects the Member from Vermont who is here by himself with no party structure, it protects the minority, it protects the majority. The thing that distinguishes us from despotism is rule. The fact that all of us have to learn the rules, all of us have to function under the rules, and I will not yield either. We seem to have this game going.

I will just say to the gentleman that I think to get up and attempt to make a statement that would suggest that it was inappropriate for a Member of this House to use his or her rights under the rules is simply inappropriate, and I am astonished that the gentleman would suggest that Members should not defend their position on the rules.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry that the minority leader would not yield, but I think the minority leader missed the whole focus of what the gentleman from Oregon was talking about.

What the gentleman from Oregon was talking about was not rules that would protect one individual Member of the House. We were talking about a provision that protected the rights of every single woman in uniform overseas, protecting all of our rights, protecting the flag, protecting the Constitution, protecting everything else, and to see one Member's personal ability to be able to strike a provision that protected all their rights makes you wonder what democracy is about.

So when you hear the minority whip's words, they sounded so wonderful and eloquent, but when you realize what he was really saying is that one male Member of the House has the right to stand up and deny American women in uniform ordered overseas the same rights they would have if they were here in the United States. That, to me, is shocking.

I am very sorry a Member did that. I said ahead of time I hoped no one would use that right in the rule. They used it, and I think we are very tired of seeing this happen over and over in this House.

Many a time we have thought we have won a victory on this House floor, the majority of people have voted one way, and then we find it disappears whether through a rule or in conference or whatever.

But I think America's women are getting very, very tired of it. I could give you the list; I could give you the list of whether you want to talk about mammograms and Medicare or whether you want to talk about what we saw with caps on damages with women in the civil rights bill; here today, we are talking about equal rights for women who are out protecting our equal rights overseas.

I really find this a very tough day that one Member of this representative democracy would use their right to overrule the rights of those American citizens fighting for our rights.

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief, as I return to the point of the gentleman from Minnesota to exercise his rights under the rules.

I was very impressed with the statement made by a former Speaker of this House from Texas very recently when he said, and I quote you that, "I will use every prerogative available to me under the rules of the House to guarantee a Democrat victory." Mr. Chairman, he did that, and he did that well, and I will have to tell you I, for one, admired his workmanship. He was very skillful. He did, in fact, legitimately use his prerogatives at every possible occasion.

That, sir, is what the gentleman from Minnesota did, and I admire your craftsmanship. You did it well.

Mr. MFUME. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. AUCCOIN].

Mr. AUCCOIN. Mr. Chairman, I appreciate the gentleman yielding to me, and I regret very much that the majority whip objected to an extension of my time.

Let me make it clear to my colleagues on the floor that I do not object to any single Member making full use of the rules. I thought I made it clear that I felt that we have an injustice in the rule that is presented to this body. That injustice is that under this rule, because of what was sought by the leadership of the Committee on Appropriations, under this rule, the majority, all Members of the House, are denied their opportunity to work their will on the question of our reproductive freedom and the ability to purchase abortion services if one chooses with one's own funds if one is in uniform stationed abroad.

So I do not object. I have no fault with the gentleman who took full advantage of the rules that were the rule that was adopted. He did it very skillfully. I know his view. I knew he was

going to do that. In fact, the gentleman from New York [Mr. SOLOMON] said he would do it if the gentleman did not, and so we expected that.

My point is this: I have been here 17 years, and I cannot remember a time when after the House has worked its will, and I am not talking about one Member, I am talking about a majority of the Members of this House, I cannot remember a time when a majority has worked its will and when a committee has worked its will and has adopted a provision like the AuCCoin-Machtley amendment, when the leadership of the requisite appropriations committee did not go to the Committee on Rules and seek a waiver of a point of order as this committee normally does.

There are nine pages of text that are subject to a point of order, that the leadership of the committee sought waivers on and got waivers for, and this was one of the only ones that it failed to do.

Now, I just simply want to say that I think it is extremely regrettable. I have great respect for the chairman of my subcommittee. I work with him. I know he is not pleased that I have taken this time today, but I have to say to the chairman I am not pleased with the circumstances I find myself in. I respect my committee chairman. He knows that, through the years of my service with him on the committee.

But respect is a two-way street, my friends, and respect for the majority is a fundamental in this body as well, and I just want to indicate to one and all today that although this battle today has apparently been lost, because a rule permitted one person to skillfully exercise his rights under the rule, that we will have a limitation on expenditures that accomplishes exactly what we did in the authorizing committee next time; we will not have to go to the Committee on Rules next time; we are going to come up with a limitation on expenditures, not go to rules. It will be permitted under the rules on the floor without any points of order waived. We will have that battle out. We will fight it. We will debate it.

I am confident we are going to win, because Americans believe, and a majority of the Members of the House of Representatives believe, that service-women abroad, if they want to use their own earnings to purchase abortion services because of circumstances that are unique to their lives, no taxpayers' dollars involved, are stationed abroad, say, in the Philippines, where if they purchased an abortion in the private economy, they would probably have to do so in a back alley, and when that happens, women die.

A majority of the Members of the House know that, and next time we are going to have a limitation on expenditures so we do not have any requests that have to be made to the Committee on Rules. We will have it out right here

on the Committee on Rules. We will have it out right here on the floor where the majority, not one Member can work his will skillfully, but a majority of the Members can work their will skillfully in behalf of the brave servicewomen who serve their country proudly and deserve better than they got today.

Mr. MFUME. Mr. Chairman, I associate myself with the remarks of the gentleman from Oregon.

□ 1220

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words. It strikes me that the gentleman from Oregon may have somewhat selective memory. I have been here for 17 years, too, and there have been a number of occasions when the House had its will thwarted. I remind the gentleman of one instance in the last day off the committee he serves on.

Last year, the House passed unanimously a bill for chief financial officers, the committee on which he served has regularly put into the appropriation bills, language canceling the will of the House. In fact, the will of the law of the land on chief financial officers. Maybe he forgot that, but it is, in fact, something that happens regularly in this Congress, when the will of the majority gets thwarted.

I would just point out one other thing. If the gentleman was dissatisfied with the rule, as he now says he was, he did have an opportunity to fight the rule. He could have come to the floor and fought the rule. He could have fought the previous question. He could have made a number of efforts of that type. He specifically chose not to do that. He decided not to use the process that was available to him. This is his choice. That is fine. However, to come here and suggest that somehow the rules were used against him, I would only suggest back to the gentleman that he voted for those rules when they were first on the floor. I do not think the gentleman from Minnesota did.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: On page 114, after line 13, insert:

SEC. . None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a-10c) as amended by

the Buy American Act of 1968 (Public Law 100-418; 102 Stat. 1545): *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committee on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis or the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

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

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

There was no objection.

Mr. MCDADE. Mr. Chairman, reserving a point of order, will the gentleman tell me what the subject matter of this amendment is?

Mr. TRAFICANT. This is the buy American amendment that was approved in the authorizing committee.

Mr. MCDADE. Mr. Chairman, reserve my point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order against the amendment.

The gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, none of the funds appropriated or made available in this act will be used to purchase or acquire items from a foreign country if the Secretary of Defense, after consultation with the U.S. Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I have no problem with accepting the amendment. I wonder if we could go to a vote?

Mr. TRAFICANT. Mr. Chairman, I move the question.

The CHAIRMAN. Has the gentleman from Ohio concluded?

Mr. TRAFICANT. I have.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his reservation?

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: SEC. . Notwithstanding any other provision of this Act, the Department of Defense shall not expend more than \$1,000,000,000 for the use of consulting services.

Mr. TRAFICANT. Mr. Chairman, I believe \$1 billion is fine for defense programs for consulting services. We will save approximately \$150 million, which is a reasonable cut. One billion dollars, I think, to satisfy the needs of our defense industry.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, this is a good amendment, and I think his limitation is absolutely accurate. We agree to the amendment.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VIII?

If not, the Clerk will read.

The Clerk read as follows:

This act may be cited as the "Department of Defense Appropriations Act, 1992."

Mr. MURTHA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KOSTMAYER] is recognized for 5 minutes on his preferential motion to strike.

Mr. KOSTMAYER. Mr. Chairman, I will not take very much time except to say that this morning the Acting Director of the Laboratories Consolidation Commission testified before the Base Closing Commission. A number of Members have these laboratories in our districts. The Acting Director of the Laboratory Consolidation Commission told the Base Closing Commission under the chairmanship of our former colleague, Mr. Courter from New Jersey, that the members of the Lab Consolidation Commission had no problem with the Base Closing Commission shutting down the labs as it feels necessary, without any input from the Lab Commission.

That is an outright lie, Mr. Chairman. The fact of the matter is on May 23, the Lab Consolidation Commission, and their minutes reflect this, decided they should—they had an obligation—to evaluate the lab realignments on the base closure list and that they wanted to share their views with the Base Closure Commission later.

The people who work in these laboratories, in my district and in the district of the gentleman from Maryland [Mr. McMILLEN], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from New Jersey [Mr. PALLONE] are getting a very, very bad shake. This base closing process was not supposed to work this way. It is very, very unfair, and I hope that my good friend,

the gentleman from Pennsylvania [Mr. MURTHA] will take into consideration what has happened here, because this morning the Base Closing Commission has misled and given very, very unfair and false information.

I rise on the floor of the House today to make this a point, and to put this on the RECORD.

Mr. McMILLEN of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Maryland.

Mr. McMILLEN of Maryland. Mr. Chairman, likewise, I regret this decision by the Base Closure Commission and their lack of forthrightness in this dealing with our constituents who are going to be served very badly by this decision. Our constituents deserve better.

Clearly, and this is quoting from the minutes of the Advisory Commission on Labs, "We are supposedly looking at our National Defense Laboratories. It is the consensus that the Advisory Commission has an obligation to comment on the DOD recommendations."

Obviously, they felt an imperative to go forward here. They have misled Members, and I think that this body has to have it on the RECORD that we in the Congress are unhappy with the way that the Defense Department is greasing this process and not allowing the kind of thorough evaluation of laboratories that our constituents deserve.

Mr. KOSTMAYER. Mr. Chairman, reclaiming my time, when we return to the House I will ask to insert in the RECORD the full minutes of the meeting which I hope the gentleman from Pennsylvania [Mr. MURTHA], my very good friend who has done a magnificent and brilliant job in managing this bill, which I am proud to support. I hope the gentleman will stand with Members, defend Members, and help Members.

Mr. DAVIS. Mr. Chairman, I am concerned about the well-intentioned but overly restrictive language in section 8117. That section provides that none of the funds for procurement of vessels in the shipbuilding and conversion, Navy, account for fiscal years 1990, 1991, and 1992 may be used to procure vessels which were constructed in foreign shipyards. I agree that we should be buying U.S.-built vessels. However, there may be some confusion as to what constitutes a vessel constructed in a foreign shipyard.

Unfortunately, this prohibition overlooks the conversion element evident in the name of this account. Foreign hulls that are purchased and brought to a U.S. shipyard for major conversion may not qualify to be purchased for much needed sealift capability. Under the shipping laws a rebuilt vessel or one that undergoes a major conversion may qualify as a U.S. built vessel. Essentially, a vessel would become a new ship or vessel and therefore no longer be considered to be constructed in a foreign shipyard. This major conversion activity provides a substantial amount of work and support for all shipyards in the United States and is a sub-

stantial contributor to shoring up the deteriorating U.S. shipbuilding industrial base.

This seems to have been the objective of the committee in including this in its bill as indicated in the report language that accompanied the provision. Leaving out the major conversion option at this point would be a major oversight on our part. I raise this because the language is a little vague on whether major conversions would be excluded. If so, I believe the language is overbroad and needs a new look before a final bill is enacted by Congress and sent to the President for signature. The report language also directs the Department of Defense to submit a well-defined plan within the next 30 days for using these funds for sealift in light of the shortfalls that the experiences of Desert Storm and Desert Shield revealed.

We should not be providing language that would restrict the recommendations of the Department of Defense so that the best mix of vessel acquisitions that contribute to the national defense as well as maintain our shipbuilding industrial base are available. Major conversions and new construction should be considered as part of that sealift plan. I raise this so that this language does not become a cloud over achieving this important strategic objective and I would like to work with my colleagues to achieve it.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA] that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass. The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BEILENSON) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, in its present form, Mr. Speaker.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit the bill, H.R. 2521, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to, recommit was rejected.

□ 1230

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. MURTHA. 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 273, nays 105, not voting 53, as follows:

[Roll No. 145]

YEAS—273

Abercrombie	Dixon	Houghton
Anderson	Donnelly	Hoyer
Andrews (ME)	Dooley	Hubbard
Andrews (NJ)	Dorgan (ND)	Huckaby
Annunzio	Downey	Hughes
Anthony	Duncan	Hutto
Applegate	Dwyer	Hyde
Aspin	Early	Ireland
Atkins	Edwards (OK)	Jacobs
Bacchus	Edwards (TX)	James
Barnard	Engel	Johnson (CT)
Barton	English	Johnson (SD)
Bateman	Erdreich	Johnson (TX)
Bennett	Espy	Johnston
Bentley	Evans	Jones (GA)
Berman	Fascell	Jones (NC)
Bevill	Feighan	Jontz
Bilbray	Fish	Kanjorski
Bilirakis	Flake	Kaptur
Billey	Foglietta	Kasich
Boehlert	Ford (MI)	Kennedy
Bonior	Ford (TN)	Kennelly
Borski	Frank (MA)	Kildee
Brewster	Gallo	Klecicka
Brooks	Gaydos	Klug
Browder	Gejdenson	Kolter
Brown	Gephardt	Kopetski
Bruce	Geren	Kostmayer
Bryant	Gibbons	LaFalce
Byron	Gilchrest	Lancaster
Callahan	Gillmor	Lantos
Camp	Gilman	LaRocco
Cardin	Gingrich	Laughlin
Carper	Glickman	Lehman (CA)
Carr	Gonzalez	Levin (MI)
Clement	Goodling	Levine (CA)
Clinger	Gordon	Lewis (CA)
Coble	Gradison	Lightfoot
Coleman (TX)	Gray	Livingston
Collins (MI)	Green	Lloyd
Condit	Guarini	Long
Conyers	Gunderson	Lowery (CA)
Cooper	Hall (OH)	Lowey (NY)
Costello	Hall (TX)	Luken
Coughlin	Hamilton	Machtley
Cox (IL)	Harris	Manton
Coyne	Hatcher	Markey
Cramer	Hefner	Marlenee
Cunningham	Hertel	Matsui
Darden	Hoagland	Mavroules
DeLauro	Hobson	Mazzoli
Derrick	Hochbrueckner	McCloskey
Dickinson	Holloway	McCrery
Dicks	Horn	McCurdy
Dingell	Horton	McDade

McDermott Pickett  
 McGrath Pickle  
 McHugh Porter  
 McMillan (NC) Poshard  
 McMillen (MD) Price  
 McNulty Ramstad  
 Michel Ravenel  
 Mineta Ray  
 Mink Reed  
 Moakley Regula  
 Mollohan Richardson  
 Montgomery Ridge  
 Moran Rinaldo  
 Morella Roe  
 Morrison Roemer  
 Murphy Rogers  
 Murtha Ros-Lehtinen  
 Nagle Roukema  
 Natcher Rowland  
 Neal (MA) Sabo  
 Neal (NC) Sarpalius  
 Nowak Sawyer  
 Oakar Saxton  
 Obey Scheuer  
 Olin Schulze  
 Ortiz Schumer  
 Owens (UT) Sharp  
 Oxley Shays  
 Pallone Shuster  
 Panetta Sikorski  
 Parker Skaggs  
 Patterson Skeen  
 Penny Skelton  
 Perkins Slattery  
 Peterson (FL) Smith (FL)  
 Peterson (MN) Smith (NJ)

Solarz  
 Spence  
 Spratt  
 Staggers  
 Stallings  
 Stenholm  
 Studds  
 Swett  
 Swift  
 Synar  
 Tanner  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Thomas (CA)  
 Thomas (GA)  
 Torres  
 Traficant  
 Upton  
 Valentine  
 Viscosky  
 Volkmer  
 Vucanovich  
 Walsh  
 Waxman  
 Weber  
 Weldon  
 Wheat  
 Whitten  
 Wilson  
 Wise  
 Wolf  
 Wolpe  
 Yatron  
 Young (AK)  
 Zeliff

**NAYS—105**

Allard  
 Archer  
 Arney  
 AuCoin  
 Baker  
 Ballenger  
 Barrett  
 Bellenson  
 Bereuter  
 Boehner  
 Broomfield  
 Bunning  
 Burton  
 Coleman (MO)  
 Collins (IL)  
 Combust  
 Cox (CA)  
 Crane  
 DeLay  
 Dellums  
 Doolittle  
 Dreier  
 Eckart  
 Edwards (CA)  
 Emerson  
 Fawell  
 Fields  
 Franks (CT)  
 Gallegly  
 Gekas  
 Goss  
 Grandy  
 Hammerschmidt  
 Hancock  
 Hansen

Hayes (IL)  
 Hefley  
 Henry  
 Herger  
 Hopkins  
 Hunter  
 Inhofe  
 Jefferson  
 Kolbe  
 Kyl  
 Lagomarsino  
 Leach  
 Lewis (FL)  
 Martin  
 McCandless  
 McEwen  
 Meyers  
 Mfume  
 Miller (OH)  
 Molinari  
 Moorhead  
 Nichols  
 Nussle  
 Oberstar  
 Owens (NY)  
 Packard  
 Paxon  
 Payne (NJ)  
 Pease  
 Petri  
 Rahall  
 Rangel  
 Rhodes  
 Riggs  
 Ritter

**NOT VOTING—53**

Ackerman  
 Alexander  
 Andrews (TX)  
 Boucher  
 Boxer  
 Bustamante  
 Campbell (CA)  
 Campbell (CO)  
 Chandler  
 Chapman  
 Clay  
 Dannemeyer  
 Davis  
 de la Garza  
 DeFazio  
 Dornan (CA)  
 Durbin  
 Dymally

Fazio  
 Frost  
 Hastert  
 Hayes (LA)  
 Jenkins  
 Lehman (FL)  
 Lent  
 Lewis (GA)  
 Lipinski  
 Martinez  
 McCollum  
 Miller (CA)  
 Miller (WA)  
 Moody  
 Mrazek  
 Myers  
 Orton  
 Payne (VA)

□ 1251

The Clerk announced the following pairs:  
 On this vote:  
 Mr. Fazio for, with Mr. Orton against.  
 Mr. Dymally for, with Mr. Lewis of Georgia against.  
 Mr. Williams of Montana for, with Mr. Towns against.  
 Mr. Chandler for, with Mr. Quillen against.  
 Mr. Young of Florida for, with Mr. Dornan against.  
 Mr. RANGEL changed his vote from "yea" to "nay."  
 So the bill was passed.  
 The result of the vote was announced as above recorded.  
 A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Mr. DEFAZIO. Mr. Speaker, due to a long-standing commitment to join the graduating seniors of Willamette High School in celebrating their commencement, I was unable to cast a vote on the Defense appropriation for fiscal year 1992. Had I been present, I would have voted "yea" on passage for H.R. 2521, the Defense appropriation for 1992.

**PERSONAL EXPLANATION**

Mr. WILLIAMS. Mr. Speaker, because of longstanding commitments in Montana I was unable to attend to votes today on the Defense Department appropriations bill for 1991. Had I been present, I would have voted "yea" on passage of the Defense bill.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists, upon its amendment to the bill (H.R. 991) "An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DIXON, Mr. GARN, and Mr. D'AMATO, to be the conferees on the part of the Senate.

**PERSONAL EXPLANATION**

Mr. SUNDQUIST. Mr. Speaker, I was absent due to the marriage of my daughter, there were two recorded votes:  
 Rollcall No. 144, the Frank amendment to the Defense Appropriations bill to strike \$260 million of R&D funding for the rail garrison MX missile system; and  
 Rollcall No. 145, final passage of the Defense Appropriations bill.  
 Had I been present, I would have voted "no" on the Frank amendment and "yea" on the final passage. Thank you, Mr. Speaker.

**PERSONAL EXPLANATION**

Ms. PELOSI. Mr. Speaker, I offer a personal explanation of my absence from votes. I was

unable to vote because I had pressing business in my district. Had I been here to vote, I would have voted in the following way:  
 On rollcall 144, the Frank amendment to H.R. 2521, the Department of Defense appropriations bill, "aye."  
 On rollcall 145, final passage of H.R. 2521, "aye."

**PERSONAL EXPLANATION**

Mr. MILLER of Washington. Mr. Speaker, I was unable to be here. Had I been here, I would have cast the following votes:  
 "Yes" on rollcall No. 144—Frank amendment on the MX missile to the Defense appropriations bill.  
 "Yes" on rollcall No. 145—Final passage of Defense appropriations bill.

**PERSONAL EXPLANATION**

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably away from the House. I was unable to vote on two rollcall votes. Please let the record stand that I would have voted "yes" on rollcall 144 to cut the Department of Defense appropriation by \$260 million; and, "no" on rollcall 145 which was final passage of the DOD appropriation.

**ADJOURNMENT TO MONDAY, JUNE 10, 1991**

Ms. SLAUGHTER of New York. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.  
 The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?  
 There was no objection.

**DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT**

Ms. SLAUGHTER of New York. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.  
 The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?  
 There was no objection.

**HEALTH COSTS ARE BANKRUPTING AMERICAN FAMILIES**

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)  
 Mr. MCDERMOTT. Mr. Speaker, a record three-quarters of a million Americans filed bankruptcy last year. Household bankruptcies have risen 150 percent since 1984. We usually blame personal bankruptcy on unemployment

or credit cards. But bankruptcy experts are discovering another culprit—the soaring and unpredictable cost of health care, even for people with insurance.

A new study has found that many of the debts cited in bankruptcy petitions, apparently owed to credit card issuers and collection agencies, are really for medical care. Bankruptcy lawyers say health care debt is among the top four or five causes of personal bankruptcy.

Health insurance no longer protects families from bankruptcy. Last week the Seattle Post-Intelligencer told of two middle-class families with massive health care debts after unexpected illnesses. One family had insurance but still had to file bankruptcy because of the costs insurance did not cover. The other had no coverage because both spouses were self-employed.

Mr. Speaker, no one in a nation as rich as ours should be driven to bankruptcy by an illness. That cannot happen in any other industrial democracy. But more and more Americans are losing their life savings to the lottery that our health care system has become. We must reform that system before it destroys more families.

The article follows:

[From the Seattle Post-Intelligencer, May 31, 1991]

**MEDICAL BILLS PARTLY TO BLAME FOR SURGE IN BANKRUPTCIES**  
(By Tom Paulson)

Charles and Monica live with their three children in a nicely painted, three-bedroom house on the Eastside. Charles is employed and has health insurance.

Last month, the suburban couple filed for personal bankruptcy having accumulated \$18,869 of unmanageable debt. The creditors included doctors' groups, hospitals, laboratories and several collection agencies seeking payment on health care debts.

Charles recently spent three days in the intensive care unit at Swedish Hospital Medical Center after a heart attack. Insurance covered only part of the bill.

That expensive stay came on top of unpaid medical bills for their daughter's knee surgery, again only partly covered by insurance. All these bills came due at a time when the couple had only a small amount in savings.

"That threw us over the edge," said Monica.

Charles and Monica agreed to talk to the Post-Intelligencer on condition their full names not be used. Charles said he doesn't want his colleagues to know he has filed for bankruptcy because it might make him "vulnerable" at work. Monica didn't want neighbors or acquaintances to know.

"This is so painful," said Monica, crying softly. "It's overwhelming and embarrassing to the point of shame."

America's nationwide surge in bankruptcy—an increase of more than 150 percent in household filings since 1984—is usually attributed to credit card excesses and unemployment problems. Occasionally, there is passing mention of medical bills as a contributing factor.

But experts in bankruptcy say an increasing number of personal bankruptcies are likely being caused by health care debt, forcing

insolvency upon even middle-class families with insurance.

Most experts ranked health care debt as a leading cause of bankruptcy in America, at least among the top five causes. One said its contribution to the problem could be much greater.

"There is a lot of medical debt that tends to be hidden," said Dr. Teresa Sullivan, a professor of sociology and law at the University of Texas, Austin, and the lead author of a recent book on bankruptcy, "As We Forgive Our Debtors."

The primary cause of bankruptcy is not always what it seems, found Sullivan, who worked with Dr. Elizabeth Warren at the University of Pennsylvania and Dr. Jay Lawrence Westbrook also at UT-Austin. For example, Sullivan said, a credit card debt can be a health care debt in disguise.

"On that credit card, you may have medical debt as well," she said. "Doctors and hospitals take credit cards, too."

Creditors listed in bankruptcy court are often collection agencies rather than the original creditors, Sullivan noted. Health care providers, she said, may be turning over their debts to agencies more rapidly than do retail businesses that wish to avoid alienating customers.

Medical bankruptcies are more difficult to identify, said Dr. Michael Staten, director of Purdue University's credit research center.

"It doesn't show up as medical necessarily," Staten said.

There is anecdotal evidence that health care debt plays a part in bankruptcy filings, but he said nobody has taken a comprehensive look behind the numbers to pin down what is causing the national swell of insolvency.

Credit problems are still likely number one, Staten said. But given the high cost of health care, the lack of adequate insurance for millions of Americans and the fact that health care debt is often hidden in bankruptcy filings, he said, health care debt could easily be an unrecognized major force driving much of the increase.

"It's becoming a more significant factor," Staten said. "From a policy standpoint, there's a real need for better data on this."

Nine out of 10 bankruptcies are filed by individuals or households, rather than businesses, said Edward Flynn, an analyst with the bankruptcy division of the Administrative Office of U.S. Courts in Washington, D.C.

Washington State ranked 19th among the 50 states with 16,425 households filing bankruptcy in 1990, Flynn said. That means that one out of every 114 households filed for bankruptcy last year.

"Medical certainly ranks in the top five (causes of bankruptcy) if not number two," said Dennis Wallace, a bankruptcy attorney who practices in Seattle and Spokane.

"It's at least one of the top three or four," agreed David Yando, another bankruptcy attorney in Seattle.

Fred Morgan, president of the Seattle branch of the national Consumer Credit Counseling Service, said his corporation considers health care debt the fourth-leading cause of personal bankruptcy—behind what he called "over-obligation" on credit, unemployment, and divorce or separation.

But Morgan said the definition of over-obligation could include credit problems that were originally caused by health care debts.

Contrary to the contention that the health industry acts quickly to collect on debt, Morgan said he has found many health care providers willing to carry debts for long periods of time without charging interest.

"We find extraordinary cooperation among health care providers for people struggling with medical or hospital bills," he said.

Debbie Lunn of Bellevue would characterize it more as coercion than cooperation.

Lunn, a 40-year-old mother of three girls, was diagnosed with pituitary cancer in 1983 and had no health insurance because the family couldn't afford any. Both Lunn and her husband are self-employed, he as a carpet installer and she in the child care business.

Because she lacked insurance, Lunn said many of the doctors and hospitals she visited after the diagnosis refused to even see her without some guarantee of payment for the cancer treatment.

Lunn was eventually treated at the University of Washington Medical Center—likely because she broke down crying in the lobby, she said. The total bill came to \$33,000.

"The hospital, doctors and everyone put the bills right into collection," Lunn said.

The family consulted an attorney and decided not to file for bankruptcy because of the effect this would have on their businesses and perhaps on some of their assets, including their home, she said.

Lunn said the family's attorney suggested they could get a divorce so she could become impoverished, qualify for state Medicaid and avoid putting a financial burden on the entire family.

Lunn said they decided to make arrangements with the creditors to pay off their debts rather than file for bankruptcy. She said the family finally paid off all the obligations last year.

What still makes her angry, she said, is that the financial structure of health care today appears most suited to provide for those with either lots of money or very little.

Those struggling in the middle, she said, get stuck.

"If I were on welfare, I would have had no problems," Lunn said. "We've always paid our bills . . . The one time your back's up against the wall—and you can't get help? That's a sad America."

**SPECIAL ORDERS GRANTED**

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material: Mr. DUNCAN, today, for 5 minutes; Mr. EMERSON, today, for 5 minutes; and the very distinguished gentleman from Texas [Mr. ARMEY], today, for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just wanted to inquire of my distinguished colleague, the gentleman from Texas [Mr. ARMEY], if he is the brother of the great Charlie Arme of the New England Patriots?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, is the gentleman referring to the great Charlie Arme, Navy veteran, former professional football coach, currently a director?

Mr. BURTON of Indiana. Yes, I hear he is one of the most famous people out of the gentleman's family, and I want to double-check if he was the same fellow I was thinking of.

Mr. ARMEY. The gentleman from Indiana [Mr. BURTON] is absolutely correct. He is a man of impeccable integrity and extraordinarily good looks.

Mr. BURTON of Indiana. Good looks?

Mr. ARMEY. Good looks.

Mr. BURTON of Indiana. Must not run in the family.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### THE 196TH FIELD ARTILLERY BRIGADE OF CHATTANOOGA, TN

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

Mrs. LLOYD. Mr. Speaker, this morning, before 7 o'clock, the Mall between the Capitol and the monument was filled with men and women and girls and boys viewing the military equipment used victoriously in Operation Desert Storm. I hope many residents and visitors to our Nation's Capitol will take advantage of this spectacular display.

But even more important, Mr. Speaker, I hope all Americans will pause and pay tribute tomorrow during the parade to those women and men who brought this country the great victory in the Persian Gulf that we are all so proud of. I take special pride in the 196th Field Artillery Brigade out of Chattanooga, TN, that will be marching in the parade is one of only two artillery brigades to see action.

Mr. Speaker, all the spectacular smart equipment was an important factor in ensuring our victory, but ultimately it was the skill, dedication, and preparedness of all our All Volunteer Armed Forces including the Guard and Reserve, that made it a resounding success.

#### WHAT NEEDS TO BE DONE ABOUT AIDS

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

Mr. BURTON of Indiana. Mr. Speaker, we are about to enter the second decade of the dreaded disease AIDS. In 1981, we first heard about this disease in the United States, and this year, at the end of this year, we will see over 200,000 Americans dead or dying from this terrible, terrible disease. This Congress over the past decade has been challenged many times to do some-

thing about it, and we have been attacking it in a piecemeal fashion.

What needs to be done, Mr. Speaker, is HHS, Health and Human Services, the Centers for Disease Control in Atlanta and the Congress of the United States, working together, must come up with a comprehensive plan to deal with this pandemic that ultimately will take millions of Americans' lives. We need a program of testing, contact tracing, education, psychological help, and legislation to make sure those who have this dreaded disease are not discriminated against.

We have to get on with this very quickly because every day we wait more people are becoming infected. It is possible to carry this disease up to 10 years without even knowing it, and all that time communicating it to other human beings. We have to come to grips with it, and we have to come to grips with it very, very quickly.

□ 1300

#### NORTH DAKOTA CHILDREN BEST IN THE NATION ON MATHEMATICAL SKILLS

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

Mr. DORGAN of North Dakota. Mr. Speaker, when I opened the Washington Post newspaper this morning, I was once again proud to be a North Dakotan. The front page story is a story about a national study of mathematical skills of students across America. Ranking No. 1 in the country are the students from North Dakota.

Those of us from North Dakota, Montana, Nebraska, and Iowa—incidentally, those are the four States that rank one, two, three, and four—take a lot of ribbing sometimes, because they say, "You're way up there in North Dakota," or "You're way out there in Montana." It is true that we are far from the big cities and we are far from the bright lights, but it is also true that we have some very, very bright young people. They are our best resource, nurtured by parents who care, nurtured by excellent teachers who do well in these kinds of studies.

I could not be more proud to be a North Dakotan and read stories like this in the Washington Post. We live in the space age, the age of high technology, and the age of computers. This country will compete best in its future through sound education and through giving opportunities to our children to be the best they can be. I think the demonstration of what we do in North Dakota and the pride we have in our children will be a precursor to what we can do across this country in the future.

#### A TRIBUTE TO MRS. LEONA TORKELSON, AN OUTSTANDING TEACHER

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

Mr. ARMEY. Mr. Speaker, rarely can one have a more precious memory than that of one's most favorite outstanding teacher, certainly the teacher that gave you confidence and inspiration, sometimes correction, but often extraordinary care. That is the teacher you remember.

I would like to take a moment of the body's time today to remember such a teacher in my life: Mrs. Leona Torkelson in Cando, ND, where I grew up, the teacher who had both myself and my brother in the sixth grade, who had so many other young people and who inspired us, corrected us, and moved us on.

My brother has a master's degree and has written a book. I have a Ph.D. degree and have written a book, and I say to Mrs. Torkelson, let me tell you that you will not find a dangling participle or a split infinitive in either book. For that we thank you, and we thank you for your dedicated years of loving care and attention to the children. Good luck in your retirement.

#### EXPANDED HEALTH COVERAGE SOUGHT UNDER MEDICARE

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, last year some of us waged a kind of mini war around this place to get mammography coverage in Medicare, and we were successful. I personally want to thank Chairman ROSTENKOWSKI, who carried our message vigorously into the budget summit meetings.

We prevailed in that, and it had to be kind of a compromise because it was not the original bill I introduced to get more coverage under Medicare on a bi-annual basis.

That is why I was really pleased when I saw that Chairman ROSTENKOWSKI of the Ways and Means Committee introduced yesterday H.R. 2565. He would expand preventive and early detection health care under Medicare to include colorectal cancer screening, expand mammography coverage to annual coverage, not biannual, create a demonstration project for preventive services, and provide for flu vaccine and well baby and child services for children with kidney disorders.

Mr. Speaker, I think that is a great step in the right direction, and I want to compliment Chairman ROSTENKOWSKI, and I certainly urge the Members to cosponsor that bill.

**THE LATEST ON THE CRYING FILE: FOR WOMEN, REALLY A CRYING SHAME**

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

Mrs. SCHROEDER. Mr. Speaker, ever since the press pilloried me for shedding some tears as I got out of the Presidential race in 1987, I have kept a crying file. It is really fairly large, and as of yesterday President Bush joined it.

I must say that the good news is for men that crying has almost become a prerequisite for running for President. I think ex-Secretary of State Muskie ought to reconsider, because what was then a stumbling block now seems to be almost a mandatory performance. Yes, the good news for men is that crying is a badge of courage.

The bad news for women is that it is still a scarlet letter. I think when we look at women, we think, "Will she cry?" And now when we look at male candidates, we think, "Can he cry?" And if he can, that is great.

But I want to say to all women in America this week that they ought to cry if they saw how this body dealt with their rights so cavalierly, and you can pick out any day. We can remember what happened. They ought to cry. It is enough to make you cry, and I really hope we have a better week next week.

**PROPOSED MEMORIAL AND MUSEUM IN WASHINGTON WOULD HONOR WORLD WAR II VETERANS**

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

Ms. KAPTUR. Mr. Speaker, this week marks our national observance of the 50th anniversary of the United States' entry into World War II. Between 1941 and 1945, over 400,000 Americans gave their lives in defense of freedom around the world; over 1 million were seriously injured. Yet there is not a monument in our Nation's Capital to commemorate their sacrifices.

This week I am very pleased to announce a majority of Members of the House have cosponsored H.R. 1623 and H.R. 1624 to authorize the construction of a memorial and museum on Federal land in Washington, DC. This memorial would be paid for by the minting of a commemorative coin to mark the anniversary of the U.S. entry into World War II. I am pleased that both bills have well over the necessary cosponsors—and I am hopeful the committees will soon bring these bills before the Congress for a vote.

The passage of these two bills early in the 102d Congress will send a strong signal of support to our Nation's World

War II veterans who offered their lives to maintain one of this Nation's founding principles—to live as free and a self-determining people. World War II profoundly affected the way we live today. As no other war, the events and the people who participated in that conflict have shaped our economic, political, and cultural institutions.

Future generations of Americans will benefit from the lessons of World War II imparted by this memorial. It is a fitting tribute to the veterans both deceased and living who carried this Nation to victory. God bless them.

□ 1310

**CIVIL RIGHTS BILL OF 1991—NOT GOOD LEGISLATION**

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, William Raspberry, as most people know, is a nationally syndicated columnist, who is highly respected throughout this Nation. He happens to be a leading black American.

He recently wrote this about the civil rights bill of 1991:

But are rules governing disparate impact suits and minority set-asides of such overriding importance that they should constitute the number one priority of our leaders? I don't think so. The problems most critically affecting black America are the joblessness and despair of our young people, the academic indifference of our children, the dissolution of our families, the destruction of our neighborhoods, the economic marginality of our people, and the Civil Rights Act of 1991 won't do a blessed thing about these problems.

Mr. Raspberry then continued and said:

Worse, it threatens to divide America along racial lines, when in my view, at least, white America stands ready to support racial programs and policies it believes to be fair.

Now, this is a respected, leading black American who has said this about the civil rights bill of 1991. We already have millions of laws, rules, and regulations on the books in this country. So many that they have not even devised a computer that can keep up with them all, much less a human being.

We already have thousands of laws, rules, and regulations on the books at every level, Federal, State, and local, which outlaw every form and every type of discrimination.

The legislation which we passed this week in the House, the civil rights bill of 1991, is unnecessary political legislation. It now goes to the Senate, and the debate will continue, and we will have it back here in the House.

But many people feel, even many black Americans feel, that this is no civil rights bill at all. I would chal-

lenge any person, any reporter, anyone to show me in a year or two any average citizen who this bill has really helped. The fact is, this bill will probably make things worse for the things that black Americans and other minorities really want.

I happen to believe that the black people of this country and other minorities want the same things that white Americans want. They want good homes, they want decent jobs, and they want a better life for their children than they had for themselves. The civil rights bill of 1991 will not help in any of those areas.

If we really want to help the minorities and all the people in this Nation, we will work to put more free enterprise into our system. All around this world we see Russia and other nations near collapse because they have governments which are too socialistic in nature, too totalitarian in nature, governments that are being dragged down by gigantic, massive bureaucracies, resistant to change. Yet here are these countries struggling to come in our direction, and yet, at the same time, we seem to be going in their direction by making our Government, our big brother here in Washington, more powerful and more and more resistant to change. So much so that our Nation now has achieved a government that, instead of being one that is of, by, and for the people, as Lincoln envisioned, it has become one at the Federal level that is of, by, and for the bureaucrats.

I have a wonderful relationship with the black community in my district, and they have supported me strongly in my elections. I am very grateful to them for that. I think they know that I would bend over backward and do anything that I could to help them in any way possible. So I very reluctantly voted against the civil rights bill of 1991.

But I can stand up and say to my people that this is no civil rights bill. President Bush, who has a wonderful record in civil rights, would have supported a true civil rights bill, and that is what we really need in this country, instead of unnecessary political legislation like we have at this point.

**TRIBUTE TO CONGRESSIONAL PAGES, CLASS OF 1990-91**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, the school year is coming to a close, and school is turning out for the summer months. Today marks the final day of service to the House of Representatives of the outstanding class of pages that we have had throughout the 1990-91 school year.

This has been a very exciting year during which these young people have

had the opportunity to serve here in the House. So much has happened. It has really been an historic year.

These pages are here for the most part for their junior year in high school, and most of them were here for last fall's historic budget debates. Certainly I think an overwhelming majority of them were here for the historic debates of this past winter about Operation Desert Storm. They have witnessed the historic address to the Congress by the first reigning monarch of Great Britain, and they have been present for several very historic visits to this Chamber by the President of the United States. I hope that these and other memories will live long with this group of fine young people.

Mr. Speaker, I had the privilege to serve as a page in the last Republican Congress. That was, for a point of reference, the first 2 years of the administration of my boyhood hero, Dwight D. Eisenhower, as President of the United States.

Indeed, during my own period, it was my pleasure to serve with the distinguished current occupant of the Chair, the gentleman from Pennsylvania [Mr. KANJORSKI]. I know that he and I, when we get together in a personal way to reflect upon our experiences, look back on those days as a wonderful opportunity.

Being a page is a wonderful experience. To me, it was perhaps the single most beneficial learning experience of my life, because being a page is an absorptive experience. You learn things that you cannot learn in a textbook. You learn by being here, by listening, by serving, by doing, and by observing. It is a wonderful opportunity, to serve in this great legislative body, that I know most of these fine folks will take with them and carry with them and cherish as long as they live.

We have serving with us today a number of Members who are distinguished former pages. I also want to recognize the distinguished Clerk of the House, Mr. Donald Anderson, who began his lengthy career of service to this body, and it has been a career of very distinguished service, as a page.

Mr. Speaker, also the gentleman from Arizona [Mr. KOLBE] had this remarkable experience. I take this opportunity to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman yielding. Like the gentleman from Missouri [Mr. EMERSON], I did have the opportunity to serve as a page here, a wonderful experience for me.

Every group of pages that we have is special, and every group of experiences that they have here are very special ones. I know that you had a remarkable experience as you were a page. I believe it was the time that this House was attacked, and the violence that occurred here on the floor. This is some-

thing, of course, that you will never forget.

I was serving in the Senate as a page during the first civil rights filibuster and debate.

Certainly the experiences this time around have been extraordinary. I certainly think of the great budget debate of last fall, and the decision to use force in the Middle East, the first time since World War II this Congress has gone on record formally to use force, and the great civil rights debate we just concluded.

Most important, it is not the events these young men and women will remember, but the people they have worked with and served with. Because Congress is, after all, an institution made up of people who represent others around our country.

I know when I think back on my experience, it was a very formative experience for me, perhaps the most important experience in my lifetime. I think we all can hope that these young men and women will go on to great things, and I know that they will, perhaps better things than even serving in Congress. But whatever they do, the experience they have had here gives them a confidence and understanding of the world and the institution that makes this such a remarkable country.

Mr. Speaker, we could not do this work here in the Congress without the pages. Sometimes I think we take them for granted. But we do appreciate the fine job they do. Most of all, we appreciate the youth, the vigor that they bring to this body, the different perspective of youth that they bring to our deliberations. Sometimes perhaps they do not even realize it, but they have a greater impact on things that we do here on the floor just by their presence.

Mr. Speaker, it reminds us, most of all, that what we do in this body is not done for us so much, but for the next generation, the next generation of leaders.

□ 1320

They really are the next generation of leaders, these young men and women. I am pleased to join with my colleague today in wishing them Godspeed and good luck next year in their schools and as they go through life.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for his contribution.

I yield to the gentleman from Maryland [Mr. HOYER], the distinguished chairman of the Democratic caucus and a former member of the Page Board.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me. Congressman EMERSON was a page. Congressman EMERSON, as much as any Member of this body, has given time and attention to the page program to ensure its quality and to ensure its inclusion for a very positive experience

for all of the pages who come and are here with us.

I was not a page. I worked in the office of a Member, as so many others have done here, either working as pages or somehow exposed to the Congress of the United States. However, as president of the Maryland Senate, I and the Speaker of the Maryland House ran the page program in Annapolis.

It was rare indeed that a young person came to participate in that page program, and from my discussions with pages here in Washington in the Congress of the United States, it is rare indeed that they come here, where I think they do not go away with a much more positive view of democracy and those who serve in public office.

The gentleman from Missouri has said, joined by the gentleman from Arizona, that the pages perform a critical function. So not only is it a tremendous learning experience for these young people who will go back to their schools and to their communities and to their families and to their peers and have what really relatively few Americans have, and that is knowledge of the inside, of the day-to-day, week-to-week, month-to-month operations of the Congress of the United States.

Because they have that special knowledge, they will in effect be heralds of democracy around the country. Many of them will seek public office and will, I am sure, in the future be Members of this body, as Mr. EMERSON and Mr. KOLBE and others.

Others will be strong leaders in their community activities on behalf of the critical component of democracy, and that is citizen involvement, informed citizen involvement.

I want to congratulate our young people. They are all outstanding young people from throughout this Nation, representing all races, male and female, regional diversity, ethnic diversity. They strengthen our country as they strengthen the Congress of the United States.

So I am pleased to join the distinguished gentleman from Missouri with whom, as he said, I had the honor of serving on the page board for a period of time, to congratulate them and to thank them and to wish them Godspeed as they return to their families and to their communities.

Mr. EMERSON. I thank the gentleman from Maryland for his very eloquent contribution. I appreciate his remarks, and I know that the pages do as well.

On behalf, I think, of the entire membership of the House, I want to express to the pages, they have been an outstanding class.

I have talked with overseers and chief pages and teachers and others who have to do with the page system on an ongoing basis, and I am very pleased to learn that they have been

exemplary in their service and in their conduct.

I want to take this opportunity to wish them well, best wishes in all of their future endeavors, God bless you each and every one. Come back to see us, go out into the communities of America from whence you have come and provide the leadership that this Nation will need into the future.

#### GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on my special order.

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

There was no objection.

#### ILLEGAL TRASH DUMPING IN RURAL AMERICA

The SPEAKER pro tempore (Mr. KANJORSKI). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN], is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, the prairie is America's breadbasket, not its wastebasket. Two years ago, we witnessed the dismaying spectacle of medical waste and other garbage washing up on our Nation's beaches. Now, we helplessly stand by watching as garbage washes up on the sea of grasses of the inland prairie.

The growing amount of municipal solid waste America is generating is dangerously overwhelming our ability to dispose of it. No one seems to know how to deal with the quantity of trash we are generating, so the answer for some is to just ship it across the country.

Rural areas from Kansas to Kentucky are quickly becoming the dumping grounds for trash generated in New York and New Jersey. It seems that when illegal dumpers can't get away with throwing their trash into the oceans, they turn to the broad expanse of the Great Plains. We cannot allow trash companies to continue dumping the filth and waste of the big cities in rural America. Long after a landfill is used up and closed, these communities will have to live with leaking waste and polluted water supplies.

Just in the last 2 weeks, a New Jersey company called Environmental Transport has been trucking in bales of east coast trash and dumping them in a landfill in McPherson, KS. The firm's sole business is shipping trash from the east coast. I find it quite ironic that, while they cannot transport waste within their own State, they are transporting it across our Nation's highways to States like Kansas.

Environmental Transport applied to the New Jersey Environmental Protection Department last September for a permit to transport waste within the State of New Jersey. The application was found to be grossly deficient. The Department sent a certified letter to Environ-

mental Transport inquiring about the deficiencies. That letter received no response.

Now, although Environmental Transport has been importing trash into Kansas, the legality of the dumping is seriously in question. The company claims the dumping permit in Kansas was transferred to them when they bought the landfill. However, the Kansas Department of Health and Environment regulations clearly state that the permit is not transferable. The Kansas Department of Health and Environment has not issued Environmental Transport an operating permit. The New Jersey Environmental Protection Department has not issued Environmental Transport an operating permit. This company is illegally operating without a permit, period.

As a spokesman for the Kansas Department of Health and Environment stated,

These people did not come into McPherson County because they were benevolent. They didn't say, "There's that poor little county. Let's go in there and help them close their landfill." There's obviously a lot of money in it.

Tom Brokaw reported on a similar story in his television program, "Exposé." Prof. Alan Block, who teaches at Penn State University, is one of the country's leading authorities on organized crime and garbage dumping. He says there is so much dumping by organized crime in the Midwest and Appalachia that he has been contacted by more than 70 citizen's groups. He claims that not only has organized crime targeted middle America, but they go as far as looking for small communities with a predominance of older, rural white people. They think that's the best profile of a community that will provide the least interference with their plans. This is outrageous. These people are searching out towns across the Midwest who, in their view, can be misled into accepting tons of garbage from the East.

Big city garbage has been a big-time business of organized crime for more than 50 years, worth billions of dollars. People get killed over control of garbage routes and garbage dump sites. With organized crime running out of places to dump all this garbage, they have simply decided to send the garbage way out of town, turning the interstates into garbage highways. Millions of tons of garbage are moving by truck on the highways and for the most part, local residents find they are defenseless.

That is why I have introduced legislation today which allows States to reject garbage imported from other States. This would prevent these scenarios in which States clear across the country and send their trash to the Midwest for disposal. Further, my bill imposes civil and criminal penalties of up to \$1 million or 1 year in jail for any individual who violates these State compacts.

In the 1820's, there were 140 million acres of prairie stretching from Ohio to Kansas and from Oklahoma to North Dakota. Today less than 1 percent of it remains. We should be spending our time and focusing our efforts on ways to preserve the prairie, not destroy it. The tallgrass prairie is the most distinctly American landform. Let's preserve this land and not turn the endless miles of rolling grasslands into another garbage dump.

My bill has three main components:

First, it allows any State to reject waste from other States.

Second, it allows States to form regional compacts in which States can band together to deal with solid waste generated within the compact States.

Third, it imposes criminal and civil penalties for any individual violating the rules of the compact or the regulations imposed by a State.

I hope this legislation sends a signal to the unscrupulous garbage shippers who think the rest of the country is their wasteland to dump on. As long as it is cheap and easy to ship waste to other States, no State will be forced to deal responsibly with the trash it generates. Let's preserve the prairie and not turn the endless miles of rolling grasslands into another garbage dump.

#### PRINCE GEORGES COUNTY SAYS GOODBYE TO AN EXTRAORDINARY SCHOOL SUPERINTENDENT—JOHN MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, my home of Prince Georges County, MD, will soon bid farewell to an extraordinary leader and visionary, our superintendent of schools for the past 7 years, John A. Murphy.

He leaves to guide the Charlotte-Mecklenberg school system in North Carolina.

When John Murphy took over as superintendent in 1984, the Prince Georges County school system faced many challenges. It was divided, racially polarized, and its quality was questioned. Standardized test scores were in the 50th percentile range.

Seven years later, John Murphy leaves us a nationally heralded, model school system. It is one which provides quality public education to a unified, racially and ethnically diverse student population; one which is approaching the 75th percentile in test scores. It is a system that works. John Murphy's contributions to the school system are the major factors in the success Prince Georges County has had in its building reputation as the most successful ethnically and racially diverse major suburban county in the Nation.

His achievements are numerous, and too many to list here. But it's important to note that under John Murphy's tenure, the Prince Georges County school system has instituted 13 comprehensive magnet school programs; 19 comprehensive compensatory education Milliken II programs; computer-assisted instruction in grades 2, 3, and 4 in 68 other schools; a comprehensive strategy for improving minority student achievement from kindergarten through high school; a systemwide instructional management system; a principals' academy leadership training program; and a systemwide cur-

riculum revision and systemwide criterion reference testing.

In addition, John Murphy has instituted a national teacher recruitment effort, concentrating on minority teachers; installed standards of excellence and accountability for all employees; instituted a systemwide effective schools model, an advisory council for business and industry, an interfaith advisory council and a community advisory council on magnet and compensatory educational programs. He has also brought \$43 million to the system in special education grants.

Keep in mind that all of these accomplishments occurred in addition to the major challenges of just day-to-day management of the 16th largest school district in the country.

Mr. Speaker, John Murphy's contributions have been recognized nationally. In 1989, he received the Leadership for Learning Award for his outstanding contribution to student achievement by the American Association of School Administrators.

In the book "Winning the Brain Race" by David T. Kearns, chairman of the Xerox Corp., and Denis P. Doyle, senior research fellow at the Hudson Institute, Dr. Murphy was described as "superintendent and public sector entrepreneur par excellence" for his initiation of "the most important example in the nation" of public school improvement in offering parental choice.

Most recently, Dr. Murphy's home county newspaper, the Prince Georges Journal, said he was "the best school superintendent Prince Georges County has had, at least in recent memory," and gave him a grade of "A."

John Murphy came to the Prince Georges County school system after serving as superintendent in six other school districts, in Illinois, North Carolina, New Jersey, Massachusetts, Florida, and New Hampshire. He started as an English teacher in 1958, and became a principal for the first time in 1961.

He received his B.S. degree from North Adams State College in Massachusetts in 1958; a master of education from the University of Massachusetts in 1961, and a doctor of education administration from the University of Massachusetts in 1972.

Mr. Speaker, as you can tell, I am very proud of the achievements of John A. Murphy as superintendent of the Prince Georges County school system. He has been a remarkable and superior superintendent, and his achievement will outlast this personal leadership for many years to come. His work is proof that American education can still succeed; that vision and leadership and hard work can yield results even in a heterogeneous school system; and that one man can make a difference.

The contribution he has made to the county schools and to the county is extraordinary, and both myself and the people of Prince George's County wish

him all the best as he leaves us. We will miss him.

[From the Wall Street Journal, June 6, 1991]  
**APPLIED ANXIETY: FORCEFUL EDUCATOR STRESSES TESTING, ACCOUNTABILITY TO TURN A DISTRICT'S SCHOOLS AROUND**  
 (By Gary Putka)

UPPER MARLBORO, MD.—Soon after becoming school superintendent in 1984, John Murphy called Prince George's County principals to his office, a few at a time.

They all got the same treatment, Mr. Murphy confronted them with blue, yellow and red graphs showing a decline in achievement-test scores. "We are not putting people's feet to the fire," Mr. Murphy said.

Henceforth, he declared, the schools were to be run according to a management philosophy he called "applied anxiety."

"The message was clear," and it left many who experienced it feeling uneasy, says Bryan Blavatt, principal of Frederick Douglass High School. Mr. Murphy meant to hold administrators and teachers accountable for students' test results. What's more, principals were going to have to compete for students with a number of well-financed "magnet" schools set up to foster desegregation.

The years that followed produced some big gains. And Mr. Murphy proved true to his word: He demoted principals, transferred teachers and froze salaries when he didn't see results. During Mr. Murphy's tenure, Prince George's, on the eastern border of Washington, D.C., has climbed to 10th from 21st among Maryland's 24 school districts in achievement-test scores. Five Prince George's schools have been called "exemplary" by the U.S. Department of Education. Racial enmity seems to have abated, and systemwide enrollment has increased, after a big drop.

"Applied anxiety works," says Mr. Blavatt. Fellow principal Patricia Green, whose Columbia Park Elementary School won accolades from the Education Department, declares: "John Murphy is a visionary leader."

At the same time, with accountability and competition came anger. Long lines formed for the model magnet schools. Parents were livid if there wasn't room for their kids. Many teachers protested the emphasis on test-taking.

In many ways, Prince George's has been a laboratory for ideas President Bush and his education secretary, Lamar Alexander, now want to apply nationally. The ingredients: letting parents choose their children's school, putting great weight on tests, inviting corporations to help out, letting a few model schools show the way. All are part of Mr. Bush's "Education 2000" program unveiled in April.

Prince George's County shows that such strategies can bear fruit, but also that there are trade-offs in this sort of school reform. A teachers' union said Mr. Murphy's dictum to up the numbers forced teachers to give A's and B's that weren't deserved, and to sacrifice real teaching for coaching in how to take tests. Mr. Murphy's critics eventually got to him. After a bitter salary dispute, he will start a new job as school superintendent in Charlotte, NC in July.

"He undoubtedly did a lot of good things and restored the image and confidence of Prince George's County," says Christopher Cross, the former head of research for the Department of Education. "The question is to what degree it was smoke and mirrors."

Mr. Murphy "isn't as good as his PR," say Marjorie Spierer, president of the Prince

George's County Education Association, the district's largest teacher union. "We were already on the rise, and he took the credit." She says success has less to do with Mr. Murphy than with the hard work of teachers, better pay and increases in the school budget—up 87%, to \$552 million, during the Murphy years. She says hardball personnel tactics and inequitable school financing, meanwhile, "have left us a district divided and angry."

Mr. Murphy kicked Ms. Spierer out of his office two years ago and hasn't spoken to her since. "Marjorie Spierer stands for Marjorie Spierer, not quality education," he says. "She's the worst thing that ever happened to education in Prince George's County. I am appalled by the level of greed I encountered in dealing with that union."

Like many superintendents, the 55-year-old Mr. Murphy started out as a teacher and became a nomad. A principal at 25, a superintendent at 29, he ran six other school districts before coming to Maryland. In 1968, he took over the Naples, Fla., schools and sized up his 25 principals. "I fired 15 or 20 of them," he says. "They ran a school-board slate, won and fired me." In Raleigh, N.C., he quit after a newspaper said he had hired as a consultant to the schools a firm that sometimes employed him as a consultant to others. An investigation found no wrongdoing.

Prince George's County hired Mr. Murphy to reverse a slide. Whites had begun fleeing court-ordered desegregation in 1972. As more left, there was more busing of children to achieve racial balance. Voter anger helped pass a referendum capping real-estate taxes in 1979, decimating the school budget. By 1984, when Mr. Murphy was hired, enrollment had plunged 28% in 10 years, to 105,000, and learning was fast becoming a side issue.

#### TYPICAL PROBLEM SCHOOL

Columbia Park Elementary School, in a poor section of Landover, Md., was typical of Prince George's problems. Reading and math test scores were among the lowest in the district. Vandalism and graffiti plagued the school, and drugs were sold on the street. Many parents found teachers hostile or indifferent.

"I would send my kids to school with notes asking teachers to call; they never called," says Virginia Walker, whose three daughters all attended Columbia Park.

Mr. Murphy says that poor performance "was blamed on the youngsters and what they brought to the schools—poverty, race, neglect." He countered by pushing "high expectations" and the belief that "all children can learn."

In 1986, he transferred Columbia Park's principal and replaced him with Ms. Green, a devotee of parental involvement and positive reinforcement. Ms. Green makes demands: harder books, stricter discipline, higher test scores. She pins "caught at being good" ribbons on students, papers the halls with "student of the month" and "Masters of Math" awards, and throws pizza parties for good attendance.

Mrs. Walker now finds Columbia Park "100% better." A new parent-teacher committee instituted biweekly progress reports for students, replacing quarterly ones. It also staggered dismissal times to send younger pupils home earlier than the bigger kids who sometimes harassed them. Third-grade scores on the California Achievement Test have risen from the 76th to the 87th percentile, and eighth-grade scores are at the 73rd, up from the 49th.

## IN SINGLE FILE

Columbia Park is strict—and structured. Children walk the halls between classrooms in single file, holding fingers over lips in the “shhh” position. In the classroom, they are pushed hard. Discussing vocabulary in “Where the Red Fern Grows,” a tale of childhood in the Ozark mountains, Rosemarie McConnaughey has little trouble getting responses from her well-prepared sixth-graders. Challenged, they reach, straining like writers for just the right word.

Rough-hewn? “Crude,” says one child. The side you best hear from in the wilderness? “Leeward.” And when the body goes away after death? “Decompose \* \* \* deteriorate \* \* \* decay.”

“I think I’ve heard the word ‘hardworking’ a few times,” says Ms. McConnaughey. “What is a good synonym for that? I am thinking of a word that begins, I-N \* \* \*” The students look puzzled.

“Well, I’m just going to have to give it to you.”

“No, give us another letter,” insists 12-year-old Sean Swilling. D, says the teacher. Hands wave. “Industrial?” asks one student. Before the teacher can correct him, a second student does it for her: “Oh \* \* \* oh \* \* \* oh \* \* \* industrious.”

Suitland High School, in nearby District Heights, saw Mr. Murphy’s tactics in action. In April 1984, the Middle States’ Association, which accredits the school, put Suitland High on probation—one step short of closing it. “Thirty percent of Suitland faculty have lost interest in the teaching act,” the association concluded in a report. In 1985, only 28% of Suitland ninth-graders passed the required Maryland citizenship test; the statewide average was 58.6%.

## TRACKING TEACHERS

In 1986, Mr. Murphy replaced Suitland’s principal with Joseph Hairston, who implemented a system of tracking teachers according to their grading of students, attendance, test scores and numbers of student suspensions issued. In 1987, Mr. Hairston issued transfer notices to 17 Suitland teachers, including some he says had been caught sleeping in class. The teachers union filed a grievance that resulted in two reinstatements, but the rest of the transfers stuck. Suitland’s average score on the Scholastic Aptitude Test has risen to 807 from 679 since 1986.

Students are also being pushed at Central High School, in Capitol Heights. This year, bright kids accustomed to success in school encountered something new—an accelerated humanities program, called the International Baccalaureate. It can be pretty demanding.

Several of the 21 participants complain of homework that takes up to seven hours a night, and fret that their grade-point averages are suffering. Michele Kopenhaver, accustomed to getting A’s, got a D on her first English essay. “I died, I died,” says the 17-year-old junior, covering her face. Many students considered quitting the program, but just one has. “I honestly tried to get kicked out,” says 17-year-old Rodney Frank, “but my mom said if I did, I could forget about college. The thing about IB is that it makes you strive to do better.”

Suitland, Central and most of the other schools praised by Mr. Murphy either have magnet programs or, like Columbia Park, get extra federal funds because they’re in all-minority neighborhoods, under what is known as the Milliken program. Magnet programs are popular with parents. Students from throughout the county can apply, and

are selected at random to participate. But when “regular” schools lose students to magnet schools, they often lose their most motivated kids. And declining enrollment can also mean a loss of teaching and staff positions. Thus, some schools fight back with changes in curriculum, harder work—and marketing.

“The strategy for the Milliken and magnet schools is more than just desegregation,” says Mr. Murphy. “It’s about overall school improvement, innovating at just a few schools to show that it can be done.” John Hagan, the principal of Bowie High School, says, “It’s sharpened the knife. We want to keep the kids from going to the magnet schools, and it has made us more competitive.”

To compete with Prince George’s technology-intensive Eleanor Roosevelt High School, Mr. Hagan and Bowie raised \$100,000 with car washes and other fund-raisers for new computer and TV labs, and hired teachers who specialize in advanced-placement classes. After 50% of Bowie ninth-graders failed the Maryland writing test five years ago, students were assigned more essays to write, even in science and math classes. The failure rate on the writing test is down to 4%.

Mr. Hagan is a big fan of Mr. Murphy’s strategy, but has reservations about its financial disparities. Prince George’s County spends \$5,267 per student at Milliken schools, \$5,093 at magnet schools, and only \$4,578 at regular schools. The difference has its effects. “You don’t get the extra staff, the extra material, the extra supplies,” says Mr. Hagan.

Teachers say the emphasis on test results has entailed certain sacrifices: less reading time in class, for instance, so that students can work on writing skills.

At District Heights Elementary School, just over the Washington, D.C., line, preparing to take standardized multiple-choice tests has been a big part of the curriculum. Students work on “bubbling in,” or filling in mock answer sheets, and practice with “Scoring High,” a workbook that resembles the California Achievement Test Maryland students have been required to take. Helen Thiers, a second-grade teacher, estimates that in some grades, 25% of class time has been spent taking and preparing to take standardized tests. She says much is sacrificed: in-depth teaching and time spent on subjects like social studies and science that are stressed less on the tests.

“There’s something people call the ‘teachable moment,’ when the lightbulb goes on in the student’s mind,” says Mrs. Thiers. “We have fewer teachable moments these days. The flower is dying on the windowsill, but we can’t talk about science because the pressure is on to do math.”

Under Mr. Murphy, Prince George’s has gone a long way toward satisfying a federal court that education for blacks be as good as it is for whites. But the issue hasn’t disappeared. Of Prince George’s 171 schools, Mr. Murphy has convinced the court that 19 nearly all-black ones can’t be integrated and should instead be deemed Milliken schools and given extra funds. The Milliken schools can afford lower student-teacher ratios, and more extras like computers that other schools don’t have money to buy.

Fifty other schools get a smaller subsidy to create magnet programs, in fine arts or science for example, that are meant to attract whites to black-neighborhood schools and vice versa. The magnet schools are so popular about 3,000 students are turned away each year.

Mr. Murphy says he has always meant to bring regular school funding up to the special school level, “but this blasted recession has caught us short.”

A more personal money issue also cut him short. Partly in search of a bigger pension, Mr. Murphy started job talks with other school districts last year. The Prince George’s school board then offered him a big raise and pension in a most unusual 10-year, \$2.5 million contract. A storm of protest erupted, much of it from black state legislators who said they wanted a black school chief before 10 more years went by.

As for Mr. Murphy’s salary, at one community meeting some blacks shouted “here’s your raise” and threw quarters at his feet. “That was low,” he says. “I don’t think they were speaking for the black people in the community.”

Mr. Murphy says he is sad that he can’t “complete the job” in Prince George’s, but he says he was no longer in a position to accomplish much more. His critics also have mixed feelings. “I’ll give him credit, some of the credit,” says Ms. Spiner, the president of the county education association. “He brought us fresh energy, got money and some good people in.”

Adds Mrs. Thiers, the second-grade teacher: “There’s a lot to John Murphy. He has angered me to the point of screaming, with his tests, the stress and those little charts in his office. But he has made me thrilled, and very proud—proud to live and work in PG County.”

I yield to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Speaker, I thank the gentleman for yielding to me and, as someone who represents the southern part of Prince Georges County, I would like to certainly echo his comments.

John Murphy is a friend and an outstanding superintendent. I think what is extraordinary about his contribution is that he certainly exhibited the kind of vision that we needed across our school systems in this country. I look at the Secretary of Education, the President, talking about school reform as a national priority. John Murphy was there before school reform was in vogue.

I think that is probably the greatest credit we can pay him. I commend the gentleman.

Mr. HOYER. I thank the gentleman for his contribution and I am honored to represent Prince Georges County along with him. He and I have both worked very closely with John Murphy.

□ 1330

VERY UNFORTUNATE DECISION BY  
BASE CLOSURE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. McMILLEN] is recognized for 60 minutes.

Mr. McMILLEN of Maryland. Mr. Speaker, I regret that we have to have this special order today. It is because of a very, very unfortunate decision by the Base Closure Commission that has

made a decision 6 to 1 to not take our defense laboratories off the base-closure list.

I know myself and the gentleman from Pennsylvania and the gentleman from New Jersey and many, many others in this body and the other body feel that that is a contravention of congressional intent.

Mr. Speaker, last year in the 1991 defense authorization bill, very clearly an advisory commission on laboratories was set up to study these labs and to report to the Congress no later than September 30 of this year. My concern is, and I am sure that these gentlemen share these concerns, that this has been a very heavyhanded process by the Pentagon. I resent it, and our constituents deserve better.

We have had particular concern about some of the contradictory statements that are being made by the acting director of the advisory commission.

Mr. Speaker, I yield to my colleague, the gentleman from Pennsylvania, who will elaborate on this point.

Mr. KOSTMAYER. I appreciate my friend from Maryland yielding.

This is a tricky and difficult matter to understand, but what I would like to do is that this morning the Base Closure Commission, which has been hearing testimony all around the country on this proposal to close military bases, and as part of that proposal a number of laboratories would be closed as well. I happen to represent one of those laboratories which is located in Warminster in Bucks County, PA. The gentleman from Maryland [Mr. McMILLEN] has one in his district. The gentleman from New Jersey [Mr. PALLONE] has one in his district. My laboratory is called the Naval Air Development Center, and it employs about 2,900 people.

This morning the Base Closure Commission heard testimony from a fellow called Pete Adolph. Mr. Adolph is the acting director of a separate commission which has the responsibility for deciding not whether those bases close but whether those laboratories close.

Mr. Adolph told the commission this morning that the Lab Consolidation Commission had really no objections to the base-closing commission going ahead and closing, if you follow me, Mr. Speaker, going ahead and closing the lab.

In fact, I am sorry to say, Mr. Speaker, that is simply not true, because on May 22, and May 23, the Lab Consolidation Commission, of which Mr. Adolph is the acting executive director, held a meeting, and I happen to have their minutes from that meeting. I would like to read very briefly from those minutes.

Returning to the question of commenting on the DoD recommendations to the 1991 Base Closure and Realignment Commission, there seemed to be a question of propriety

and format. There was a consensus of the members that the Commission had an obligation to comment on the DoD recommendations. The Commission—

And this is the Lab Consolidation Commission—

felt an obligation to provide some preliminary thoughts to the Base Closure and Realignment Commission on the DoD recommendations, and the commission's preliminary thoughts may consist of recommendations to, in fact, alter the Department of Defense recommendations. It was initially agreed that the Commission had two options: (1) recommend no change to the DoD plan; (2) recommend all actions involving laboratories be removed from consideration now and be revisited during the 1993 deliberations. Subsequent discussion surfaced an additional, or third, option, remove a select number of actions involving laboratories until the Commission has had a chance—

That is, the Laboratory Consolidation Commission—

has had a chance to study these specific actions in more detail. It was decided that in order to accommodate this obligation, the June meeting would have to be rescheduled to June 12, and that it would be a long 1-day meeting.

Mr. Speaker, the Laboratory Consolidation Commission made the decision to meet on 12 June to come up with recommendations on the lab which they will then give to the Base Closure Commission. Today is June 7, and yet the executive director of the lab commission this morning testified before the Base Closure Commission that that decision had already been made. That decision will not be made until June 12.

Well, I do not like to call the man a liar, but that is what he is. What is at stake, in my congressional district, are 2,900 jobs, and there are jobs at stake in the district of the gentleman from Maryland [Mr. McMILLEN], jobs at stake in the district of the gentleman from New Jersey [Mr. PALLONE], jobs at stake all across the country.

We are prepared to have these laboratories and bases closed if that is the right thing to do. What we are not prepared to be subjected to is this kind of dishonesty and this kind of trickery, and we have called Mr. Adolph, and he will be in my office Monday afternoon, we hope, to explain to us his conduct.

The fact of the matter is that Mr. Adolph works for Secretary Cheney. Secretary Cheney wants the bases closed and the labs closed.

This is a lousy process. It is not working the way it was intended to work.

I hope that the Congress will see that this process goes ahead in an appropriate and fair fashion, because if these facilities are closed within the context of this process, there are going to be not only a lot of angry people, which is OK, but there are going to be very serious mistakes made.

What if the Laboratory Consolidation Commission, which is not to issue its report until September 30 of this year,

issues a report which is contrary to the Base Consolidation Closing Commission? This process is crazy. It does not make any sense. It ought to be brought to a screeching halt until we can design a process which is fair to the people who work in Warminster, fair to the people who work in Maryland and New Jersey, and, most of all, fair to the taxpayers of the United States.

I appreciate the gentleman yielding to me.

Mr. McMILLEN of Maryland. I want to commend the gentleman from Pennsylvania for his leadership on this issue.

Mr. Speaker, for the record, I am including in the RECORD the legislation last year, the 1991 Defense Authorization Act, which clearly established an advisory commission on laboratories. It is very clear this lab commission was supposed to make recommendations to the Congress in a thoughtful, evaluative fashion regarding these laboratories.

I would like to echo what the gentleman said. We are going forward restructuring 90 percent of the Navy labs in this country based on Secretary Cheney's recommendations without a single congressional hearing, without any oversight at all, and in contravention to what we intended in last year's Defense authorization.

□ 1340

This is no way to run this in my view, and I know the gentleman from New Jersey [Mr. PALLONE] feels this way, because he mentioned to me earlier, this is in some respects being done in the dark of the night without the kind of full scrutiny that this issue so deserves.

Mr. PALLONE. Mr. Speaker, will the gentleman yield?

Mr. McMILLEN of Maryland. I am happy to yield to the gentleman from New Jersey [Mr. PALLONE] who has also been a leader on this issue in trying to bring some sense and rationality to this process.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for yielding, and I want to join with him and my colleague from Pennsylvania to stress the significance of this issue. It is not just a question of jobs. Obviously, all districts have jobs that are affected, and all people are concerned about their future.

I point out that these labs are at the cutting edge of technology for the Defense Department and for the future of our whole defense establishment and our ability to respond throughout the world. We are talking here about high technology laboratories, people mostly with Ph.D.'s, the type of work that is being done that is not only important to the Defense Department but also important to the future of America's economy in a lot of private fields.

I actually represent, or in my particular district we have the Electronic Technology Devices Lab at Fort Monmouth which employs about 200 people, but I stress again this lab is very important to the communications at Fort Monmouth, and crucial as all the lab facilities in our operations in the Persian Gulf involved in Operation Desert Storm. A lot of the research, a lot of the development, for equipment, for armaments, took place at these laboratory facilities.

When we talk about lab consolidation, Mr. Speaker, we are talking about a large and dramatic undertaking which requires careful study by an independent commission, by a commission of experts who know what labs are all about. That is what this Advisory Commission on Labs was designed to do. That is why we set up the Department of Defense Authorization Bill last fall, because the feeling was, this was not something for the BRAC Commission, the Commission on Base Closings to deal with, but rather something that an independent advisory commission that had the expertise on labs, had the expertise on this particular subject, would be able to deal with.

I think it is very dangerous not only from our particular areas and the people we represent, but for the future of the whole U.S. defense to have the BRAC Commission, which has a very short time period, which does not have the expertise, and in my opinion has not been provided with the documentation to even make any kind of decisions with regard to the future of these labs, to have that Commission make the determination of about whether these labs will be consolidated, as opposed to the Advisory Commission which was specifically set up for that purpose, to make the recommendations, and have them considered by BRAC or the full Congress.

I think that we need to spend some time, and I think it will be very possible for the United States in the long run, perhaps, to convince the BRAC Commission that we made a mistake today, because we do not have the background, and they should allow the independent advisory commission to go on its own and to review the various lab consolidations.

I am hopeful, I am very hopeful we will be able to get the Commission to turn around, and to not make these decisions on its own without waiting for the Independent Lab Commission to issue its report.

I want to thank both of my colleagues for taking the leadership on this. I think it is very important to the future of our defense.

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to add a note, speaking to my colleagues, and certainly I feel that I am not against the base closure process. I supported the legislation initially. We had a major

base in my district, and the gentleman from Pennsylvania participated in that effort.

The point I think that is necessary to make here today is we want these bases and labs closed. It will inevitably happen, given our level of defense spending, in a thoughtful, thorough, and rational fashion. I think our constituents deserve that, and I know that I feel very strongly that the Base Closure Commission made a terrible mistake today. I know the gentleman from Pennsylvania has some additional thoughts on that.

Mr. KOSTMAYER. Mr. Speaker, I appreciate the gentleman yielding, and let me conclude by saying, Mr. Speaker, what happened this morning is that the Base Closure Commission took up the laboratory issue. That is why we are so exercised this afternoon, and why we brought this to the floor of the House. This morning they voted 6 to 1 not to delete the labs from the list. They said that one of the reasons they did that is because they heard testimony from the Acting Director of the Laboratory Consolidation Commission who misrepresented the facts and was acting not on behalf of the members of the Laboratory Commission who feel quite differently as their minutes of May 24 and 25 indicate, but acting on behalf of the Secretary of Defense for whom he works, Mr. Cheney. That is not fair. That is not right.

The Congress set up two commissions, a Base Closing Commission, and a Lab Consolidation Commission. Different membership, different obligation, different dates at which they were to report back to the Congress. We are mixing bases and labs; apples and oranges. We are making bad public policy. We will live to regret it. I only hope that before it is too late, we can reverse this process and get it back on the proper track.

I commend the gentleman for his work.

Mr. McMILLEN of Maryland. Mr. Speaker, legislation has been introduced to take labs off the base closure list, and we will continue to pursue that.

What I am concerned about, and I think the gentleman from Pennsylvania articulated, is that the acting director, Peter Adolph, is certainly acting like a mouthpiece for the Department of Defense, not offering the kind of objective analysis that this issue deserves.

These labs are unique national assets. They are part of our science and technological infrastructure in this country. The gentleman from New Jersey understands that. We should not go forward and close these labs with the kind of half-hearted evaluative process that seems to be taking place. That is not the gentleman from Maryland [Mr. McMILLEN] or the gentleman from New Jersey [Mr. PALLONE] saying this. It is

the General Accounting Office, who raised many questions regarding the Department of the Navy's data that they used in complying with this recommendation.

In fact, the GAO said they could not really come up with a conclusion. Their analysis was inconclusive because the Navy would not cooperate. The Navy would not give the GAO the necessary information to make these determinations. The GAO does not have it. How is the Base Closure Commission making this broad statement this morning that says labs should be part of this process? We will go forward pell-mell without giving it the thorough analysis that a more independent commission would give this issue.

Mr. PALLONE. Mr. Speaker, will the gentleman yield?

Mr. McMILLEN of Maryland. I yield to the gentleman from New Jersey.

Mr. PALLONE. I think that is a very important point. One of the points I have repeatedly made before the Base Closure Commission is that the data are not there.

In my case, we are talking about an Army lab. I have not seen a single document yet, nor in my opinion, based on my conversations with the Base Closure Commission, has any document been provided to the Commission that specifies the reason, the rationale for this consolidation, nor how it could possibly save money, nor what is going to happen in the future research that is done at the lab. It is evident that the BRAC Commission does not have that information, and that is why it makes so much sense to make for the Advisory Commission on Labs that has the expertise to look at whatever data are available, and come to their own recommendations, which the BRAC Commission can then review at that time. So far, there is a complete paucity of data. That is an important point.

Mr. McMILLEN of Maryland. This process has been very, very wrong, I believe, from the beginning. The whole thing stinks, quite honestly.

Originally, the acting director of the Lab Commission quit, which raises questions as to what kind of process is our Defense Department going for? Did they ever intend to adhere to congressional intent, which said there was supposed to be an advisory commission formed?

Let me repeat what the gentleman from Pennsylvania said. I think it strikes at the heart of the duplicity and the lack of forthrightness by Mr. Adolph and others with regard to this issue. On May 22 and 23, the Lab Commission met. They discussed this issue, and the Lab Commission is supposed to be a well-rounded Commission. As I said, I included this in the RECORD, but they have a number of people from within the research and development infrastructure, people from the Government, private sector, to give this kind

of independent look at this. Basically, and the minutes reflect this, it was the consensus of the Advisory Commission on Labs had obligation to comment on the DOD recommendations, and they were going to do so on June 12 next week. That is what they said.

Clearly, given the intent that they wanted to take a look at this issue, and look at it and report back to Congress. However, here we have, just hours ago, Peter Adolph, the acting director of the Lab Commission, coming in front of the Base Closure Commission, saying, "No, no, no, we have no overlap in our jurisdictions. As a matter of fact, it would be a big help if the Base Closure Commission went ahead and included these labs in the process, indicating just the opposite of what his Commission, his own Commission, said in their minutes.

□ 1350

Now, the gentleman called that a lie. I may not go as far in saying that, but it is certainly duplicitous and a lack of forthrightness by a public official to deal with our constituents in this kind of fashion.

I think we are going to have to hold him to task for that kind of behavior.

I just want to again reiterate those points, because it shows the heavy-handedness by the Department of Defense in trying to grease this issue, without concern to Congress, without concern to public scrutiny, just let us get it done. I think it is wrong.

Mr. Speaker, I yield again to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. All I can say, Mr. Speaker, and I suppose it is somewhat repetitive, it is patently obvious that if the BRAC Commission were to take up the consolidations, that essentially the Advisory Commission on Labs would have practically nothing to do.

I mean, the legislation that the gentleman from Maryland has pointed to specifically says that one of the purposes is to review possible consolidation of laboratories. It is hard for me to imagine what the purpose of the Advisory Commission on Labs would be once the recommendations were set in stone and put together by the BRAC Commission. It simply makes no sense.

As I said, I am not pessimistic on this. I think that once what we are articulating today is brought out and the Lab Commission understands their role, that we can go back to the BRAC Commission to make the point they should take the labs out of their consideration for this round.

Mr. McMILLEN of Maryland. Well, Mr. Speaker, I thank the gentleman.

I just want to reiterate that the Lab Commission at this point is paying lip-service to this process and to the DOD. It is not the way it was intended.

As a matter of fact, what we are going to do is ask the House counsel to

give us an opinion that really clarifies congressional intent in this area, an opinion that hopefully will point out that Congress intended this Advisory Commission to look at this matter, to make a thoughtful recommendation to this body and to provide some oversight.

I mean, here we are restructuring thousands of jobs, 90 percent of our Navy labs, and there is hardly any congressional input in this whole process. I just find that to be mind boggling.

Certainly we have to restructure our defense infrastructure in this country, but we do not have to do it in the back offices of the Pentagon without anybody, without elected officials, duly-elected by our constituents, having input on this matter.

So again I say that this is a process that stinks, but we are going to continue to fight it all the way because we think it is not fair to the people who have labored in the vineyards of our national defense laboratories to try and provide us with quieter submarines, all the technology that has made Desert Storm possible.

Here we are just saying to these constituents that it does not matter. Your elected officials have no say about this. We are going to allow some Pentagon officials with green eyeshades to make these decisions.

I think it is wrong, and I certainly appreciate the chance to offer this special order to continue this fight on behalf of an issue that I know the gentleman from New Jersey, the gentleman from Pennsylvania and others feel strongly about in the Congress.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE of Virginia (at the request of Mr. GEPHARDT) for today, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

(The following Members (at the request of Mr. McMILLEN of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Ms. OAKAR, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. McMILLEN of Maryland, for 60 minutes, today.

Mr. KOSTMAYER, for 60 minutes, today.

Mr. PANETTA, for 60 minutes, each day on June 11, 12, 13, and 14.

Mr. SERRANO, for 60 minutes, each day on June 12 and 13.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. SOLOMON.

Mr. COUGHLIN.

Mr. KLUG.

Mr. GUNDERSON.

Mr. SCHIFF.

Ms. ROS-LEHTINEN in two instances.

Mr. CRANE.

(The following Members (at the request of Mr. McMILLEN of Maryland) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. MAVROULES.

Mr. LEHMAN of Florida.

Mr. SHARP in two instances.

Mr. SANGMEISTER.

Mr. ANDREWS of Texas.

Mr. KLECZKA.

Mr. JACOBS.

Mr. DINGELL.

Mr. WAXMAN.

Mr. BENNETT in two instances.

#### BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 7, 1991:

H.R. 971. An act to designate the facility of the U.S. Postal Service located at 630 East 105th Street, Cleveland, OH, as the "Luke Easter Post Office."

#### ADJOURNMENT

Mr. McMILLEN of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, June 10, 1991, at 12 noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1505. A communication from the President of the United States, transmitting amendments to the fiscal year 1992 appropriations

requests for the Department of Education, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 102-97); to the Committee on Appropriations and ordered to be printed.

1506. A letter from the Department of the Army, transmitting notice of decision to convert to contract operations the administrative services function at Oakland Army Base, CA, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1507. A letter from the Deputy Secretary of Defense, transmitting a copy of Presidential Determination 91-37, regarding end-strength level of U.S. Armed Forces in Europe for fiscal year 1991, and justification thereto; to the Committee on Armed Services.

1508. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia for water and sanitary sewer services; to the Committee on the District of Columbia.

1509. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to extend the regulatory authority of the Secretary of the Treasury under the Government Securities Act of 1986, and for other purposes; to the Committee on Energy and Commerce.

1510. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 91-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1511. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Jane E. Becker, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations and Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1512. A letter from the Secretary of Labor, transmitting the semiannual report of the inspector general for the period October 1, 1990 through March 31, 1991, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1513. A letter from the Chairman, Federal Election Commission, transmitting the 16th annual report on the Commission's activities for 1990, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

1514. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for period ending March 31, 1991, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1515. A letter from the Deputy Secretary of Defense, transmitting a copy of a Presidential memorandum of May 14, 1991, with respect to end-strength level of United States Armed Forces in Japan for fiscal year 1991, and justification thereto; jointly, to the Committee on Appropriations and Armed Services.

1516. A letter from the Federal Reserve System, Board of Governors, transmitting a copy of a report on concerns relating to the soundness, stability, and integrity of domes-

tic and international capital markets, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Agriculture.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 470. A bill to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN; with an amendment (Rept. 102-102). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 2132. A bill to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, AR, title to certain lands at the Fort Smith Municipal Airport for construction of a road (Rept. 102-103). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWETT:

H.R. 2584. A bill to amend title 10, United States Code, to extend the period of eligibility for admission to a military service academy for members of the Armed Forces who serve in a combat zone; to the Committee on Armed Services.

By Mr. WAXMAN:

H.R. 2585. A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services; to the Committee on Energy and Commerce.

By Mr. SIKORSKI (for himself (by request), Mrs. MORELLA, and Ms. NORTON):

H.R. 2586. A bill to amend title 31, United States Code, to allow the General Accounting Office to procure the services of additional experts and consultants; to permit the Comptroller General to enter into agreements with other Federal agencies relating to health care for employees serving abroad and their dependents; to exclude temporarily certain positions from the GS-15 pay limitation which would otherwise apply; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GLICKMAN (for himself and Mr. NICHOLS):

H.R. 2587. A bill to amend the Solid Waste Disposal Act to authorize a private right of action to enforce any such regulation, and to require any such regulation to include certain civil and criminal penalties; to the Committee on Energy and Commerce.

By Mr. CARPER (for himself, Mr. RAVENEL, Mr. SAXTON, Mr. GILCHRIST, and Mr. HUGHES):

H.R. 2588. A bill to provide for the conservation and management of weakfish, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CRANE (by request):

H.R. 2589. A bill to amend the Tariff Act of 1930 to modernize and simplify customs procedures, facilitate the entry and clearance of vessels, increase the effectiveness of the Customs Service in commercial matters, and for other purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON (for himself and Mr. WASHINGTON):

H.R. 2590. A bill to amend the Higher Education Act of 1965 to clarify the legality of race-based scholarships to promote diversity; to the Committee on Education and Labor.

By Mr. MACHTLEY (for himself and Mr. RANGEL):

H.R. 2591. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to distribute funds to units of local government; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 2592. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 2593. A bill to repeal the provisions in the Internal Revenue Code of 1986 relating to the inclusion of Social Security and certain railroad retirement benefits in gross income to the extent such provisions do not apply to nonresident aliens; to the Committee on Ways and Means.

By Mr. THOMAS of Georgia (for himself, Mr. JONES of North Carolina, Mr. JENKINS, Mr. TALLON, Mr. ROWLAND, Mr. FAZIO, and Mr. HEFNER):

H.R. 2594. A bill to provide for the designation of wetlands stewardship trusts, and to amend the Internal Revenue Code of 1986 to establish special rules for contributions of wetlands and riparian lands to wetlands stewardship trusts, and for other purposes; jointly, to the Committees on Ways and Means, Public Works and Transportation, and Merchant Marine and Fisheries.

By Mr. THOMAS of Wyoming (for himself, Mr. PETRI, Mr. KYL, Mr. DELAY, Mr. HANCOCK, Mr. COX of California, Mr. BUNNING, Mr. ROHRBACHER, Mr. TAYLOR of North Carolina, Mr. GINGRICH, Mr. WALKER, Mr. MILLER of Ohio, and Mr. BALLENGER):

H.R. 2595. A bill to limit the growth in the size of Federal civilian work force; jointly, to the Committees on Post Office and Civil Service, House Administration, and the Judiciary.

By Mr. TORRICELLI:

H.R. 2596. A bill to amend the Federal Food, Drug, and Cosmetic Act to define light butter; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. DINGELL):

H.R. 2597. A bill to amend the Federal Food, Drug, and Cosmetic Act to enhance the enforcement authority of the Food and Drug Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KENNELLY:

H.J. Res. 267. Joint resolution to designate the week beginning July 21, 1991, as "National Parents of Multiple-Birth Children Week"; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS (for himself, Mr. ENGLISH, Mr. ESPY, Mr. GILLMOR, Ms. LONG, Mr. MCEWEN, Mr. SKELTON, and Mr. HATCHER):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress concerning

the needs of rural areas under the National Highway Program; to the Committee on Public Works and Transportation.

By Mr. MICHEL:

H. Res. 171. Resolution electing Representative JOHNSON of Texas to the Committee on Banking, Finance and Urban Affairs and the Committee on Small Business; considered and agreed to.

By Mr. WHITTEN:

H. Res. 172. Resolution authorizing printing of the proceedings of the portrait unveiling ceremony of the Honorable George H. Mahon; to the Committee on House Administration.

### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

179. The SPEAKER presented a memorial of the General Assembly of the State of Vermont, relative to the passage of S. 843 or H.R. 534; to the Committee on Merchant Marine and Fisheries.

### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Ms. DELAURO, Mr. HOCHBRUECKNER, and Mr. WELDON.

H.R. 88: Ms. SLAUGHTER of New York.

H.R. 103: Mrs. BOXER, Mr. PETERSON of Florida, Mr. BLAZ, Mr. MARLENEE, Mr. MARTINEZ, Mr. ACKERMAN, and Mr. JEFFERSON.

H.R. 107: Mr. ENGEL.

H.R. 323: Mr. COBLE.

H.R. 371: Mr. DOOLITTLE.

H.R. 393: Mrs. ROUKEMA.

H.R. 413: Mr. RIGGS, Mr. KLUG, Mr. JONES of North Carolina, Mr. CLINGER, Mr. FISH, Mr. FASCELL, Mr. BURTON of Indiana, and Mr. HASTERT.

H.R. 441: Mr. WYDEN.

H.R. 565: Mr. TRAFICANT, Mr. OWENS of New York, Mr. ROE, Mr. DWYER of New Jersey, Mr. MORAN, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. APPLIGATE, Mr. COX of California, Mr. NAGLE, and Mr. REED.

H.R. 976: Mr. RAMSTAD.

H.R. 1080: Mr. GILLMOR and Mr. ANDERSON.

H.R. 1092: Mr. RITTER.

H.R. 1149: Mr. FIELDS.

H.R. 1178: Mr. HUGHES, Mr. SANDERS, Mr. OWENS of Utah, and Mr. YATRON.

H.R. 1414: Mr. JONES of North Carolina.

H.R. 1426: Mr. COBLE.

H.R. 1523: Mr. CLINGER.

H.R. 1531: Mr. BRYANT, Mr. HAYES of Illinois, Mrs. BOXER, and Mr. JONTZ.

H.R. 1543: Mr. THOMAS of Wyoming.

H.R. 1597: Mr. ARCHER.

H.R. 1598: Mr. ROE, Mr. RAHALL, Mr. HUTTO, Mr. HOCHBRUECKNER, and Mr. KLUG.

H.R. 1623: Mr. ACKERMAN, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANDREWS of Maine, Mr. APPLIGATE, Mr. ARMEY, Mr. ATKINS, Mr. BACCHUS, Mr. BARRETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BONIOR, Mr. BORSKI, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Mr. BRUCE, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARR, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. COX of Illinois, Mr. COYNE, Mr. CRAMER, Mr. DARDEN, Mr. DEFazio, Mr. DE LA GARZA, Ms. DELAURO, Mr. DERRICK, Mr. DONNELLY, Mr. DURBIN, Mr.

DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. EDWARDS of Texas, Mr. EDWARDS of California, Mr. ENGLISH, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GILCHREST, Mr. GONZALEZ, Mr. GOSS, Mr. GRADISON, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HOBSON, Ms. HORN, Mr. HOUGHTON, Mr. HUNTER, Mr. HUTTO, Mr. JACOBS, Mr. JAMES, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. KANJORSKI, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. LAFALCE, Mr. LAUGHLIN, Mr. LEACH, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Ms. LONG, Mrs. LOWEY of New York, Mr. LUKE, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MCEWEN, Mr. MCGRATH, Mr. McMILLAN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MAUROLES, Mr. MFUME, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORAN, Mrs. MORELLA, Mr. MRAZEK, Mr. MURTHA, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NICHOLS, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. PANNETTA, Mr. PARKER, Ms. PELOSI, Mr. PENNY, Mr. PETERSON of Florida, Mr. PICKETT, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. RAVENEL, Mr. RAY, Mr. REGULA, Mr. RHODES, Mr. RICHARDSON, Mr. RITTER, Mr. ROBERTS, Mrs. ROUKEMA, Mr. ROWLAND, Mr. ROYBAL, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAWYER, Mr. SAXTON, Mr. SCHEUER, Mr. SCHIFF, Mr. SCHULZE, Mr. SCHUMER, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STAGGERS, Mr. STALLINGS, Mr. STEARNS, Mr. STOKES, Mr. STUMP, Mr. SUNDQUIST, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. TAYLOR of Mississippi, Mr. THOMAS of Georgia, Mr. THORNTON, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VALENTINE, Mr. VOLKMER, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WHEAT, Mr. WILSON, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, and Mr. YOUNG of Florida.

H.R. 1624: Mr. ACKERMAN, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. APPLIGATE, Mr. ARMEY, Mr. ATKINS, Mrs. BENTLEY, Mr. BEVILL, Mr. BONIOR, Mr. BROOKS, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Missouri, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. COX of Illinois, Mr. COYNE, Mr. DEFazio, Mr. DE LA GARZA, Ms. DELAURO, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. EDWARDS of California, Mr. ANDREWS of Maine, Mr. ENGEL, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FAZIO, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GOSS, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HOBSON, Mr. HORTON, Mr. HUTTO, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. KOLTER, Mr. LAFALCE, Mr. LEACH, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MILLER of Ohio, Ms. LONG, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MCEWEN, Mr. McMILLAN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of Washington, Mr. MOAKLEY, Ms. MOLINARI, Mr. MONTGOMERY, Mrs. MORELLA, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NICHOLS, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. PA-

NETTA, Mr. PARKER, Ms. PELOSI, Mr. POSHARD, Mr. PRICE, Mr. RAHALL, Mr. RAY, Mr. REGULA, Mr. RHODES, Mr. RITTER, Mrs. ROUKEMA, Mr. ROWLAND, Mr. ROYBAL, Mr. SARPALIUS, Mr. SAVAGE, Mr. SAXTON, Mr. SCHEUER, Mr. SCHULZE, Mr. SKEEN, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STAGGERS, Mr. STOKES, Mr. STUMP, Mr. SYNAR, Mr. TALLON, Mr. TORRES, Mr. TRAXLER, Mrs. UNSOELD, Mr. VALENTINE, Mr. WAXMAN, Mr. WILSON, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, Mr. YOUNG of Florida, Mr. BACCHUS, Mr. BARRETT, Mr. STEARNS, Mr. BERMAN, Mr. BORSKI, Mr. BREWSTER, Mr. BROWDER, Mr. CALLAHAN, Mr. CARR, Mr. COLEMAN of Texas, Mr. CRAMER, Mr. DARDEN, Mr. DERRICK, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. RICHARDSON, Mr. FLAKE, Mr. FOGLIETTA, Mr. NEAL of North Carolina, Mr. GILCHREST, Mr. GRADISON, Ms. HORN, Mr. HUNTER, Mr. HOUGHTON, Mr. JACOBS, Mr. JAMES, Mr. JENKINS, Mrs. KENNELLY, Mr. KILDEE, Mr. LAUGHLIN, Mr. PENNY, Mr. LUKE, Mr. MAUROLES, Mr. MFUME, Mr. MOLLOHAN, Mr. MOODY, Mr. MORAN, Mr. MRAZEK, Mr. PETERSON of Florida, Mr. RAVENEL, Mr. SANGMEISTER, Mr. SCHIFF, Mr. SKAGGS, Mr. STALLINGS, Mr. SUNDQUIST, Mr. TAYLOR of Mississippi, Mr. THORNTON, Mr. TRAFICANT, Mr. VOLKMER, Ms. WATERS, Mr. WHEAT, Mr. WASHINGTON, Mr. UPTON, Mr. TOWNS, Mr. THOMAS of Georgia, Mr. SWIFT, Mr. SLATTERY, Mr. SKELTON, Mr. PICKETT, Mr. ROBERTS, Mr. SAWYER, Mr. SCHUMER, and Mr. MOORHEAD.

H.R. 1662: Mr. LEHMAN of Florida and Mr. McDERMOTT.

H.R. 1663: Mr. SWIFT, Mr. ROSE, Mr. RAMSTAD, and Mr. OWENS of Utah.

H.R. 1676: Mr. McMILLAN of North Carolina.

H.R. 1712: Mr. GIBBONS.

H.R. 1771: Mr. BOEHNER, Mr. ECKART, Mr. JOHNSON of South Dakota, Mr. LEWIS of Florida, Mr. SANDERS, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. TRAFICANT, Mr. UPTON, and Mr. VOLKMER.

H.R. 2116: Mr. RITTER, Mr. PAXON, Mr. STUMP, Mr. LIVINGSTON, Mr. FIELDS, Mr. ARMEY, and Mr. DUNCAN.

H.R. 2117: Mr. RITTER, Mr. STUMP, Mr. LIVINGSTON, and Mr. FIELDS.

H.R. 2118: Mr. RITTER, Mr. STUMP, Mr. LIVINGSTON, Mr. FIELDS, and Mr. ARMEY.

H.R. 2119: Mr. RITTER and Mr. STUMP.

H.R. 2120: Mr. RITTER, Mr. STUMP, and Mr. LIVINGSTON.

H.R. 2248: Mr. SHAW and Mrs. MORELLA.

H.R. 2293: Mrs. BENTLEY, Mr. MARTINEZ, and Mr. OBERSTAR.

H.R. 2357: Mr. KOPETSKI, Mr. ACKERMAN, and Mrs. UNSOELD.

H.R. 2365: Mr. GUARINI, Mr. GUNDERSON, and Mr. HORTON.

H.R. 2374: Mr. SANDERS, Mrs. MINK, and Mr. SMITH of Florida.

H.R. 2486: Mr. FASCELL, Mr. PURSELL, and Mr. PERKINS.

H.J. Res. 80: Mr. DELAY, Mr. LEWIS of Florida, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. ROE, and Mr. PORTER.

H.J. Res. 83: Mr. HEFNER, Mr. HERGER, Mr. MACHTLEY, and Mr. QUILLEN.

H.J. Res. 88: Mr. DELAURO and Mr. HOAGLAND.

H.J. Res. 179: Mr. SANTORUM, Mr. FISH, Mr. LEVINE of California, and Mr. COUGHLIN.

H.J. Res. 180: Mr. ANDREWS of Maine, Mrs. BENTLEY, Mr. BREWSTER, Mr. CRAMER, Mr. GEREN of Texas, Mr. HOBSON, Mr. LAROCOCCO, Mr. PERKINS, and Mr. PETERSON of Minnesota.

H.J. Res. 181: Mr. CHAPMAN, Mr. DOOLITTLE, Mr. DYMALLY, Mr. FORD of Tennessee, Mr.

MAVROULES, Mr. MOODY, Mr. PICKETT, Mr. RAHALL, Mr. RICHARDSON, Mr. SMITH of New Jersey, Mr. TRAFICANT, Mr. YATRON, Mr. RAVENEL, Mr. RINALDO, and Mr. SAWYER.

H. Con. Res. 130: Mr. ENGEL, Mr. BONIOR, Mr. GORDON, Mr. LANCASTER, and Mr. UPTON.

H. Con. Res. 145: Mr. BURTON of Indiana, Mr. EVANS, Ms. ROS-LEHTINEN, and Mr. SCHEUER.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2508

By Mr. BEREUTER:

—Page 705, after line 13, insert the following new chapter 4 and redesignate existing chapter 4 of title X (and sections thereof) accordingly:

#### CHAPTER 4—HORN OF AFRICA RECOVERY AND FOOD SECURITY

##### SEC. 1061. FINDINGS.

The Congress makes the following findings:

(1) The Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti) is characterized by an extraordinary degree of food insecurity as a result of war, famine, mounting debt, recurrent drought, poverty, and agricultural disruption, as well as by gross violations of human rights, political repression, environmental destruction, and the breakdown of such essential services as primary education and health care.

(2) Famine and war have killed an estimated 2,000,000 people in Ethiopia and Sudan since 1985, and generated another 8,000,000 displaced persons and refugees, a number so high as to make millions wards of the United Nations and international community. Relief officials now estimate that another 15,000,000 to 20,000,000 people are threatened by starvation as civil war and drought continue to ravage the area.

(3) Governments and armed obligation groups in Ethiopia, Sudan, and Somalia have been guilty of gross violation of human rights, which further erode food security in those countries.

(4) Countries in the Horn of Africa are among the poorest in the world, yet military expenditures by regimes in the region consumed as much as half of all government revenues, thereby diverting scarce resources from development and basic human needs.

(5) Until recently, United States and Soviet security aid in the Horn of Africa has served short-term Cold War objectives. This and other foreign security aid have exacerbated the conflicts and suffering in the Horn of Africa by contributing to the militarization of the region and entrenching undemocratic regimes.

(6) Assistance from the International Development Association and other international financial institutions have not productively addressed the major causes of hunger and poverty in the Horn of Africa. Neither has the International Monetary Fund been effective at achieving economic reform objectives through lending programs in circumstances of conflict such as have existed in the Horn of Africa in recent years.

(7) Such assistance policies have failed in large part because they did not target assistance to assist the poor majority and did not build upon or support the activities of indigenous and international nongovernmental organizations. Programs to achieve sustainable development and food security must

support a grassroots approach which aids the poor majority.

(8) Appropriate assistance should also promote real food security which means access by all people at all times to enough food for an active and healthy life and the availability of sufficient income and food to prevent a chronic dependency upon food assistance.

(9) The end of the Cold War rivalries in the Horn of Africa affords the United States the opportunity to develop a policy which addresses the extraordinary food security problem in the region.

(10) Notwithstanding other pressing needs, the United States must accordingly fashion a new foreign policy toward the Horn of Africa and cooperate with other major donors and the United Nations—

(A) to develop an emergency relief plan which meets the immediate basic human needs that arise as long as civil strife and famine afflict the region;

(B) to promote immediately ceasefires, secure relief corridors, and an end to these conflicts; and

(C) to provide creative development assistance which attacks the root causes of famine and war and assists these nations on the path to long-term food security, reconstruction, voluntary repatriation, economic recovery, democracy, and peace.

##### SEC. 1062. HORN OF AFRICA RELIEF AND REHABILITATION PROGRAM.

(a) **EQUITABLE DISTRIBUTION OF RELIEF AND REHABILITATION ASSISTANCE.**—It shall be the policy of the United States in promoting equitable distribution of relief and rehabilitation assistance in the Horn of Africa—

(1) to assure noncombatants (particularly refugees and displaced persons) equal and ready access to all food, emergency, and relief assistance and, if relief or relief agreements are blocked by one faction, to continue supplies to the civilian population located in the territory of the opposing faction;

(2) to provide relief, rehabilitation, and recovery assistance to promote self-reliance, such as seeds, tools, water management technology, training, credit, child immunization and other health care, school construction, animal inoculation, and veterinary and medical supplies; and

(3) to assure that relief shall be provided on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

(b) **MAXIMIZING INTERNATIONAL RELIEF EFFORTS.**—It shall be the policy of the United States in seeking to maximize relief efforts for the Horn of Africa—

(1) to redouble its commendable efforts to secure safe corridors of passage for emergency food and relief supplies in affected areas and to expand its support for the growing refugee population;

(2) to commit sufficient Food for Peace resources and Office of Foreign Disaster Assistance resources to meet urgent needs in the region and to utilize unobligated security assistance to bolster these resources; and

(3) to consult with member countries of the European Community, Japan, and other major donors in order to increase overall relief and development assistance for the people of the Horn of Africa.

(c) **HORN OF AFRICA CIVIL STRIFE AND FAMINE ASSISTANCE.**—

(1) **AUTHORIZATION OF ASSISTANCE.**—The President is authorized to provide assistance under chapter 6 of title I of the Foreign Assistance Act of 1961 (relating to inter-

national disaster assistance) for civil strife and famine relief, rehabilitation, and recovery in the Horn of Africa. During the remainder of fiscal year 1991, such assistance may be provided under chapter 9 of part I of that Act.

(2) **DESCRIPTION OF ASSISTANCE TO BE PROVIDED.**—Assistance pursuant to this subsection shall be provided for humanitarian purposes and shall include—

(A) relief and rehabilitation projects to benefit the poorest people, including (as needed) the furnishing of seeds for planting, fertilizer, pesticides, farm implements, crop storage and preservation supplies, farm animals and vaccine and veterinary services to protect livestock on which people depend; blankets, clothing, and shelter; emergency health care; emergency water and power supplies; and basic education; and

(B) emergency food assistance (primarily wheat, maize, other grains, processed foods and oils) for the needs of the affected and displaced civilian population of the Horn of Africa; and

(C) inland and ocean transport and storage of emergency food assistance, including the provision of trucks and other such measures.

Assistance pursuant to subparagraphs (B) and (C) shall be in addition to any such assistance provided under title II of the Agricultural Trade Development and Assistance Act of 1954.

(3) **USE OF PVOS FOR RELIEF, REHABILITATION, AND RECOVERY PROJECTS.**—The maximum utilization of United States, international, and indigenous private voluntary organizations prudent to carry out this subsection is urged.

(4) **EMERGENCY HEALTH PROJECTS.**—The maximum inclusion of emergency health projects, including efforts to provide primary health care systems, prudent to carry out this subsection is urged.

(5) **BASIC EDUCATION PROJECTS.**—The maximum inclusion of projects to provide basic education, including efforts to support the teaching of displaced children, prudent to carry out this subsection is urged.

(6) **MANAGEMENT SUPPORT ACTIVITIES.**—Up to two percent of the amount made available each fiscal year under paragraph (7) for use in carrying out this subsection may be used by the Agency for International Development for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian and food assistance for the Horn of Africa pursuant to this subsection and subsection (d).

(7) **TRANSFER OF SECURITY ASSISTANCE FUNDS.**—To carry out this subsection, the authority of section 6101 of the Foreign Assistance Act of 1961 may be used to transfer unobligated security assistance funds made available for fiscal years 1992 and 1993 for use in carrying out this subsection without regard to the 20-percent increase limitation contained in that section. As used in this paragraph, the term "security assistance funds" means funds available for economic support assistance, foreign military financing assistance, or international military education and training.

(d) **EMERGENCY FOOD ASSISTANCE.**—The President is urged to use the authorities of title II of the Agricultural Trade Development and Assistance Act of 1961 to provide supplemental emergency food assistance for the various civilian victims of civil strife in the Horn of Africa in accordance with paragraphs (2)(B), (2)(C), and (3) of subsection (c), in addition to the assistance otherwise provided for such purpose.

**SEC. 1063. HORN OF AFRICA PEACE INITIATIVE.**

(a) **SUPPORT FOR GRASSROOTS PARTICIPATION.**—It shall be the policy of the United States in promoting peace and development in the Horn of Africa—

(1) to support expanded pluralistic and popular participation, the process by which all groups of people are empowered to involve themselves directly in creating the structures, policies, and programs to contribute effectively to equitable economic development, and to local, national, and regional peace initiatives;

(2) to ensure that all citizens enjoy the protection of civil, political, economic, social, religious, and cultural rights, an independent judiciary, and representative governmental institutions, regardless of gender, religion, ethnicity, occupation, or association; and

(3) to provide assistance to indigenous nongovernmental institutions working in government-controlled or opposition-controlled territories that have the capacity or potential to promote conflict resolution, to advance development programs, or to carry out relief, which routinely includes rehabilitation activities (as described in section 1062(a)(2)).

(b) **CONSULTATIONS.**—The President is encouraged to undertake immediate consultations with the Soviet Union and other nations, with armed and unarmed parties in the Horn of Africa, and with the Secretary General of the United Nations in order to bring about negotiated settlements of the armed conflicts in the region.

(c) **MECHANISMS.**—It is the sense of the Congress that, to best achieve the policy under subsection (a), the President should—

(1) direct the United States representative to the United Nations to—

(A) urge the Secretary General of the United Nations to make ceasefires, safe corridors for emergency relief, and negotiated settlements of the armed conflicts in the Horn of Africa a high and urgent priority;

(B) propose that the United Nations Security Council establish a United Nations arms embargo to end the supply of arms to the region, pending the resolution of civil wars and other armed conflict; and

(C) pledge diplomatic and material resources for enhanced United Nations peacekeeping and peacemaking activities in the region, including monitoring of ceasefires;

(2) play an active and ongoing role in other fora in pressing for negotiated settlements to such conflicts; and

(3) support and participate in regional and international peace consultations that include broad representation from the nations and factions concerned.

**SEC. 1064. HORN OF AFRICA FOOD SECURITY AND RECOVERY STRATEGY.**

(a) **TARGETING ASSISTANCE TO AID THE POOR MAJORITY; USE OF PVOs AND INTERNATIONAL ORGANIZATIONS.**—

(1) **TARGETING ASSISTANCE.**—United States development assistance for the Horn of Africa should be targeted to aid the poor majority of the people of the region (particularly refugees, women, the urban poor, and small-scale farmers and pastoralists) to the maximum extent practicable. United States Government aid institution should seek to—

(A) build upon the capabilities and experiences of United States, international, and indigenous private voluntary organizations active in local grassroots relief, rehabilitation, and development efforts;

(B) consult closely with such organizations and significantly incorporate their views into the policymaking process; and

(C) support the expansion and strengthening of their activities without compromising their private and independent nature.

(2) **PVOs AND INTERNATIONAL ORGANIZATIONS.**—While support from indigenous governments is crucial, sustainable development and food security in the Horn of Africa should be enhanced through the active participation of indigenous private voluntary organizations as well as international private voluntary organization and international organizations with demonstrated ability to work as partners with local nongovernmental organizations and a commitment to promote local grassroots activities on behalf of long-term development and self-reliance in the Horn of Africa.

(3) **RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS.**—United States assistance should not be provided to the Government of Ethiopia, the Government of Somalia, and the Government of Sudan until concrete steps toward peace, democracy, and human rights are taken. Meanwhile, programs of developmental assistance should be promoted by supporting United States, indigenous, and international private voluntary organizations working in the afflicted countries. Assistance of this sort must be expanded as quickly as possible.

(b) **EXAMPLES OF PROGRAMS.**—Assistance pursuant to this section shall include programs to—

(1) reforest and restore degraded natural areas and reestablish resource management programs,

(2) reestablish veterinary services, local crop research, and agricultural development projects,

(3) educate young people outside of their countries if conflict continues, restore primary education, and rebuild schools,

(4) reconstitute and expand the delivery of primary and maternal health care, and

(5) establish credit, microenterprise, and income generation programs for the poor.

(c) **VOLUNTARY RELOCATION AND REPATRIATION.**—Assistance pursuant to this section should also be targeted to the voluntary relocation and voluntary repatriations of displaced persons and refugees, once peace arrives. Assistance pursuant to this chapter may not be made available for any costs associated with any program of involuntary or forced resettlement of persons.

(d) **DEBT RELIEF, INTERNATIONAL FUND FOR RECONSTRUCTION.**—Developmental assistance for the Horn of Africa should be carried out in coordination with long-term strategies for debt relief of countries in the region and with emerging efforts to establish an international fund for reconstruction of developing nations which settle civil wars.

(e) **ASSISTANCE THROUGH PVOs AND INTERNATIONAL ORGANIZATIONS.**—Unless a certification has been made with respect to that country under section 1066, assistance for the people of Ethiopia, Somalia, and Sudan pursuant to this section shall be provided only through—

(1) United States, international, and indigenous private voluntary organizations (as defined in section 5101(e)(2) of the Foreign Assistance Act of 1961), or

(2) through international organizations with demonstrated effectiveness in working in partnership with local nongovernmental organizations and a commitment to the promotion of local grassroots activities on behalf of development and self-reliance in the Horn of Africa (such as the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the

United Nations Development Program, and the World Food Program).

(f) **UNITED STATES VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS FOR DEVELOPMENT ASSISTANCE FOR THE HORN OF AFRICA.**—It shall be the policy of the United States to provide increasing voluntary contributions to United Nations agencies (including the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program) for expanded programs, of assistance for the Horn of Africa and for refugees from the Horn of Africa who are in neighboring countries.

(g) **DEVELOPMENT ASSISTANCE AUTHORITIES.**—

(1) **IN GENERAL.**—After the effective date specified in section 1101 of this Act, assistance to carry out this section shall be provided pursuant to the authorities of subchapter A of chapter 2 of title I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 1 of title V of that Act (relating to the Development Fund for Africa).

(2) **FISCAL YEAR 1991.**—For the remainder of fiscal year 1991, assistance to carry out this section shall be provided under chapters 1 and 10 of part I of the Foreign Assistance Act of 1961. Such assistance may be provided through private voluntary organizations pursuant to subsection (e)(1) notwithstanding any provision of law that would otherwise prohibit assistance to Ethiopia, Somalia, or Sudan under the Foreign Assistance Act of 1961.

(h) **PROHIBITION ON ASSISTANCE TO GOVERNMENTS.**—Assistance pursuant to this section shall not be transferred to the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification described in section 1066 with respect to that government. This subsection does not prohibit private voluntary organizations and international organizations receiving assistance pursuant to subsection (e) from working with appropriate ministries or departments of any such government.

**SEC. 1065. PROHIBITIONS ON SECURITY ASSISTANCE TO ETHIOPIA, SOMALIA, AND SUDAN.**

Economic support assistance, foreign military financing assistance, international military education and training may not be provided for fiscal year 1992 or 1993 for the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification described in section 1066 with respect to that government.

**SEC. 1066. CERTIFICATION.**

The certification required by sections 1064 and 1065 is a certification by the President to the appropriate congressional committees that the government of the specified country—

(1) has begun to implement peace agreement, national reconciliation agreements, or both;

(2) has demonstrated a commitment to human rights within the meaning of section 6302 of the Foreign Assistance Act of 1961;

(3) has manifested a commitment to democracy, has held, or scheduled, free and fair elections, and has agreed to implement the results of those elections; and

(4) in the case of a certification under sections 1064 (e) and (h), has agreed to distribute development assistance without discrimination.

**SEC. 1067. REPORTING REQUIREMENT.**

Not later than 180 days after the date of the enactment of this Act and each 180 days thereafter, the President shall submit a report to the appropriate congressional committees concerning efforts and progress in carrying out this chapter.

—Page 685, strike out lines 1 through 9; line 10, strike out “(d)” and insert in lieu thereof “(c)”; and page 685, strike out line 22 and all that follows through line 18 on page 686.

—Page 688, strike out lines 12 and all that follows through line 9 on page 689 and insert in lieu thereof the following:

(b) ASSISTANCE FOR BASIC HUMAN NEEDS.—Should any assistance be provided to meet basic human needs in Sudan, the President shall take the necessary steps to ensure that such assistance reaches the intended recipients.

By Mr. HOYER:  
—Page , after line , (in Section 242 of the reported bill) insert the following:

**SENSE OF THE CONGRESS CONCERNING THE EXCHANGE OF INFORMATION ON WEAPONS SALES**

It is the sense of the Congress that the United States should introduce, during the ongoing negotiations on confidence and security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information on the sale and transfer of major weapons and equipment systems. The proposal should include—

(1) a requirement that participating States exchange annually information on sales and transfers of major weapons and equipment systems;

(2) a requirement that such information be exchanged in an agreed format to all other

participating States not later than December 15 of each year;

(3) a requirement that such information include information on any sale or transfer of major weapons and equipment systems (including any such sale or transfer to any nonparticipating State) and information regarding such sale or transfer that specifies—

(A) the quantity and type of weapon or equipment that is the subject of such sale or transfer;

(B) the date of such sale or transfer;

(C) the location of such weapon or equipment prior to such sale or transfer; and

(D) the State or other party receiving such weapon or equipment; and

(4) a requirement that such information be discussed at the annual implementation assessment meeting of the CSCE Conflict Prevention Center.

## EXTENSIONS OF REMARKS

## PROJECT NEW BEGINNING

## HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Dade County Public Schools Project New Beginning is a recently developed initiative to provide bilingual instruction services to students who are identified as limited English-proficient children. At last count, the number of students who needed this service in Dade County alone was at 40,540. If this program is initiated, its effect could result in monumental strides in education.

As the fourth largest school district in the Nation, Dade County serves a diversity of racial and ethnic groups in school communities. This county has been the point of entry for many immigrants in recent years. As such, many students entering various schools in the district have little or no knowledge of the English language. Since it takes 2 to 3 years to learn English well enough to complete the regular work of the grade in English, this language difficulty presents a unique educational dilemma. Project New Beginning is one way to address it.

The initial goals of the project are to develop the rapid acquisition of English skills, develop the necessary literacy levels to enable students to enter the current transitional bilingual programs such as ESOL, lower the drop-out rates for limited English-proficient students, and promote a positive self-image among these types of students. The program is designed to address the needs of 300 students in grades 6 to 8 of three middle schools highly impacted by recent arrivals. Its success is contingent on a pending grant it must receive from the U.S. Department of Education.

The needs of south Florida's public school system are of a truly unique nature. Dade County School Superintendent Octavio J. Visiedo; Assistant Superintendent Gwendolyn Jennings Kidney; director of grants administration, Katherine Schemel; executive director of bilingual foreign language education, Ralph Robinett; and director of bilingual foreign language education, Mercedes Toural understand the distinctive requirements of the south Florida community. With their leadership, this needed program could begin to solve this educational difficulty.

COMMEMORATING THE  
SESQUICENTENNIAL OF LYNN, IN

## HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. SHARP. Mr. Speaker, congratulations are due to the people of Lynn, IN, on the observance of their town's sesquicentennial.

From its earliest days in the 1840's, when Jacob Hinshaw brought his trading post to this spot in east central Indiana, the town of Lynn has experienced triumphs and tragedies, but has remained true to its solid small town strengths and values. Early in the 20th century, when as many as 10 passenger trains a day passed through Lynn, the town was a bustling scene of commerce, attracting merchants, and farmers alike who settled in to raise their families. Tragedy in the form of a cholera epidemic swept the town in 1849, and as recently as 1986, a tornado struck, the town, ultimately causing an estimated \$5 million in destruction to property in the area. Yet, even as the 20th century seemed to move its attention away from Lynn as a center of commerce, its population has nearly remained steady at roughly 1,200 for the past 100 years. This is a town where people know the meaning of "neighborliness," where friends help friends. Throughout its history, the people of Lynn have demonstrated their unwavering belief in the values of small town life.

It is a pleasure for me to give you this brief introduction to Lynn, IN, a town celebrating its 150th birthday with what we call Hoosier pride. Please join me in giving them our warmest congratulations, and best wishes for a peaceful and prosperous future.

A CONGRESSIONAL TRIBUTE TO  
SCOUTMASTER JERRY FRUHWIRTH

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. I would like to take this opportunity to acknowledge the outstanding achievements of Mr. Jerry Fruhwirth.

Dedicated to the growth and education of this country's young men, the Boy Scouts of America has long stood as one of the United States greatest organizations. If there is one thing that has consistently set the Boy Scouts apart, it has to be the quality of their leadership. I stand here today to salute a man who has exemplified that spirit of dedication and leadership throughout his 14-year affiliation with the Scouts.

Since 1977, Jerry Fruhwirth has been an active member of Boy Scouts. He took over as Scoutmaster for Troop 65 in 1982, and has served in that capacity ever since. Under his guidance, Troop 65 has grown to become the largest Scout program in the Long Beach Area Council. Working together with a group of dedicated adult assistant leaders, Jerry has built an outstanding Scouting program that is based on traditional Scouting values combined with an energetic schedule of troop outings and activities. These factors have combined to create a program defined by its excellence, with more than 25 members reaching the elite rank of Eagle Scout. Troop 65 has been recognized by the Boy Scouts national organization as exemplifying the ideals of a model Scouting program.

Although he prefers to point out the merits of his assistants and his troop, Mr. Fruhwirth's outstanding leadership has not gone unnoticed. He has received numerous Scouting awards, including the Scoutmaster Award of Merit, and just this year the Silver Beaver, the highest honor awarded by the Scouting Council. Most importantly, though, his efforts have been noticed by the countless lives he has touched and influenced throughout his career in Scouting.

On June 6 of this year, Troop 65 will be honoring their respected and beloved Scoutmaster, "Shorty" Fruhwirth, on the occasion of his retirement. The Long Beach Scouting community obviously takes great pride in its association with Jerry, his wife, Sally, and their children, Nancy and Steve.

Mr. Speaker, my wife, Lee, joins me in extending this congressional salute to Scoutmaster Jerry Fruhwirth. We wish him all the best in the years to come.

## THE DRUG SCOURGE

## HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. COUGHLIN. Mr. Speaker, on June 4, the former lead singer of the Temptations, David Ruffin, died of a drug overdose in a Philadelphia hospital. For the past three decades, Mr. Ruffin had blessed the entertainment world with his voice. Today he is no longer a singer, but a drug statistic.

At the time of his death, Mr. Ruffin had no identification on his person and it was not until his fingerprints were identified by the FBI that the John Doe lying lifeless in the hospital became somebody worthy of a grand headline in a newspaper. Unfortunately, there are those who die from drugs every day, but we never hear about them because they are not named David Ruffin or Len Bias.

Mr. Speaker, what it will take to end the drug scourge in our country? This question is

\* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

especially on the minds of those who do not have a lead singer of a popular music group or a professional athlete as a part of their family, but who do have a son or daughter who may no longer be alive because of a fatal encounter with drugs.

Drugs do not afflict a particular race, religion, or economic stratification. I am sorry to say that last week drugs claimed yet another life, but I am more sorry to say that tomorrow more lives will be lost due to drugs. They, however, probably won't make the headlines. Mr. Speaker, is it not time to take a stand or must we wait for more entertainers, actors, athletes, or perhaps the boy or girl next door to join David Ruffin?

EVERYBODY HAS THE RIGHT TO  
BE FREE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. MICHEL. Mr. Speaker, one of my constituents, Robert Mason of Glasford, IL, has created a commemorative plaque with the chronology of the Persian Gulf war put to rhyme, and entitled "Everybody Has the Right To Be Free."

The sentiments are well expressed and I submit for the RECORD at this point the text of the poem:

EVERYBODY HAS THE RIGHT TO BE FREE

(A chronology of the Persian Gulf War—By  
Robert Mason)

(Dedicated to the allied nations who participated in the Persian Gulf war and successfully defended freedom against tyranny in Operation Desert Storm, January 17, 1991—February 27, 1991)

The headlines read Hussein rolls through Kuwait

Denied the very existence of a sovereign state

True, it's not a democracy  
But the people lived in harmony

And everybody has the right  
To stand up and fight

For what they believe

Everybody has the right to be free.

Many of the countries people fought and died  
But the knife in the butchers hand couldn't  
be denied

He carved out his own boundaries  
To suit his own selfish greed  
So the world couldn't turn their back

On the danger from Iraq

Or the Saudi Arab plea

Everybody has the right to be free.

Everybody has the right

To feel a sense of pride

For those who fought and died for liberty

Everybody has the right

To raise the flag high

For we fought for the right to be free.

The nations of the world set down a clear  
mandate

For the soldiers of Iraq to pull out of Kuwait  
But their leader didn't advocate

And the allies didn't hesitate

So the sounds of war began

From a line drawn in the sand

To the Persian Sea

Everybody has the right to be free.

Over 25 countries went north to quell the  
storm

Both the Arabs and the west became com-  
rades in arms

Old enemies that disagreed

United for a common need

Its a very different war

Than the ones we fought before

To defend democracy

Everybody has the right to be free.

The lightning strikes

The thunder roars

And the eagle flies

In the desert storm.

The news of war is high technology

Beamed by satellite to your living room on

T.V.

Missiles streaking through the air

Smart bombs landing everywhere

See the prisoners on display

What a price they had to pay

In pride and dignity

Everybody has the right to be free.

The cost of war is always hard to take

The bombing of Baghdad, the killing of Ku-

wait

Terrorism that no one planned

Has ruined the tide and scorched the land

The oil fields set ablaze

In a senseless act of rage

On the worlds ecology

Everybody has the right to be free.

Everybody has the right

To feel a sense of pride

For those who fought and died for liberty

Everybody has the right

To raise the flag high

For we fought for the right to be free.

Lasting peace is the hope of all mankind

But peace without freedom is only a disguise

Heads of state that rule by force

It's time to choose a different course

Respect the rights of man

And meet with their demands

For more democracy

Where everybody has the right to be free.

TRIBUTE TO THE SOUTH FLORIDA  
INTERNATIONAL ACADEMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure today to pay tribute to the South Florida International Academy. This school specializes in helping students who are handicapped and have special needs. But this is not the only thing that makes the academy the unique institution that it is. The academy is not for profit; they are indirectly funded by the Private Industry Council. The payment of tuition is based on the family's ability to pay. The teachers who work at the academy are not working for the money, but working for the cause.

The academy is only 2 years old and has already made unbelievable progress in helping students overcome their disabilities. With only 29 out of 35 students paying tuition, money is thin, yet the teachers never quit. The teachers work hard because the students have an unusual desire to learn. They all have a common will to not give up. There is a wide variety of needs and each student has a different disability to overcome, yet many of the students are gifted in their own ways.

The South Florida International Academy has a unique program in which the students have the opportunity to capitalize on their strengths and improve on their weaknesses by having the program individualized. The academy uses contract learning so that all students become responsible for their achievements and have the opportunity to progress at their own pace. For this reason, the school consists of students who welcome an educational challenge, who want to find ways to achieve academic success, and who are determined to find ways to cope with their disabilities.

Ms. Lise Holash, executive director of the academy and also a teacher, wrote of one of the first students who attended the school named Carmita Souffrant. I was very touched by this young lady's achievements and I would like to take this opportunity to relay them to you. Carmita Souffrant did complete high school, but only with a special certificate for she was reading at a second grade level. Her objectives and the objective of the academy was to raise her reading level to the fifth grade. Her dream was to become a nursing assistant.

Through kinetic exercises, computer assisted learning, auditory exercises, visual discrimination exercises, and other activities that improved reading comprehension, she progressed rapidly. Carmita's will to learn was remarkable. The academy did not tell Carmita that her goal was reached within months, but only told her that she was doing very well. She kept trying and she kept progressing beyond her goal. Now, Carmita has completed all high school graduation requirements and competencies. She has successfully written a published GED, the high school graduation equivalency exam.

Since her achievements at the academy her dreams have changed, she now wishes to become a registered nurse. Soon she will be attending Florida Atlantic University. In 6 years, Carmita Souffrant will complete a 4-year degree, a reality truly beyond her wildest dreams. This young lady is blessed with the will to never give up, to always keep trying. This quality is what makes her an exceptional person and this is the quality that is a part of all the students at the academy.

James Easton, fifth grade, is another student at the academy. He has a great deal of difficulty dealing in an environment where other students can easily distract him. Teachers in his old school could not give him the attention he needed and recommended that he try the South Florida International Academy. From an environment in which learning was virtually impossible, a recent standardized test exam taken at the International Academy proved that James is now achieving a post-secondary level in many subjects such as math, science, and listening comprehension.

The students at the South Florida International Academy are not disabled in the sense that they cannot learn, but these students have learning disabilities. They need to find alternative ways to achieve goals that others might accomplish with ease. Many times, the students need psychological help in order to learn of ways to deal with certain problems they may be having, whether it be something that directly affects their education or a problem at home that is indirectly causing their dis-

ability. In these cases, Dr. Marvin Silverman and his team of psychologists work to help the students overcome their problem.

The thrill of the students' achievements are what keeps the school open and the teachers from losing faith. I not only commend the students of the institution, but I especially want to recognize the hard work and dedication of the committed teachers: Wayne Wiltens, administrative principal; Lise M. Holash, executive director; Elizabeth Waddell, Anita Tapiero, Lee Walsky, Dr. Warren Asby, Wanda Alexander, Maryland McFadden, and David Bowder, volunteers. These are the people who make the South Florida International Academy what it is, a truly unique educational institution.

#### CUSTOMS MODERNIZATION ACT OF 1991

##### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. CRANE. Mr. Speaker, I am pleased to introduce, by request, the administration's proposed Customs Modernization Act of 1991. This bill amends the Tariff Act of 1930 to simplify customs procedures, facilitate the entry and clearance of vessels, and increase the effectiveness of the Customs Service in commercial matters. This bill represents the first major overhaul of the Tariff Act since 1978, and is viewed by the trade community as the vehicle to give Customs the legal basis to update passenger and cargo processing for the 21st century.

As the Nation moves toward important agreements to liberalize trade in the years ahead, we in the Congress must ensure that the Nation has the adequate capacity to process the expected increase in import and export activity, as well as to protect against violations of our narcotics and trade laws. The Customs Service is the frontline Federal agency charged with balancing this dual mission.

At the heart of the Modernization Act is the important goal of moving Customs processing into the electronic age by providing the authority for full electronic processing of all Customs-related transactions. This change offers the promise of eliminating needless and burdensome paperwork for both Customs and the importing public. Although a great deal of information is now transmitted electronically through Customs' automated commercial system, archaic statutory provisions still require paper documentation for manifests and invoices, for example. Paper is also relied upon as evidence in court proceedings. The administration bill gives Customs authority to waive unnecessary paperwork for most transactions, while still allowing the small importer to continue to use paper if necessary.

A second major proposal in the Modernization Act establishes a new National Entry Processing [NEP] Program. Under current law, Customs entry processing must take place at the same port where goods are imported. Therefore, importers must have a physical presence, usually a broker, in every port where they do business. NEP would allow goods to enter in one port, Customs process-

ing to be handled in the importer's home city, and the goods to arrive at a third destination city. Further, the importing company would have a dedicated Customs customer representative who would process all transactions. Clearly, this is a promising concept that should become the preferred system for doing business.

Another change intended to facilitate the free flow of goods includes periodic entry and payment provisions, which would benefit repetitive, large-volume importers and more closely conform to existing commercial practices. In addition, the Modernization Act includes new and strengthened enforcement, recordkeeping and procedural changes in the Customs laws.

Mr. Speaker, on June 4, I was pleased to become an original cosponsor of a companion Customs bill, H.R. 2512, the Customs Informed Compliance and Automation Act of 1991, introduced by my colleague on the Ways and Means Committee, Mr. PEASE, on behalf of the Joint Industry Group. The Joint Industry Group represents the major elements of the trade community, and is to be commended for assembling the package of legislative proposals contained in H.R. 2512. The Pease-Crane bill mirrors the administration bill in several important respects, since it includes similar provisions for full electronic processing, NEP, and periodic entry and payment. The bill then goes on to incorporate proposals to further facilitate import transactions, such as improving the operation of Customs labs, reforming Customs seizure authority, and clarifying the definition of import fraud.

The two bills taken together will form the basis for consideration of changes to our customs laws by the Ways and Means Trade Subcommittee this year. Both the administration and the JIG are to be commended for their efforts to move this legislation forward.

As the subcommittee begins debate on these bills, I feel there are several key questions that will need to be explored. First, the subcommittee must be assured that Customs has adequately planned and prepared for the large-scale changes that these modernization efforts will bring. In the past, Customs has had difficulties in this area. Second, we must consider the full costs of the modernization proposals, both to the Government and the trade community in the private sector. Third, we must make sure that the needed changes take place within a realistic, predictable timeframe that guarantees success.

I look forward to working with the administration, the JIG, as well as other concerned parties such as the brokers and sureties, to ensure that a fair and equitable bill emerges at the end of the day. In addition, due to the technical nature of the bill and recent GAO projects for the Oversight and Trade Subcommittees, Chairman GIBBONS and I requested and received GAO comments on both proposals, and I thank them for their assistance to the subcommittee.

Finally, Mr. Speaker, the trade community rightfully demands that we move forward to facilitate the movement of goods and people across our borders. To do anything less threatens the competitive advantage of our Nation's key industries and the very future of the American economy. These two legislative

proposals set the key parameters of our task. I look forward to working together with Chairman GIBBONS to craft visionary modernization legislation that meets the real-world needs of both business and law enforcement well into the next century.

#### DEREGULATION IS GOOD FOR THE AIRLINE INDUSTRY

##### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. DUNCAN. Mr. Speaker, many times we hear the problems of the airline industry blamed on something called deregulation.

If we hadn't had very limited deregulation several years ago, I hate to think about all the delays and problems there would be in airline travel today, because demand for this service has gone way up.

However, this industry remains as one of the most heavily regulated in this country today.

If we are ever going to get more competition, and thus better service, into the airline industry again, we need to deregulate much further.

We must work to remove all the artificial barriers to entry that are presently imposed by government at various levels today.

In this regard, I would like to call the attention of my colleagues and others to two very thoughtful letters from the June 7, 1991, issue of the Wall Street Journal.

I do not know either of these men, but I am certainly impressed by their comments, and I would like to have their letters reprinted in today's CONGRESSIONAL RECORD.

[From the Wall Street Journal, June 7, 1991]

#### GUESS WHO DEREGULATION BENEFITS?

Paul Stephen Dempsey's Counterpoint article, "The Disaster of Airline Deregulation" (op-ed page, May 9), deserves a rational response. The facts are: Millions more people can afford to fly under deregulation; other than business people's fares (unrestricted coach, business-class and first-class), airline prices are lower; the author's much-admired foreign carriers charged much higher rates (a flight from Madrid to Paris and back, over a weekend, is \$455. For 20% less in the U.S., you can fly coast-to-coast, three times the distance.)

As for fleet aging (Mr. Dempsey accepts aging as a given under deregulation), the aging of aircraft may have been even worse without deregulation. He believes that because airports are publicly owned, the public should own or at least manage the vehicles using the airports. Presumably, he would thus advocate that the government own or manage all automobiles because they use publicly owned roads.

There are five categories of people opposed to airline deregulation: the utopian crusaders who believe the world and its people "ought" to behave in a certain manner that is unnatural; special-interest groups that benefit most from the "protection" of regulation, including airline and travel-industry employees; lawyers and bureaucrats whose lifeblood is regulation, regardless of the ultimate cost; those who believe other people are incompetent and unable to make their

own decisions and therefore must be protected with laws and regulations to keep them from hurting themselves; and, those already in the airline business who would like to prevent newcomers from making business tougher.

Stacked against those groups is only one category not opposed to deregulation: the consumer.

BRUCE REICHERT,  
Vice President, Leisure Resource.

Mr. Dempsey claims airline deregulation is responsible for higher air fares. He fails to mention that no large U.S. city has completed a new airport since Dallas-Fort Worth in 1974; yet passenger air travel has risen nearly 150% since that time. Thus airport facilities have failed to keep pace with the demand for air travel.

In a market economy a shortage of runway space and gate facilities would result in higher landing fees and new airport construction. But federal rules do not permit market-based pricing for runway use, and (because of the budget crisis) officials have not spent earmarked tax dollars to alleviate the shortage of airport facilities. In this setting, carriers can capture the scarcity value of runway space by raising ticket prices, but the shortage itself is a creation of government policy.

The same analysis predicts that cities that construct new airports will experience significant decreases in air fares when gates become available for competing carriers. Denver is nearing completion of a new airport now, so it is likely to experience a fare war in the near future.

If fares do decline in the Denver market, it should be apparent to the critics of deregulation that recent fare increases are the result of government-created bottlenecks at our airports. Rather than re-regulate carriers, a better response would be to privatize the airports.

THOMAS L. WYRICK,  
Professor of Economics,  
Southwest Missouri State University.

#### UNITED STATES CANNOT TURN BLIND EYE TO EVENTS IN LITHUANIA

#### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. COUGHLIN. Mr. Speaker, United States dealings with the Soviet Union continue, in a general sense, to move forward. The recent announcement that the Conventional Forces in Europe Treaty is virtually complete, the just-concluded agreement on peace in Angola, reports that the Soviet economy is about to undergo wholesale reform, and the prospective popular election of a President of the Russian Republic are all signs of this progress.

Unfortunately, however, it seems that there are still many in the U.S.S.R. who remain resistant to change and are determined to turn back the clock. Clearly, this is evident from this week's report by Soviet Prosecutor General Nikolai Trubin that the violence that we witnessed last January 13 in Lithuania was the fault of Lithuanian demonstrators.

Mr. Speaker, this report is wholly at odds with the truth, and it is nothing less than a total whitewash. The events of last January

were observed personally by numerous independent observers, including Western reporters, who have placed the blame squarely on Soviet troops. Mr. Trubin—who also rejected Government responsibility for events that led to civilian deaths in Novocheerkassk in 1962 and, more recently, in Tbilisi, is seeking a return to the Neanderthalic days of the Soviet Communist past.

Mr. Speaker, the United States wants continued advancement in the United States-Soviet relationship. But such progress—as American Presidents and congressional Representatives of every political persuasion have stated for years—cannot occur in a human rights vacuum. We all want peaceful and prosperous relations with the U.S.S.R. in the future, but we cannot dismiss Government culpability for serious human rights abuses.

The Soviet leadership wants United States assistance in making the kind of dramatic changes that are necessary to pull the U.S.S.R. out of its current crisis. To the extent that such assistance brings the U.S.S.R. into comportment with international law and standards for human rights, it is in our own interests to support it.

The notion, however, that we will look the other way as innocent, unarmed citizens are threatened or assaulted by Government troops is intolerable.

#### A CONGRESSIONAL SALUTE TO PAUL CROSHAW IN HONOR OF HIS SELECTION AS 1991 MAN OF THE YEAR

#### HON. GLENN M. ANDERSON

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual and public servant of my community. Paul Croshaw will be honored on Sunday, June 9, 1991, as the Los Angeles Democratic Committee's Man of the Year. This occasion gives me the opportunity to express my sincere appreciation for his many years of dedicated service to the Democratic Party.

Paul is an employee of a political direct mail and list company that provides a valuable service to the Democratic Party. His dedication to the Democratic Party extends past the workplace. He has been a tireless worker for Democrats throughout the State and the Nation. Paul's leadership in the Democratic Party of the county of Los Angeles, and the city of Long Beach has strengthened the party throughout the region.

After spending 1988 as a field organizer for Michael Dukakis, Paul spent 1989-1991 serving as an elected delegate from the 57th A.D. to the Democratic State Central Committee. During his tenure as delegate to the committee, Paul also served as a member of the Los Angeles County Committee, 1990; vice president of the Long Beach Democratic Club, 1989; president of that club, 1990 and 1991, and member of the board of directors to Greater Long Beach United Democrats, 1991.

The contributions that Paul Croshaw has made to the Democratic Party are immeas-

urable. On this occasion, my wife, Lee, joins me in extending our heartfelt thanks and congratulations. We wish Paul all the best in the years to come.

#### GRANVILLE, NY, CHURCH IS STEEPED IN LOCAL HISTORY AND WELSH TRADITION

#### HON. GERALD B.H. SOLOMON

OF NEW YORK  
IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. SOLOMON. Mr. Speaker, Americans are a religious people, and my 24th New York Congressional District is one of the most historical in the country.

Put those two facts together, and the result is a number of interesting churches whose records serve as virtual archives of 18th, 19th, and early 20th century American history. I'd like to bring another of those churches to your attention today.

The Peniel Presbyterian Church is located on Quaker Street in Granville, NY, which was the stopping place for a wave of Welsh immigrants in the mid-19th century. The first Welsh service in the village of Granville was held in 1872. The present building was not completed until 1901, and it has been one of our area's most beautiful structures, with its stained glass windows and pipe organ. The Welsh influence has faded, but the church remains a treasurehouse of historical and cultural lore.

The church was featured in a June 2 article in my hometown newspaper, the Glens Falls Post-Star. I submit the article for today's RECORD.

WELSHMEN LIVED BY THE "SOUND OF CHURCH  
BELLS" FROM GRANVILLE CHURCH

(By Joan Patton)

GRANVILLE.—Sometime around 1853, the first group of about 30 Welsh quarrymen came to Granville to work in the area's new slate quarries.

The earliest area Welsh church was founded in Fair Haven, Vt., in 1952. Non-sectarian, its members included Calvinist Methodists, Congregationalists and Wesleyans. A number of local Sunday schools were established in Vermont and in the Granville area.

The next wave of Welsh immigrants, arriving in 1859 or '60, were mostly Presbyterian. Welsh Presbyterian and Congregational congregations were formed in Middle Granville in 1860, but it wasn't until 1872 that the first Welsh service was held in Granville village.

Gwyneth Wood, whose parents emigrated in the early 1900s, has translated church records into English and has written an as-yet-incomplete history of the Peniel Presbyterian Church.

"Peniel" or Penuel comes from the Hebrew word for the Face of God.

The Rev. R.D. Jones was the first preacher. In 1874, John W. Edwards of West Pawlet and Roberts were called to take care of the new church.

Services were held in various buildings in Granville, including schoolhouses, Percy's Hall, and the Temperance Building.

Some of the early records of what became the Peniel Presbyterian Church were lost, Wood, said, but the surviving Sunday school records paint a clear picture of late 19th century Welsh language religious training. Even

the Bibles, Testaments and children's books used in the classes we sent from Wales.

According to Wood, the Welsh Sunday schools were closely supervised by an appointed committee, which not only assigned topics for the term, but met once a month to check into each school's progress.

The Welsh churches in the New York-Vermont border area formed a union, and in 1873 joined with the Welsh Churches of Central New York in a synod.

The Granville congregation soon outgrew its meeting places. In 1883, the governing body bought the former Baptist Church on Morrison Street for \$1,400.

As the influx of immigrants continued through the 1890s, church membership also grew. The slate business was so good there was a labor shortage and word was sent to Wales in 1891 that 300 workers were needed. Only two years later, the U.S. financial panic idled workers everywhere. The local quarry owners pool, established in 1888 to limit production, failed. However, another was formed in 1895 which lasted 30 years. The quarriers tried unsuccessfully to strike in 1880 and 1890 and tried to organize a union in 1894. There were other strikes in 1907 and 1916.

It is said the Welsh people lived by the sound of the church bells. There was such a large Welsh population in Granville village that every store had at least one Welsh-speaking clerk, and the Granville Sentinel sometimes published articles in Welsh.

In 1900, a committee appointed to find a location for a new church chose two lots on Quaker Street and Temple Place, despite some misgivings on the part of the landowner who hesitated, it is said, to sell property to people speaking a foreign language.

The congregation paid \$500 for the lots. The building committee ran into some snags when it tried to sell the church on Morrison Avenue to the Buckley Hose Co., and when it tried to take out a mortgage for \$3,000.

They persevered, and the congregation canvassed for pledges for the church. A slate company donated roof slates, people donated church furniture, the clock, memorial windows, dishes, Bibles, and sidewalk flagging.

Worshippers were expected to pay pew rent of 50 cents a year. The church arranged the seating, and no one could change seats without permission.

By 1908, the pew rents were abolished.

Once a month, the chairman of deacons would ask if anyone wanted to join the church. The pastor would speak with the individual, who would have to affirm he was a teetotaler.

The church on Morrison Avenue was sold to the Byzantine Rite Catholic Church, which used it for a number of years.

The first service in the present church was held Sunday, June 30, 1901. The membership had grown to over 330 adults and 120 children.

Puzzling, according to Wood, was the transient nature of membership during the early part of the 1900s. For instance, in 1905, 81 persons joined the church, but during the same years, 32 persons moved to other churches.

The church reached its peak membership during 1910-18.

It was becoming more and more difficult to find Welsh ministers for churches in the United States, and the churches couldn't pay for pension plans.

A committee studied other American churches and decided the Presbyterian Church was the most similar to the Calvinistic Methodist Welsh. The Peniel's request to allow Welsh churches to join the Pres-

byterian Church was successful, and the local churches voted to join.

The action was made official at the Presbyterian Church General Assembly in May 1920. The Peniel and Middle Granville Presbyterian churches share a pastor to this day.

The first minister chosen under the Presbyterian Church rules was the Rev. Samuel E. Prytherch, of Slatington, Pa., who arrived in Granville in 1932. He was responsible for such innovations as having Communion services alternately in Welsh and English to help young people understand the meaning of the service.

Another Welsh pastor from Slatington, the Rev. R. Lewis Jones, accepted the pastorate in 1943. He was the first minister granted leave to serve as an Army chaplain.

He was followed in 1948 by the last of the Welsh-speaking pastors, the Rev. Maldwyn A. Davies.

It was a time when immigration declined, many older members died, but the church continued to flourish. Davies left in 1950 to serve a church in Chevy Chase, Md. He is now retired and living in Wales.

Today, according to the Rev. James Hutton, the church, "which has always been a stable, small-town church, made up of stable, dedicated people, is experiencing slow but stable growth."

Hutton, a retired U.S. Navy chaplain, graduated from Hartford Theological Seminary, and served pastorates in Nebraska, California, New Jersey and 31 years as a naval chaplain before accepting the two local churches in the early 1980s. Hutton and his wife, Carol-Lynn, parents of two daughters, live in Orwell, Vt.

Many things have changed in the life of the church since the early 20th century, when the Welsh influence was strongest. Gone are the annual St. David's Day celebrations with the traditional Gymanfa Ganu (songfest) and the annual singing, reciting and musical competitions (Eisteddfod) which drew Welsh singers and musicians from all over the area.

Much of the Welsh cultural tradition has been preserved in a study center at Green Mountain College in Poultney, Vt.

Hutton does his part to help his congregation re-invigorate their Welshness. Each year, for St. David's Day in early March, he writes a brochure on an aspect of Welsh culture.

For Rev. Hutton, it's an urgent task to gather together the reminders of Peniel's past, like the silver baptismal bowl, the Welsh bibles and hymnals, communion plates and church memorabilia.

"When someone asked about that baptismal bowl, it started me thinking about what can happen if we don't take care to preserve our records and relics."

The sturdy frame church on Quaker Street, with its handsome stained glass windows and the pipe organ standing majestically behind the pulpit, remains the focal point of religious life for the descendants of Welsh quarriers and others who have sought peace within its doors.

#### MIDDLE EAST ARMS CONTROL INITIATIVE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an ex-

change of letters with the President of the United States regarding the important issue of arms control in the Middle East.

On April 4, 1991, a group of Members of the House, including the distinguished majority leader, Mr. GEPHARDT, wrote a letter to President Bush urging him to declare a unilateral pause in arms sales to countries in the Middle East and Persian Gulf. It was believed that such a pause would show United States resolve to address this critical issue and enhance our ability to negotiate a new multilateral arms transfer regime for this troubled region.

On June 3, 1991, National Security Adviser to the President, Lt. Gen. Brent Scowcroft, responded to this congressional letter. His response details the administration's view on arms sales, outlines the President's recent arms control initiative and comments on the lessons learned as a result of the Gulf war.

The President's initiative is an important development. It is clear, however, that there will continue to be considerable tension between arms control and the desire to support the legitimate defense priorities of our friends in the region. This is an issue that Congress must monitor closely and work to help define the proper balance between these two objectives.

The correspondence follows:

CONGRESS OF THE UNITED STATES,

Washington, DC, April 4, 1991.

HON. GEORGE BUSH,

President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to urge you to declare a unilateral pause in arms sales to countries in the Middle East and Persian Gulf. We believe a temporary pause is necessary in order to facilitate multilateral negotiations on agreements to restrain the flow of sophisticated conventional weapons systems and other weapons technologies into this region.

Countries in the Middle East and the Persian Gulf are the recipients of roughly one-third of all international arms transfers, making this region the world's leading arms import market. These sales, in our view, help promote an arms race and raise tensions in a region characterized by instability. The proliferation of arms—including chemical, biological, nuclear, and conventional weapons and missile technologies—poses a serious threat to peace in the Middle East and Persian Gulf. The arms race is absorbing resources badly needed for regional economic development.

We believe that a brief pause on arms transfers will not affect the security of nations in the Middle East and Persian Gulf. Such a pause can be used effectively to bring supplier nations and regional states together to pursue a range of arms reduction and arms control proposals, including an arms moratorium.

The United States has a unique opportunity to use its new influence to make progress in this area, an opportunity which should not be squandered. We believe the impressive military victory achieved by the United States and its coalition partners last month needs to be buttressed by postwar agreements that enhance long-term peace and security.

We appreciate your consideration of this matter and look forward to working with you on these issues. We are, of course, available to meet with you to discuss these issues further.

With best regards,

Sincerely yours,

Dante B. Fascell, Chairman, Subcommittee on Foreign Affairs.

Lee H. Hamilton, Chairman, Subcommittee on Europe and the Middle East.

Sam Gejdenson, Chairman, Subcommittee on International Economic Policy and Trade.

Richard A. Gephardt, Majority Leader, U.S. House of Representatives.

David R. Obey, Chairman, Subcommittee on Foreign Operations, Export Financing, and Related Programs.

THE WHITE HOUSE,

Washington, DC, June 3, 1991.

Hon. Lee H. Hamilton,

Chairman, Subcommittee on Europe and the Middle East, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The President has asked me to respond to your letter of April 4. The President's recent Middle East arms control initiative demonstrates his firm commitment to promote supplier guidelines on conventional arms exports to the Middle East, to build barriers against exports that contribute to weapons of mass destruction, and to take other steps to enhance long-term peace and security. I have enclosed a fact sheet on the initiative for your information.

If any lesson can be drawn from the success of Operations Desert Shield and Desert Storm, it is that multilateral cooperation is essential to success in this arena. To depart from our collaborative approach and announce a unilateral pause could be seen as turning our backs on our allies for the sake of a political gesture.

Moreover, a unilateral pause would imply that arms sales per se are destabilizing. This is not the case. While the recent conflict clearly showed that excessive arms sales to one country can fuel dangerous ambitions and threaten regional stability, it also demonstrated that reasonable arms transfers which meet legitimate defense needs are necessary if our friends and allies are to contribute to the common defense. The weapons we provided to the Gulf States allowed them to fight at our side in the recent war, and the interoperability between Gulf states and U.S. forces made possible by U.S. transfers contributed significantly to our success.

I can assure you that the President intends, through his Middle East arms control initiative, vigorously to pursue all available means to reduce destabilizing conventional arms transfers while seeking to halt the proliferation of nuclear, chemical and biological weapons and the missiles to deliver these weapons. We hope to work together with you to advance these shared objectives.

Sincerely,

Brent Scowcroft.

FACT SHEET ON MIDDLE EAST ARMS CONTROL INITIATIVE

Fulfilling the pledge he made in his March 6 address to a joint session of Congress, the President announced today a series of proposals intended to curb the spread of nuclear, chemical and biological weapons in the Middle East, as well as the missiles that can deliver them. The proposals also seek to restrain destabilizing conventional arms build-ups in the region.

The proposals would apply to the entire Middle East, including Iraq, Iran, Libya, Syria, Egypt, Lebanon, Israel, Jordan, Saudi Arabia, and the other states of the Maghreb and the Gulf Cooperation Council. They reflect our consultations with allies, govern-

ments in the region, and key suppliers of arms and technology.

The support of both arms exporters and importers will be essential to the success of the initiative. Since proliferation is a global problem, it must find a global solution. At the same time, the current situation in the Middle East poses unique dangers and opportunities. Thus, the President's proposal will concentrate on the Middle East as its starting point, while complementing other initiatives such as those taken by Prime Ministers John Major and Brian Mulroney. It includes the following elements.

SUPPLIER RESTRAINT

The initiative calls on the five major suppliers of conventional arms to meet at senior levels in the near future to discuss the establishment of guidelines for restraints on destabilizing transfers of conventional arms, as well as weapons of mass destruction and associated technology. France has agreed to host the initial meeting. (The United Kingdom, France, the Soviet Union, China, and the United States have supplied the vast majority of the conventional arms exported to the Middle East in the last decade.) At the same time, these guidelines will permit States in the region to acquire the conventional capabilities they legitimately need to deter and defend against military aggression.

These discussions will be expanded to include other suppliers in order to obtain the broadest possible cooperation. The London Summit of the G-7, to be hosted by the British in July, will provide an early opportunity to begin to engage other governments.

To implement this regime, the suppliers would commit:

To observe a general code of responsible arms transfers;

To avoid destabilizing transfers; and

To establish effective domestic export controls on the end-use of arms or other items to be transferred.

The guidelines will include a mechanism for consultations among suppliers, who would

Notify one another in advance of certain arms sales;

Meet regularly to consult on arms transfers;

Consult on an ad hoc basis if a supplier believed guidelines were not being observed; and

Provide one another with an annual report on transfers.

MISSILES

The initiative proposes a freeze on the acquisition, production, and testing of surface-to-surface missiles by states in the region with a view to the ultimate elimination of such missiles from their arsenals.

Suppliers would also step up efforts to coordinate export licensing for equipment, technology and services that could be used to manufacture surface-to-surface missiles. Export licenses would be provided only for peaceful end uses.

NUCLEAR WEAPONS

The initiative builds on existing institutions and focuses on activities directly related to nuclear weapons capability. The initiative would:

Call on regional states to implement a verifiable ban on the production and acquisition of weapons-usable nuclear material (enriched uranium or separated plutonium);

Reiterate our call on all states in the region that have not already done so to accede to the Non-Proliferation Treaty;

Reiterate our call to place all nuclear facilities in the region under International Atomic Energy Agency safeguards; and

Continue to support the eventual creation of a regional nuclear weapon-free zone.

CHEMICAL WEAPONS

The proposal will build on the President's recent initiative to achieve early completion of the global Chemical Weapons Convention.

The initiative calls for all states in the region to commit to becoming original parties to the Convention.

Given the history of possession and use of chemical weapons in the region, the initiative also calls for regional states to institute confidence-building measures now by engaging in presignature implementation of appropriate Chemical Weapons Convention provisions.

BIOLOGICAL WEAPONS

As with the approach to chemical weapon controls, the proposals build on an existing global approach. The initiative would:

Call for strengthening the 1972 Biological Weapons Convention (BWC) through full implementation of existing BWC provisions and an improved mechanism for information exchange. These measures will be pursued at the five-year Review Conference of the BWC this September.

Urge regional states to adopt biological weapons confidence-building measures.

This initiative complements our continuing support for the continuation of the UN Security Council embargo against arms transfers to Iraq, as well as the efforts of the UN Special Commission to eliminate Iraq's remaining capabilities to use or produce nuclear, chemical, and biological weapons and the missiles to deliver them.

H.R. 1—THE CIVIL RIGHTS ACT

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. SANGMEISTER. Mr. Speaker, Abraham Lincoln once said: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." As a member of the House Judiciary Committee and an attorney, I have sat and listened intently to lengthy testimony both for and against various versions of H.R. 1, the Civil Rights and Women's Equity in Employment Act of 1991. I can confidently state that voting for the Brooks-Fish substitute was the right decision for those who support the advancement of justice and equality for all Americans. Along with the overwhelming majority of the House of Representatives, I voted for the Brooks-Fish substitute and final passage of H.R. 1.

I fully understand the fears of those who believe this legislation will mandate quotas for women and minorities. I also understand these fears are not justified by the facts relevant to this legislation. This civil rights legislation emphatically does not mandate quotas. Clearly, no bill could ever have received such large support if it did mandate quotas because the American people would not stand for it and neither would I.

In fact, this legislation explicitly prohibits the use of quotas by employers and makes their use a violation of title VII. For the first time,

this bill allows women to initiate legal action against discrimination in the workplace. In addition, this legislation bans race-norming or employment test scores, thereby assuring no preferential treatment: Everyone taking a test is doing so on an equal basis.

What H.R. 1 does accomplish is to give Americans who are being discriminated against due to their gender or race an equal opportunity of employment. I believe the overwhelming number of Americans agree with this position because they realize a democracy can only be strong if job opportunities are based on merit. Unfortunately, some people are exploiting the fears of others for their own political purposes. Many thousands of women and minority military personnel are now returning from the Persian Gulf after making great sacrifices in the interest of the United States. Is it fair to play with their future, as if it were a football, for narrow political purposes? I think not.

In many ways, this legislation takes a conservative position in the sense that it restores the Griggs standard of business necessity that employers must meet to defend employment practices having disparate impacts on women and minorities—a standard used by the courts from 1971 to 1989. The Griggs standard was overturned in the Supreme Court's *Wards Cove* decision of 1989. During the 18 years the Griggs standard was in effect, there is no evidence it led to quotas in businesses and there is no reason to believe it will lead to quotas if Griggs is restored.

I believe it is time to unite the Nation and not divide it by catering to narrow political interests. The key question is not who will get a job but whether there will be enough jobs for everyone. Let's get beyond this issue and on to the task of rebuilding the American economy.

FOOD, DRUG, COSMETIC, AND DEVICE ENFORCEMENT AMENDMENTS OF 1991

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce, with my distinguished colleague, the Honorable JOHN DINGELL, chairman of the Committee on Energy and Commerce, the Food, Drug, Cosmetic, and Device Enforcement Amendments of 1991. These amendments would provide the Food and Drug Administration with long-overdue and long-needed additional tools to enforce the requirements of the Federal Food, Drug, and Cosmetic Act.

Mr. Speaker, the Food and Drug Administration may be our most important regulatory agency. It regulates products that account for 25 cents of every dollar that we spend in this country. It accomplishes this regulation with a staff of fewer than 9,000 employees and a budget of less than \$700 million.

Mr. Speaker, the only way that the FDA can fulfill its mission is by vigorous enforcement of the law. Yet the agency does not have some of the routine authorities that other Federal regulatory agencies have. For example, it

does not have authority to subpoena documents and witnesses in connection with an administration investigation. It does not have recall or administrative civil penalty authority, except in the case of medical devices. And it does not have adequate inspection and embargo authority.

The reason for these omissions, Mr. Speaker, is simple: The FDA operates under a 50-year-old statute that has not been amended to update its enforcement authorities, except in the case of medical devices.

In recent years, particularly during the 1980's, the FDA has ignored its enforcement responsibilities under the Federal Food, Drug, and Cosmetic Act. During those years, its officials argued that it did not need additional enforcement authorities, and I support there was not much reason to give the agency additional powers when it was so frequently refusing to bring enforcement actions with the powers that it had.

Fortunately, Mr. Speaker, all this appears to have changed. The FDA has a new Commissioner, Dr. David Kessler, who is committed to enforcing the law. In connection with this effort, he has testified before the Subcommittee on Health and the Environment and the Senate Committee on Labor and Human Resources that the agency needs the additional authorities that are included in the Food, Drug, Cosmetic, and Device Enforcement Amendments of 1991. Other experts have offered the same opinion.

Mr. Speaker, specifically those amendments would accomplish the following:

Section 2 would give the Federal courts the authority to order the recall of products in violation of the act where the violation involved fraud or presented a significant risk to human or animal health.

Section 3 would give the Agency authority to order an administrative recall under similar circumstances. This same authority was granted for medical devices under the Safe Medical Device Amendments of 1990.

Section 4 would refine the Agency's seizure authority, and give the Agency authority to embargo products while it is obtaining a seizure order from court. It currently has this authority for medical devices only.

Section 5 would give the Agency subpoena authority in connection with an administrative investigation. It currently has this authority only in connection with a civil penalty hearing for medical devices.

Section 6 would give the Agency administrative civil penalty authority for all the products that it regulates. It currently has this authority only for medical devices.

Section 7 would give the Agency stronger inspection authority. Most significantly, it would make food facilities subject to the kinds of inspections that drug and device facilities are already subject to.

Section 8 would give the Agency new, important authorities with respect to imported products. The most significant new authority would be the authority to order the destruction of products that are hazardous to health.

Section 9 would provide that the Agency would be required to prove only that the product affected interstate commerce in connection with enforcement actions brought under the act. By defining the interstate commerce re-

quirement in this way, the bill would save the Agency a significant amount of enforcement resources.

Sections 10 and 11 are technical and would not accomplish any substantive change.

Mr. Speaker, it is in the interest of everyone in this country that the Food and Drug Administration be a vigorous, effective regulatory Agency. The Commissioner has indicated that he needs these authorities. It is my hope that the Food, Drug, Cosmetic, and Device Enforcement Amendments of 1991 will be expeditiously enacted into law.

A CONGRESSIONAL SALUTE TO SUZANNE TORMAY DOMINGUEZ IN HONOR OF HER SELECTION AS THE "WOMAN OF THE YEAR"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and a person I hold in the highest regard, Suzanne Tormay Dominguez. Mrs. Dominguez, in recognition of her enormous contributions, has been named the "1991 Woman of the Year" by the Los Angeles County Democratic Committee. It is an honor to bring Suzanne Tormay Dominguez to your attention.

Suzanne was born in Morristown, NJ. She graduated from Long Beach Polytechnic High School, and received her B.A. from Loyola Marymount University. Suzanne's commitment to the Democratic Party could be seen as early as junior high school. She has long been regarded as a valued campaign assistant. She has actively campaigned on my behalf, as well as offering her talents to the campaigns of Robert and John Kennedy, John Tunney, Hubert Humphrey, Walter Mondale, Jimmy Carter, JOE BIDEN, Michael Dukakis, and numerous State and local candidates.

In addition to her campaign efforts, Suzanne has been a member of the California State Central Committee since 1976. Because of her dedication and ability I appointed her to the 57th A.D. State Committee, where she sits as secretary.

Mr. Speaker, I take great pride in recognizing Suzanne Tormay Dominguez for all her vast achievements and activities in the Democratic community. She has done a great deal to make the Democratic Party in southern California stronger. My wife Lee joins me in saluting Suzanne on being named the 1991 Woman of the Year. We wish Suzanne, her husband Louis, and her children, Christiana and Mallory, all the best in the years to come.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. LEHMAN of Florida. Mr. Speaker, although dramatic changes have occurred in the

Soviet Union, undoubtedly activities reminiscent of the Stalin era are still, unfortunately, happening. I refer in particular to ongoing human rights violations so egregious as to make one wonder if the downside of glasnost is of any concern to Mr. Gorbachev.

Yakov Aronovich Bekker is a geologist from Tadjikistan. After he, his wife, and daughter applied for permission to emigrate, they were told in August 1990 that, since Mr. Bekker held a second-class clearance, his application would be postponed for 5 years. Subsequently, Mr. Bekker was denounced to the KGB by coworkers and was expelled from the Tadjik Geological Society. His wife was demoted and given a cut in salary. The family is now struggling simply to survive.

Mr. Bekker used no secret material in his work whatsoever. It is said to be common practice at his place of employment to attach classified documents to routinely requested nonsecret material so that there might be a formal reason for refusal to emigrate. In a private conversation, a Soviet official told Mr. Bekker that the real reason for his refusal was "his performance at work and a shortage of such specialists in Tadjikistan."

Recent proposed changes in U.S.S.R. emigration law will not help Mr. Bekker and his family. President Bush's policy linking most-favored-nation [MFN] trade status to the passage and implementation of democratic emigration legislation prompted Mr. Gorbachev to push the Supreme Soviet to approve the U.S.S.R. Law on Entry and Exit, scheduled to go into effect in January 1993. However, this legislation codifies the arbitrary nature of Soviet emigration practice. The right to appeal refusals will apply only in certain cases to be determined later, and the supposed 5-year limit on secrecy refusal may be extended indefinitely. Moreover, the law does not clarify what constitutes a state secret, leaving this open to broad interpretation by central authorities or by individual ministries. Article 12 of the Entry and Exit Law refers to a law on the protection of state secrets which does not exist, and, to my knowledge, has not even been drafted. Thus, this nonexistent law will apparently define state secrets. The prospects for Mr. Bekker and his family's successful emigration look dim.

I applaud the new spirit in the Soviet Union and improved United States-Soviet relations. But I cannot condone the continuation of a dehumanizing system which robs innocent people like the Bekker family of their dignity, their ability to earn a living, and their right to freedom of movement. For this reason I hope my colleagues will join with me in calling Mr. Bush not to grant MFN to the U.S.S.R. until emigration laws meeting international human rights standards are enacted and implemented. In the meanwhile, as part of the Congressional Call to Conscience Vigil for Soviet Jews, I ask the authorities in the U.S.S.R. to promptly review Mr. Bekker's case.

D.C. BUDGETARY EFFICIENCY ACT  
OF 1991

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. DELLUMS. Mr. Speaker, on Tuesday, June 11, 1991, the House will consider H.R. 2123, a bill to establish a fair, equitable, and predictable method for determining the amount of the Federal payment for the District of Columbia. On Tuesday, April 30, 1991, the Committee on the District of Columbia completed legislative work on H.R. 2123. Often misunderstood, the payment is for the following: First, compensation to the local government for specific services requested by and provided to the Federal Government; Second, the statutory prohibition on taxation of income earned in D.C. by any individual who is not a resident of the District; and third, compensation to the local government for revenues denied as the result of federally imposed requirements, for example, large parcels of open space, no tall buildings, and federally chartered tax-exempt property. In part, these restrictions add to the enjoyment of the Nation's Capital by the 18 to 20 million tourists who come here each year.) The fact is, the Federal Government has not been fair in paying the cost of what it requires of the District. In a bipartisan vote of 10 to 2, the committee ordered the bill reported to the House for consideration.

H.R. 2123 authorizes an increase of \$33.5 million over the aggregate appropriated amount for fiscal year 1991 as the District's Federal payment for fiscal year 1992. In addition, it establishes a predictable and equitable Federal payment formula for fiscal years 1993, 1994, and 1995. It authorizes to be appropriated as the annual Federal payment to the District of Columbia an amount equal to 24 percent of locally raised revenues, which is to be determined by an independent audit of those revenues of 2 years prior—this represents 19.1 percent of the overall operating budget of the District of Columbia. That is, fiscal year 1993 will be based on an independent audit of fiscal year 1991 and so on. The independent audit will be reviewed by the General Accounting Office and a report submitted to Congress by March 1 of each year, at which time this committee will commence its authorizing responsibilities. Locally raised revenues are defined in H.R. 2123 as being those revenues derived by D.C. from sources other than the Federal Government.

It is important to note that this legislation does not establish 24 percent of locally raised revenues as an entitlement. Rather, it sets the cap at 24 percent of locally raised revenues. The Federal payment formula is subject to the regular appropriations process.

As long ago as 1948, Everett Dirksen, then chairman of the District of Columbia Committee, introduced legislation that included a Federal payment formula. President Richard M. Nixon summarized a longstanding Republican policy in a message to Congress (H. Doc. 91-108) 2 months after taking office in 1969. President Nixon recommended a home rule government for the District of Columbia and in so doing specifically argued:

That the Congress authorize a Federal payment formula, fixing the Federal contribution at 30 percent of local tax and other general fund revenues. This formula would equitably reflect the Federal interest in the District of Columbia.

In its report, "Financing the Nation's Capital," submitted in November 1990, the Rivlin Commission, chaired by Ms. Alice Rivlin, former head of the Congressional Budget Office, also recommended a Federal payment formula of 30 percent as being fair and equitable. This position was vigorously supported during the full committee hearing by Mr. Frank J. Fahrenkopf, Jr., former Chair of the Republican National Committee, and Cochair of the Rivlin Commission Revenue Committee. However, the committee concluded 24 percent to be reasonable and achievable.

H.R. 2123 is a good bill worthy of your support.

TO ACCOMPANY INTRODUCTION OF  
THE DIVERSITY IN EDUCATION  
ACT OF 1991

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. GUNDERSON. Mr. Speaker, today, with Representative CRAIG WASHINGTON, of Texas, I am introducing The Diversity in Education Act of 1991. The bill is intended to allow the use of minority scholarships for the purpose of promoting diversity in higher education institutions.

Last December, the Department of Education issued a directive regarding prohibitions against race-based scholarships in institutions of higher education. The Assistant Secretary of Education wrote to the executive director of the Fiesta Bowl regarding a Martin Luther King, Jr. scholarship fund for minority students. The letter notes that title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin in any program or activity receiving Federal financial assistance.

On February 7, then Secretary-designate Lamar Alexander announced he would rescind the directive pending a thorough review of the issue. After his confirmation, the Secretary did rescind the directive, and since has instituted a 6-month study and review of the issue.

During this time, higher institutions have been left to operate their scholarship programs in a legal vacuum, wondering whether they should proceed with business as usual, or eliminate their minority scholarships. It is my concern—shared by Representative WASHINGTON—that these scholarships must be allowed to continue.

I do not disagree with the Assistant Secretary's legal finding; title VI does in fact legally prevent the use of minority scholarships at institutions receiving Federal assistance. But the fact is, the prohibition has been overlooked for years by well-intentioned institutions. We have a case where the law does not reflect the overwhelming majority of American opinion that racial diversity on our campuses should be promoted through such financial assistance initiatives.

My legislation will amend the Higher Education Act of 1965 to clarify the legality of race-based scholarships for the purpose of promoting diversity. Even though the percentage of minority students enrolled in higher education has increased since 1978, due largely to the increase in Hispanic and Asian-Pacific Islands students, the percentage of black students has decreased. Furthermore, in 1988, 38 percent of white high school graduates, aged 18-24, enrolled in 2- or 4-year colleges, compared to just 28 percent of black students, and 31 percent of Hispanic students.

To assist minority students, many post-secondary institutions have made policy decisions to create education programs for them. The policies help improve each school's educational environment by bringing together students from different ethnic backgrounds. The policies also create opportunities for traditionally under-represented groups in higher education.

There are 5,147 separate minority scholarship programs now in place among 2- and 4-year institutions in the United States. Of these, 743 scholarship programs use minority status as the sole criterion for eligibility. About 4,404 programs use minority status as one of several criteria to award roughly \$131.8 million in aid. The Secretary's willingness to thoroughly review this issue is encouraging. However, I fear that, regardless of his ruling, schools may find themselves vulnerable to litigation by continuing their policies.

My legislation would allow the use of scholarships based on race, color, or national origin if the purpose of such scholarships is to promote diversity in the relevant student body. Diversity has been referenced to invoke the reasoning of the Bakke and Metro decisions. Other areas in which current law allows preferential treatment, for example, to remedy past, proven discrimination, are not implicated.

About 1 percent of all college students receive scholarship aid available only to minority students. Roughly 3 percent of minority students receive aid available only to them. Further, such targeted aid amounts to only 7 percent of all institutional funds awarded to students.

The bill will allow this relatively small number of progressive efforts to continue. I have indicated my willingness to work closely with the Secretary of Education in instituting this change. I applaud his efforts so far, and look forward to his comment on this legislation after he has completed his own study later this fall.

It is my hope, Mr. Speaker, that this legislation will be considered during reauthorization of the Higher Education Act this year. As a member of that committee, and as a member of the Postsecondary Subcommittee with jurisdiction on the reauthorization, I look forward to working with my colleagues to enact my bill to continue our policy of promoting diversity on America's campuses.

## COMMEMORATING ARMENIAN INDEPENDENCE DAY

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. MAVROULES. Mr. Speaker, last week witnessed the 73d anniversary of Armenian Independence Day, and I would like to take this opportunity to commemorate the plight of this remarkable people. On May 28, 1918, Armenians finally attained a position of independent sovereignty after having struggled to assert themselves while under the control of the Ottoman Empire. Not only did they strive to preserve their unique national identity; they worked to overcome the horrible genocide of their people in 1915 and 1916.

Although the Soviet Union works consistently to improve the security of the Balkan region, the recent conflicts in Armenia remind us that internal stability is far from a reality. The Armenian roots in the Balkans date back 2,500 years, and they were among the first to adopt Christianity. Having endured the patronage of several empires, Armenians remain a distinctive people who deserve a free and secure existence.

More importantly, Armenia holds the interest of the Soviet Union in their pursuit of autonomy. Support of the Armenians is support of the Soviet Union. Unlike other Soviet states, Armenia does not request complete independence, nor does it threaten to secede. Indeed, these people merely wish to live without the threats of blockaded supplies, forced deportation, and armed aggression.

My colleagues, I urge you to consider the plight of the Armenians, both those abroad and those in the United States who are concerned with the conditions of their families and homeland. Let Armenian Independence Day remind you that the freedom of this people is central to the democratic development of the Soviet Union. Through dialog and patient cooperation, I hope that when peace is achieved in Armenia, it will serve as an example of unity for the other Soviet Republics.

### DORIS BLANK: AN EDUCATOR WHO HAS MADE A DIFFERENCE

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mrs. LOWEY of New York. Mr. Speaker, of all the professions that serve our country, I know of none more honorable or more underappreciated than teaching. And I know of no one more dedicated to service as an educator than Doris Blank. Her years of service have been outstanding. She has left her mark on literally thousands of young people in Westchester over several decades of service. And for years to come we will all see the rich rewards of her commitment as her students serve in our immediate community and elsewhere and in every conceivable walk of life. Now that she is retiring, she will be sorely missed.

Thomas Jefferson once said that "If a nation expects to be ignorant and free . . . it expects what never was and never will be." Without education, our precious liberties will crumble, and it is the role of the teacher to preserve those liberties by imparting to our children the gifts of knowledge and reason. Teachers also preserve the American dream of opportunity by serving as guides along the road to success through learning. By opening up to our children the magnificent world of knowledge and imagination, teachers preserve and enhance for generations to come the heritage of innovation and vitality which is so essential to the ability of young people to lead full lives and to our ability as a Nation to grow and prosper.

All of these responsibilities are fulfilled by the teachers of this country with dedication and admirable skill. For many years, Doris Blank has been one of the most dedicated and skilled among them. She has also been one of their leaders, working to enhance the stature and quality of the teaching profession. Her prodigious efforts have made a real difference to her profession and in the lives of countless Port Chester students. Now, she has decided to retire, and it is clear that she will be sorely missed. There are many who will strive with dedication and intellect to take her place, but she is truly irreplaceable. Her spirit, her commitment, her love of learning and of sharing with eager young minds has been her hallmark, and it will be impossible to fully replicate.

Doris is among the retirees being honored tonight at the 1991 teachers association retirement banquet. It will be an enjoyable evening, but there will be a touch of sadness as we think of the students who will now be denied the gift of her teaching and her enthusiasm. I am sure that all of my colleagues join me in thanking Doris Blank for her years of excellent service, and in wishing her a happy and enjoyable retirement. Likewise, I am confident that, even in retirement, Doris Blank will continue teaching everyone with whom she comes in contact.

### SOVIETS EXCUSE BALTIC KILLINGS

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. HOYER. Mr. Speaker, I received yesterday a truly incredible document—an item from the Soviet news agency TASS stating that a preliminary report by the Moscow Procuracy has determined that the Lithuanians killed in Vilnius in January of this year were killed and wounded not by Soviet troops, but, and I quote, "by shots from Lithuanian fighters gathered around the television center, by being run over by cars, and by other causes".

The report further contends that Lithuanians "attacked soldiers with knives, truncheons, and metal prods . . . while there was intensive automatic weapon fire from the crowd surrounding the building and from the rooves of nearby houses." In retaliation, says the report, the servicemen used butts of their rifles

to defend themselves, "firing, as a warning, blanks and an odd cartridge into the air".

All of this, of course, contradicts eye-witness reports and filmed accounts of the shootings which showed unarmed protestors being crushed by Soviet tanks, beaten with rifle butts and fired upon by elite paratrooper squads. Moscow also claims that the young woman crushed by a Soviet tank, whose pitiful image was featured throughout the international press, was deliberately pushed under the tank by the crowd.

This report is not only incredible, it is insulting and outrageous. Think of it. An investigation by the highest organ in the Soviet Government empowered to uphold law and order in the Soviet Union comes out with this nonsense. Perhaps it is only a trial balloon, sent up to see if the West will take it seriously.

After all, for the last 2 weeks Soviet black beret troops have been raiding and burning border posts in Lithuania and Latvia. Two people are dead, and another dozen are in the hospital. In addition, there were two incidents of attacks by armed men—reportedly Soviet Army officers in civilian dress—on unarmed Estonian guards at the Estonian-Latvian border on May 19 and May 21.

While this is occurring, Moscow has been seeking more financial aid or credits from the West. A clear message must be sent in reply. The United States is very interested in seeing and assisting the Soviet Union move toward greater democracy, but it will not finance or underwrite steps taken to impose greater control at the expense of individual freedoms.

TRIBUTE TO DR. WARREN V. PORTER

HON. ROBERT J. LAGOMARSINO  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Dr. Warren V. Porter, pastor of Westminster Presbyterian Church in Port Hueneme, CA. This month Dr. Porter is not only celebrating his 65th birthday, he is retiring from the pastorate he has held for nearly 30 years.

Warren V. Porter was born in Nebraska and was educated in the public school system there. He did a term of service in the U.S. Army during World War II and then attended college at a small church school in Nebraska. He graduated salutatorian of the class.

In 1950, he went to San Francisco Theological Seminary in Marin County and was graduated with his master degree in 1953. He served a small church in Richmond, CA, for 2 years and a small country church, Prairie Gem, for 2 years during his last 2 years of college. Both of these were served as a weekend pastor.

He was pastor of the First Presbyterian Church, Ord, NE, from 1953 to 1957; and from 1957 to 1962 served as pastor of the Community Presbyterian Church in Morro Bay, CA.

In January 1962 he became pastor of Westminster Presbyterian Church of Port Hueneme; years later, the Westminster Church and the Community Presbyterian Church of

Hueneme merged into one congregation of which he became pastor. During the Oxnard pastorate he worked toward and received a doctorate from San Francisco Theological Seminary in 1972.

Warren served as moderator of the Presbytery of Santa Barbara from September 1965 to September 1966; as chairman of the ministerial committee for the Presbytery of Santa Barbara; as president of the Oxnard/Port Hueneme Ministerial Association; served in the camp and conference programs for many years as dean; in 1984 became a member of the governing board of the ZOE Homeless Shelter and has continually served as a member of the board.

In 1988, Warren was awarded the George Washington Medal of Honor for a sermon he gave on July 5, 1987, "Biblical Roots of Our Constitution." This award is given to one pastor annually, from the Freedoms Foundation at Valley Forge.

Warren and his lovely wife, LeNore, have been married for 17 years and have three children and three grandchildren. He enjoys playing tennis, reading, and listening to music. Upon retiring, Warren plans to do some writing and traveling.

Mr. Speaker, on behalf of the U.S. House of Representatives, I would like to thank Warren for devoting his life to the service of God and his fellow man, and I wish him the very best in all of his future endeavors.

THE HIGHER EDUCATION ACT

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. KLUG. Mr. Speaker, yesterday, we received additional confirmation of what most of the Members of this body and most Americans already knew: public elementary and secondary school systems across the Nation aren't working. In not one single State across the Nation could students who were tested perform at their grade level in math.

Later this year we'll be considering a reauthorization of the Higher Education Act; we'll be looking for ways to make college education available to more American students. But will those students be prepared to enter college, will they be prepared to take advantage of the opportunities that we want to provide. The test results we received yesterday suggests that a great many of them will not.

We have to do better. And that is going to mean more than simply spending more money. Washington, DC, spends more money per student than almost any State or territory that participated in the test, yet DC students ranked last among the students of every State that was tested. What's needed is real reform and some fresh thinking about how to infuse a heightened sense of dedication, accountability, and commitment to achievement in our education system.

The President has offered a bold plan for Federal action and for a challenge to the status quo in American education. Yesterday's bad news suggests the need to move forward

with that plan and to break the mold of mediocrity before it sets permanently around us.

THE FOOD, DRUG, COSMETIC AND DEVICE ENFORCEMENT AMENDMENTS OF 1991

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. DINGELL. Mr. Speaker, I am proud to join with my distinguished colleague, HENRY A. WAXMAN, the chairman of the Subcommittee on Health and the environment, in cosponsoring the Food, Drug, Cosmetic and Device Enforcement Amendments of 1991.

The Food and Drug Administration [FDA] regulates approximately 25 percent of our Nation's GNP, and is the lead Government agency responsible for the protection of public health.

Unfortunately, the FDA has suffered through a long decade of neglect. Morale is down, resources are thin and personnel levels are unreasonably low. This has all occurred at a time when the Agency's responsibilities have increased significantly. The U.S. food, pharmaceutical, device, and cosmetic industries continue to develop innovative new products and the public continues to look for greater assurances concerning the safety of these products.

The FDA currently functions on an annual budget of less than \$700 million, and it has to fight for every penny of that amount. After years of inadequate support, the capacity of FDA to discharge its basic public health mission has been seriously compromised. The administration's proposed fiscal year 1992 levels of funding will do little to alleviate the FDA's resource problems.

The Agency is in serious need of new and additional resources. I am exploring a number of legislative options to help improve the FDA's ability to carry out its important regulatory functions. Crucial among these are: A restructuring of FDA within HHS; the imposition of fees to increase agency resources; and the enactment of adequate statutory authorities to enable the enforcement of the Federal Food, Drug, and Cosmetic Act.

This bill is designed to provide FDA with the increased cross-the-board enforcement authorities needed to carry out its multiple regulatory responsibilities.

Specifically, the bill will provide for:

Expanded recall, seizure, embargo and subpoena authorities, similar to those which currently apply to medical devices;

New administrative civil monetary penalties; Increased authority for inspections and expanded access to company records and reports;

New sanctions for violative imported products; and

Extended coverage of the Federal Food, Drug, and Cosmetic Act to all goods which affect interstate commerce.

What is at stake here is public confidence—if the public has confidence in FDA's ability to enforce the Food, Drug, and Cosmetic Act, then it will have confidence in the safety of the products regulated by the FDA.

Therefore, I urge my colleagues to support this bill.

IN PRAISE OF A WHITE HOUSE  
CONFERENCE ON AGING

**HON. MATTHEW J. RINALDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 7, 1991*

Mr. RINALDO. Mr. Speaker, I rise today to praise President Bush for his decision to convene a White House Conference on Aging in 1993. Unquestionably, this important event will help draw public attention to the need for health care reform and other issues that will become more critical as the baby boom generation retires.

With one-fourth of the Federal budget spent on programs for senior citizens, compared to one-sixth 20 years ago, the White House, Congress, and representatives of major senior citizens organizations need to work together to tackle serious problems with Medicare funding and paperwork, long-term health care, job discrimination against older Americans, and the security of pension and insurance benefits.

Mr. Speaker, the House last year passed legislation expressing support for such a White House Conference on Aging in 1991. While I am disappointed that the conference will not be convened this year, I am well satisfied that it would have been impossible to properly organized such a huge event this year. In my view, 2 years of extra planning will result in greater success.

The President is right not to attempt too much in too little time. As the conference is now scheduled, we can be certain of the broadest possible participation by senior citizens and the greatest examination of all the issues facing them.

In the past 20 years, the life expectancy of Americans has increased to nearly 80 years. This success has raised demands to devote more of our resources to the elderly. We need to develop a broader national consensus on one of the major issues of our time: How American society will be able to care for millions of older people during the next 20 years.

It is my hope that the conference will address the important questions arising from the fact that young workers will be supporting a growing population of elderly Americans in the next century. With this goal in mind, I would like to see members of the younger generation participate in the conference to express their views.

It would be a mistake, in my view, to hold a White House Conference that produces a something-or-everybody shopping list of demands without considering the potential costs and the opinions of those who must pay for it in future years.

Realistically, health care for seniors should top the conference agenda as Medicare's financial deficits mount and the elderly are confronted with more deductions, higher premiums, complex regulations they find hard to interpret, and the lack of affordable, accessible long-term protection.

As a chief sponsor of long-term nursing home and home health care legislation, I

would certainly like to see a comprehensive discussion of this crucial problem facing the elderly and their families. Care in a private nursing home can cost \$25,000 or more a year and can reduce even affluent individuals and their families to bankruptcy.

Mr. Speaker, I commend the President, and I look forward to a White House Conference on Aging in 1993.

POLISH DEBT AND COMMERCIAL  
BANKS

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 7, 1991*

Mr. KLECZKA. Mr. Speaker, as many of my colleagues are aware, in March of this year the Paris Club of government creditors decided to forgive half of the \$33 billion in Polish debt held by various nations.

This progressive step will have a profound, positive impact on the Polish economy. According to one estimate, it will reduce Poland's annual interest payments from over \$3 billion to approximately \$660 million a year. Capital can instead be directed to more productive, job-creating uses.

Poland is now preparing to enter into debt reduction negotiations with commercial banks, scheduled to begin in Frankfurt June 18. If commercial banks follow the lead of the Paris Club, and write down the debt held by 50 percent, the effort to rebuild the Polish economy in a democratic image will receive another, much needed boost.

By the debt-reduction actions of the Paris Club, the taxpayers of the nations to whom money was owed are helping make the Polish economy strong and competitive. It is now time for commercial banks to do their part and consider debt reductions similar to those agreed to by the Paris Club.

TRIBUTE TO PEIRCE MIDDLE  
SCHOOL SCIENCE OLYMPIAD TEAM

**HON. RICHARD T. SCHULZE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 7, 1991*

Mr. SCHULZE. Mr. Speaker, I would like to commend the members of this year's Peirce Middle School Science Olympiad Team from West Chester, PA. These students, along with the help of teachers and parents dedicated to excellence in education, have reached a goal the entire country should be proud of. For the second year in a row, the Peirce Olympiad Team has won both the Pennsylvania State Championship and the bronze medal in the overall national competition. Out of 3,500 schools across the country, Peirce Middle School has once again proven its academic strength.

The Science Olympiad is an international, non-profit organization devoted to improving the quality of science education, increasing interest in science, and providing recognition for outstanding achievement in science education

by both students and teachers. This annual competition is based on an olympic model and allows pairs of students from various schools to compete in many science-related categories such as astronomy, anatomy, weather, geography, and computers, to name just a few.

The members of this year's team are Jeff Becker, Jason Bugg, Jeff Cain, Billy Carroll, Kristin Carroll, Josh Culp, Casey Frantz, Thatcher Gearhart, Justin Ging, Josh Griffith, Eric Hebble, Michael Iachini, Matt Keller, Cathy Kovalesky, Ken Lidle, Andrew Lonsberry, Luke Lorenz, Peter Lu, Justin Olexy, Josh Rea, Willie Scott, Azim Siddiqui, Carly Silvestri, Gwen Staub-Leifeld, David Tam, Mary Thorne, Steve Whittam, Mark Wiening, and Ruth Yang. The coaches of this team, Charlotte Knighten and Paul Wojcik, are also to be commended for all their hard work.

I offer my congratulations to the team for a job well done. Excellence in education is thriving in West Chester, PA, and for the second year in a row, it is my pleasure to recognize such an extraordinary accomplishment.

IN TRIBUTE TO DR. E. WAYNE  
BUNDY

**HON. STEVEN SCHIFF**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 7, 1991*

Mr. SCHIFF. Mr. Speaker, I have the distinct privilege and honor of paying tribute today to a great New Mexican and one of this Nation's most foremost proponents of public radio, Dr. E. Wayne Bundy of Albuquerque, NM.

Dr. Bundy received public radio's highest honor last month when he was presented with the prestigious "1991 Edward R. Murrow Award" from the Corp. for Public Broadcasting during its annual public radio conference in New Orleans.

Dr. Bundy is the head of the Rocky Mountain Corp. for Public Broadcasting, an organization created by the eight States of the Rocky Mountain region in 1968 to enhance the development and operation of public broadcasting in the region. Dr. Bundy has been the executive director of the corporation for 22 years.

Dr. Bundy began his radio career in 1937 when he became a staff announcer at radio station KLO in his home town of Ogden, UT. He began his career in public broadcasting as director of radio and television and assistant professor of speech at Louisiana Polytechnic Institute, 1948-54, and later as executive secretary of the Louisiana ETV Commission.

Dr. Bundy subsequently taught at the University of Michigan, where he received his doctorate in broadcasting, and later at the University of New Mexico.

Dr. Bundy came to New Mexico in 1959 when he became program and then production manager at KNME-TV, the public television station that we are very proud to have in Albuquerque.

Dr. Bundy's wife, Louise, is former special assistant to then-Interior Secretary Walter J. Hickel. They have three daughters and three sons.

The Edward R. Murrow Award is named for the veteran broadcaster, reporter, producer, executive and Government administrator who symbolized responsible, courageous, and imaginative use of the electronic media. Every year since 1977 CPB has honored individuals who have made outstanding contributions to public radio by fostering its growth, quality, and public image.

Previous winners of the Edward R. Murrow Award include Garrison Keillor, creator and host of "A Prairie Home Companion," and Cokie Roberts, National Public Radio's congressional correspondent.

Now added to the list is the distinguished name of Dr. E. Wayne Bundy—a great New Mexican who has devoted more than 20 years of his life to providing the highest quality public broadcasting possible throughout the Rocky Mountains.

### ISRAELI BOMBING RAIDS ON LEBANON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. TRAFICANT. Mr. Speaker, Israel has launched 3 air raids into southern Lebanon this week, killing as many as 16 people and wounding at least 49. According to a Reuters News Agency report carried by the Washington Times, a dozen school children are among the wounded. Congress should condemn these violent actions by Israel.

The Reuters News Agency report described the air raid of June 3, 1991, as "one of the largest air raids of the past nine years in southern Lebanon." The report detailed the air raid.

Israeli warplanes pounded guerrilla bases \* \* \* made 18 passes over a period of two hours on training bases, ammunition depots, artillery and anti-aircraft guns in and near three villages about three miles east of Sidon.

A New York Times report also described the devastation wrought by the June 3 air raid.

Black smoke billowed from a two-story building flattened by air-to-surface missiles dropped by two jets as the loud explosions sent hundreds of residents fleeing to safer places.

Israel claims that its attacks are aimed at military targets. However, the nation strikes at sites that are in crowded refugee camps and each attack brings a new wave of civilian deaths. I urge my colleagues in Congress to exert pressure on Israel to halt these bombing raids now, before one more needless civilian death occurs.

### SOLID WASTE MANAGEMENT—A STUDENT'S PERSPECTIVE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1991

Mr. McEWEN. Mr. Speaker, I rise today to commend to the attention of the House a term

paper written by Mr. Tommy Schwab of Wilmington, OH, on March 25, 1991, which focuses on the basic issues surrounding America's growing solid waste management crisis.

His report, entitled "How Should the U.S. Clean Up Its Solid Waste Problem?" thoughtfully outlines the causes behind the tremendous increase in waste materials, and examines potential alternatives to disposing municipal solid waste, including incineration, recycling, and landfilling. Because greater Federal leadership may be necessary if acceptable waste management methods are to be found, I hope all of my colleagues will take a moment to read Mr. Schwab's presentation.

#### HOW SHOULD THE U.S. CLEAN UP ITS SOLID WASTE PROBLEM?

(By Tommy Schwab)

"It's one of those great mysteries of life in America. In just one day, how do two bags of ordinary groceries turn into three bags of garbage?" ponders the cartoon character Shoe.<sup>1</sup>

Where are we storing our solid waste products now? How long can we expect to be able to continue to do so? Why is it so important for us to change our ways now, before we run out of landfills?

Since 1960 the garbage volume for the U.S. has gone up 80% and is expected to go up another 20% by 2000. Each day the average American throws away four lbs. of trash. That equates to 179.6 million tons of garbage each year: enough to cover 1,000 football fields 30 stories high.<sup>2</sup> By the year 2000, the EPA predicts that the annual waste disposal will be a staggering 216 million tons. With 73% of solid waste currently going into landfills and 2,000 landfills closing by 1993, an alternative source will have to be found. One method would be to incinerate our wastes. Incineration burns garbage and leaves one-tenth of the original volume of garbage, but incineration has the potential to pollute the air. Recycling allows the reuse of our glass, cans, paper, and plastics. The best method, however, may be a combination of landfills, incinerators, recycling, and reducing the amount of garbage generated. This method is called integrated waste management.

According to a recent survey, Americans throw away 16 billion disposable diapers, 12.4 billion glossy mail order catalogs, 1.6 billion pens, 2 billion razors and blades, 1 billion foil-lined fruit juice cartons with attached straw, and 220 million tires which translates into 350 bags of trash per year for the average American household.<sup>3</sup> We throw away enough aluminum in three months to completely rebuild the entire U.S. commercial air fleet. Looking at the different types of garbage, we note that 40% of it is paper, 17.6% is yard waste, 8.5% is metals, 8% is plastics, and 7% is glass—all of which can be recycled. By 1992 the EPA hopes to cut the solid waste production by 25% and to recycle 25% of the new total.

One method of disposing of waste is the landfill, but it has some problems. The government has become stricter in the running of the nation's landfills. With 80% of the landfills in the United States closing in the next 20 years, new ones will have to be built and the cost will be significantly higher than just the value of the land. The new landfills must be placed where ground water will not be contaminated. There should be impermeable clay liners to prevent leaks into the surrounding ground. Since soil takes up 20% of the landfills, companies have developed foam products to replace soil as daily covers.<sup>4</sup> When the landfill is full, a clay cap with

a venting system is placed over it. (This capping system is especially important because 35,000 to 50,000 West German landfills had to be closed because of a threat of water contamination.)<sup>5</sup> A recent survey at Argonne National Laboratory in Argonne, Illinois, found that adding water to landfills triples the breakdown speed; however, microorganisms do not eat hazardous materials and if the landfill settles, then the new landscaping will also settle.<sup>6</sup> So even though this may help get rid of garbage, the land above it will not be able to be developed and the hazardous materials will have to be removed.

Incineration is a newer process and is another possible solution. It is constantly being investigated by the EPA to see if they are polluting the air or have contaminated ash. Incinerators make up 14% of the waste disposal programs and cut garbage volume by 90% and weight by 75%. There are 160 incinerators in operation in the U.S. today and new incinerators can cost \$500 million. There are two different types of incinerators: mass-burn and waste-to-energy. The mass-burn plants burn mixed garbage in a chamber at temperatures in excess of 1800 F. The waste-to-energy plants use heat to boil water which burns the garbage and turns a turbine to generate electricity. The Semass Waste-to-Energy Facility in Rochester, Mass. generates 50 megawatts of energy for the communities around it. At the Bay County plant in Michigan, each year 700 tons of garbage are shredded and turned into pellets, which yield 8-10 megawatts of energy. Excess waste is buried in landfills like other garbage. The critics of incinerators say they hinder recycling, may pollute the air, and produce ash that may be contaminated. The incinerationists say pollution and ash are not a problem because of the numerous types of filters and care used in the building and maintenance of the facilities, but statistics show that there is an additional .118 cancer rate per million people from incinerator pollution.<sup>7</sup>

As President George Bush was giving high school student Allen Graves an environmental award for recycling, Allen asked, "Does your office recycle?" The President replied, "I don't know."<sup>8</sup> Even though the President might not, eight million Americans now sort their garbage for recycling and that is expected to double by 1992. Recycling takes up 13% of trash disposal and reuses many things. Recycling centers can recycle glass, cans, paper, and plastics. Ten percent of all glass is recycled. It is easier because after it is sorted by color, the recyclers crush it, and sell it to companies. Recycling the 42.5 million aluminum cans is 10 times cheaper than turning bauxite into aluminum. The U.S. recycles about 30% of its paper each year. It becomes cereal boxes, toilet tissue, and bedding for animals. Some of the unrecycled paper is sold to countries needing paper, such as Korea and Taiwan. The recycling centers could process even more paper than they are handling right now. Only about 1% of the U.S.'s plastics are recycled, possibly because of their complexity; one example is a Heinz squeezable ketchup bottle because it has six different types of plastic in it.<sup>9</sup> Although recycled plastic cannot be used to serve or store food, it can be used as carpet fibers, filling for jackets, "lumber" for park benches, and highway maintenance markers. Procter & Gamble will use plastic bottles made from recycled milk jugs and soda bottles for some products. McDonald's will use \$100 million to buy recycled plastic products for their buildings and are asking consumers to put their poly-

styrene cups and containers in separate recycling bins. The CRInc. of North Billeria, Mass. has a machine that shakes, grinds, and screens glass, plastics, and cans into separate bins. Six workers are needed to separate the specific plastics and glass. Within two years, they hope to have fully automated machines.<sup>10</sup> This type of recycling will have to continue and expand if Americans start recycling so solid waste does not pile up.

Integrated waste management is probably the best and most efficient means of solid waste disposal. It deals with all aspects covered in this paper. All of the valuable items, such as glass, paper, aluminum, and plastics, are recycled. What's left is then taken to an incinerator and burned. The ash from the incinerator goes to a landfill and buried.

To help lower the amount of solid waste, families should separate their recyclables and put them in a container which would be collected free of charge. The rest of their garbage should be put into cans and then the customer should be charged by the number of cans picked up. Local governments should make retailers charge a deposit on all recyclable items. The U.S. must try to produce less garbage. Since packaging is 1/4 of the total volume of solid waste, companies need to design better packaging using less material. In addition, yard wastes should be composted and used as fertilizer, not added to our incinerators or landfills.

Seattle, Rhode Island, and Japan have solid waste programs that mirror an integrated waste management program. Since 1981, Seattle residents have paid for garbage pick-up by the amount of waste generated. Yard waste pick-up is prohibited and recyclables are picked up free. Seventy-eight

percent of the population participates in a voluntary recycling program—44% of their garbage is recycled. Since Seattle started the program, the city government has saved \$2 million a year on garbage management.<sup>11</sup> Rhode Island passed legislation in 1986 making recycling mandatory. For this program, residents got a 12-gallon container to put glass, cans, and plastics in and with newspapers being put on top. The recyclables are sent to the materials-recovery facility (MRF). MRF's recycle 200 of 4,000 tons of Rhode Island's garbage each day. In addition to that, waste-to-energy plants have been built to decrease the volume of trash going into landfills by 90% by 1994. These incinerators burn 2,200 tons each day.<sup>12</sup> The Japanese recycle 50% of waste paper, 55% of glass bottles and 66% of beverage and food containers. Even with all of this recycling, they have 1,899 incinerators and 2,411 landfills, but these landfills do not become huge mountains like those in the U.S.<sup>13</sup> After the landfills are capped, they build soccer fields, baseball diamonds, and bicycle courses on top.

Over the years, there have been many attempts to dispose of solid waste and many have failed. Sorting our solid waste into recyclable and non-recyclable groups is the first step. Burning the non-recyclable items in incinerators and properly disposing of the ash in landfills is next. These steps are the basis for integrated waste management. Integrated waste management is the wisest and most cost efficient method of solid waste disposal at the present time. With a little planning, capped landfills can be used for parks and golf courses.

## FOOTNOTES

<sup>1</sup> Melinda Beck, "Buried Alive," Newsweek, 27 November 1989, pg. 69.

<sup>2</sup> Beck, pg. 67.

<sup>3</sup> John Langone, "A Stinking Mess," Time, 2 January 1989, pg. 45.

<sup>4</sup> Mariette DiChristina, "How We Can Win the War Against Garbage," Popular Science, October 1990, pg. 61.

<sup>5</sup> Langone, pg. 45.

<sup>6</sup> DiChristina, pg. 61.

<sup>7</sup> Beck, pg. 71.

<sup>8</sup> Beck, pg. 75.

<sup>9</sup> DiChristina, pg. 58.

<sup>10</sup> Peter Nulty, "Recycling Becomes a Big Business," Fortune, 13 August 1990, pg. 86.

<sup>11</sup> DiChristina, pg. 95.

<sup>12</sup> William J. Cook, "A Lot of Rubbish," U.S. News & World Report, 25 December 1989/1 January 1990, pg. 61.

<sup>13</sup> Beck, pg. 70.

## BIBLIOGRAPHY

Beck, Melinda. "Buried Alive." Newsweek, 27 November 1989, pg. 66-76.

Cook, William J. "A Lot of Rubbish." U.S. News & World Report, 25 December 1989/1 January 1990, pg. 60-61.

DiChristina, Mariette. "How We Can Win the War Against Garbage." Popular Science, October 1990, pg. 57-63; 95.

Langone, John. "A Stinking Mess." Time, 2 January 1989, pg. 44-47.

Nielson, Susan. "America's Waste Crisis: How You Can Help Solve It!" Good Housekeeping, September 1989, pg. 272.

Nulty, Peter. "Recycling Becomes a Big Business." Fortune, 13 August 1990, pg. 81-86.

Samuelson, Robert J. "Diapers: The Sequel." Newsweek, 16 April 1990, pg. 65.