

HOUSE OF REPRESENTATIVES—Thursday, June 13, 1991

The House met at 10 a.m.

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

As Your love for us, O God, is as wide and as broad and as high as all creation, so may we express our concern for every person whatever their background or circumstance. Teach us that we can grow in our own understanding of ourselves and Your purposes for our lives by having a sensitivity and receptiveness toward those who do not share our traditions. May we be eager to learn from others and to develop an attitude of mutual respect one to another in all we do. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Illinois [Mrs. COLLINS] please come forward and lead the House in the Pledge of Allegiance.

Mrs. COLLINS of Illinois led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 210. An act to establish the U.S. Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites;

S. 909. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; and

S. 1284. An act to make certain technical corrections in the Judicial Improvements Act of 1990.

The message also announced that, pursuant to Public Law 96-114, as

amended by Public Laws 98-33, 99-161, and 100-674, the Chair on behalf of the majority leader, announces his appointment of Mr. Walker F. Nolan, of Maryland, and Mr. Edwin S. Jayne, of Virginia, as members of the Congressional Award Board.

The message also announced that, pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair, on behalf of the President pro tempore, appoints Cornelia Hadley, of Kansas, to the Federal Council on the Aging.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that it will receive up to 10 requests on each side for 1-minute statements.

THE TRUTH ABOUT CRIME LEGISLATION

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

Mr. WISE. Mr. Speaker, my Republican colleagues have been saying that because Congress has not passed the President's crime bill in 100 days, there have been thousands of rapes, murders, and assaults in our land.

The American people know better, Mr. Speaker. Look at this, four omnibus crime bills passed in the last years, 1984, 1986, 1988, and 1990, 3½ inches of laws, weighing over 7 pounds, thousands of pages all devoted to fighting crime, death penalties, tougher penalties, more judges, FBI agents, DEA agents, more prisons, you name it, for over 8 years it has been put in here.

So Congress has passed the laws. The President administers and enforces them. So if after all this crime legislation there has been an increase in crime on our streets, then maybe we ought to ask the White House why it is not working.

I could ask why the top law enforcement officer is letting this happen after all of this, but I will not; but I will tell you about some other crimes. The first is telling the American people that Congress has not been doing anything about crime.

The second is not telling them that 97 percent of the violent crime committed in this country is not covered by Federal law.

The third and the real crime, Mr. Speaker, is that after getting 7½ pounds of criminal legislation, there is

still not 1 page of a national health care proposal from the White House that deals with the real crime, 37 million uninsured and millions more underinsured Americans scared to death about the health care crisis. That is the crime.

WHERE IS THE PRESIDENT'S CRIME BILL?

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

Mr. SENSENBRENNER. Mr. Speaker, tomorrow is the 100th day that has gone by since the President challenged us to pass crime and transportation legislation within a 100-day period, and nobody seems to know where the President's crime bill is located.

Yesterday at a hearing of the Judiciary Subcommittee on Crime, we were told that the chairman of the Judiciary Committee had divided the crime bill into parts and referred it to the subcommittees of jurisdiction; but the majority staff on the full committee denies that that is the case.

Now, perhaps we ought to get the bloodhounds out to find where the President's crime bill is.

I call upon the chairman of the Judiciary Committee, the gentleman from Texas [Mr. BROOKS], to quit playing games with the American public and to start taking action on a crime bill. If you do not like the President's bill, draft your own, but do not stick the crime bill in the back drawer and expect the American public to ignore the fact that congressional attention to this most pressing issue is not happening. The time to take action is now. The time for the chairman of the Judiciary Committee to announce a timetable is now, and let us get on with it.

CHICAGO BULLS' NBA CHAMPIONSHIP VICTORY

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

Mr. RUSSO. Mr. Speaker, the Chicago Bulls are the National Basketball Association world champions. The Bulls from Chicago-town did it by winning convincingly and decisively in Show-town, Bro-town, Mo-town, and finally last night in Tinsel-town.

Led by Michael Jordan, the league's most valuable player and the series most valuable player, and without a

□ 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.

doubt the most exciting player in the history of the NBA, along with Scottie Pippen, a superstar of the first order, the tough rebounding of Horace Grant, the great defense of Bill Cartwright and the clutch shooting of John Paxson, and a tremendous showing by the Bulls' bench, starting with Cliff Levingston, Will Perdue, B.J. Armstrong, Scott Williams, Stacey King, Craig Hodges, and Dennis Hopson, they did it with a tenacious defense and an explosive offense. This was NBA basketball at its best.

Unlike the bad boys from Motown, the L.A. Lakers are a class act.

My congratulations to the Lakers and their team leader, Magic Johnson. He was a pleasure to watch, dazzling us with his pinpoint passing and thrilling us with his solid field direction. He and the rest of the Lakers organization should be proud of their achievements. The Bulls-Lakers series will go down as one of the best matchups in the history of the NBA. What a joy to watch Michael Jordan and Magic Johnson at their best.

My congratulations to Bulls owner Jerry Reinsdorf, their coach Phil Jackson, general manager Jerry Krause and the rest of the Bulls' organization for putting this fabulous team together—a job well done. And to my friend, Michael Jordan: You are the greatest. See you on the links.

THE RACE FOR THE CURE

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

Mrs. VUCANOVICH. Mr. Speaker, I rise today in support of a very important event that is occurring this Saturday in Washington, DC. This weekend Washingtonians and visitors from all walks of life are going to participate in the race for the cure—a 5 kilometer run and walk and a 1-mile fun walk to benefit breast cancer prevention.

Over the years I have urged my colleagues to recognize how early detection in breast cancer is the way to survival for breast cancer victims and their families. This matter is certainly one that should be addressed by all families throughout the country, including the Quayle family who will be leading the race on Saturday.

I encourage all of my colleagues and their staffs and families to join me, the Quayles and Mayor Sharon Pratt Dixon at Freedom Plaza at 8 a.m. this Saturday to run or walk in the race for the cure. In a course of a lifetime, breast cancer will put 1 in every 9 women and their families in a race for their lives. Now is the time to join them in this race.

DON'T SHUT THE DOOR TO EDUCATIONAL OPPORTUNITY

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

Mr. PRICE. Mr. Speaker, we have heard a great deal of rhetoric from the White House lately about domestic priorities and policies. But when is our administration going to do more than talk about solving the problems of middle America?

In my part of North Carolina, working families are worried about how to send their kids to college. During the last decade, student aid programs for middle-class families have been in a holding pattern—and they would have been drastically cut or eliminated if the Reagan administration had had its way. Meanwhile, the cost of a college education has jumped 135 percent in the past decade; the number of students taking out educational loans has doubled; and the amount they are borrowing has risen 75 percent. Today, a student graduating from a public university like UNC—Chapel Hill is likely to get a \$7,000 due bill along with that diploma.

What is the response of our administration? Our self-styled "Education President" first proposed drastic cuts in the Pell Grant Program, and is now recommending changing eligibility formulas to cut some 400,000 middle-class students from the program. The Pell Grant Program is not a program for the rich, but it is not a poverty program either. It is the middle- and working-class families, the families earning \$25,000 to \$35,000 a year, who typically use Pell grants to pay for college.

Congress cannot allow the administration to gut the student aid programs that were designed to help middle-class families send their children to college.

We are working to make college more affordable for middle-class families, to improve the Pell Grant Program and to fund it adequately. As part of that debate, the Postsecondary Education Subcommittee is visiting my district in a few weeks to hear from North Carolina educators and students about student aid problems and other pressing education needs. These are real problems facing middle America, and Congress is working to come up with real answers. I hope President Bush will join in this effort.

□ 1010

ALL I KNOW IS THIS

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

Mr. GUNDERSON. Mr. Speaker and Members, all I know is this: The Presi-

dent asked us to pass the highway bill and to pass a crime bill within 100 days. We have not passed a highway bill, we have not passed a crime bill, and we are not even in session tomorrow.

Mr. Speaker, all I know is this: The President asked us to pass a highway bill and the crime bill in 100 days. We have not passed the highway bill, we have not passed the crime bill, and we are not even going to be in session tomorrow.

Mr. Speaker, all I know is this: The President simply asked us to pass the highway bill and a crime bill within 100 days. We have not passed a highway bill, we have not passed a crime bill, and we are not even going to work tomorrow.

Mr. Speaker, all I know is this: The President simply asked us to pass the highway bill and a crime bill within 100 days. We have not passed a highway bill, we have not passed a crime bill, and we are not even going to be in session tomorrow.

Mr. Speaker, all I know is the President came and asked us to pass a highway bill and a crime bill within 100 days. We have not passed that highway bill, we have not passed that crime bill, and we are not even going to be in session tomorrow, so I will not even be able to remind us that when the 100-day time arrives and we have not done our job, we have no one to blame but ourselves.

A REVIEW OF THE LAST 100 DAYS

(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, last night the President attacked Congress for not meeting his political laundry list for the last 100 days.

The President continues to audition his themes for next year's election while we here in Congress continue our work on critical issues facing the Nation.

The President said he wanted to be the education President, but it was leaders here in the House—PAT WILLIAMS, DICK GEPHARDT, and STENY HOYER—who introduced a comprehensive education program that would make college a possibility for thousands of middle-class students who can't get a student loan under the current formula or the President's proposal for next year.

The House passed a civil rights bill. The President's contribution? He succeeded in stopping negotiations on that bill between the Business Roundtable and the civil rights community. He opposed the compromise bill passed by the Congress and now he has threatened to veto that legislation.

But I'm happy to review the last 100 days, because there has been a lot of

activity inside and outside of the Congress.

More than 163,000 people lost their jobs in the last 100 days as unemployment continued to rise.

Another 3.5 million people couldn't get health care that they needed because they don't have health insurance.

During the past 100 days, as college acceptances arrive at homes across the country, thousands of students were faced with choosing between schools they want to attend—and schools they can afford. For too many students, the choice was no school at all.

Mr. President, you spent the last 100 days waiting for today. The Congress spent the last 100 days passing major legislation and considering proposal to help working families, solve the Nation's health care crisis and provide affordable education assistance for millions of American families.

And millions of Americans spent the last 100 days struggling to make ends meet, to feed the kids, pay for health care, and find affordable housing.

Mr. President, the American people need leadership from the Congress and the President. And there's no time limit on when we can deliver that.

WHY NOT TAKE UP THE PRESIDENT'S CRIME BILL? IT IS TIME

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

Mr. KYL. Mr. Speaker, one of the previous speakers said that we passed some crime bills in previous years; inferring, therefore, that it was not necessary to take up the President's crime bill.

The American people disagree, and let me just describe one reason why.

Since the Supreme Court's 1972 decision in *Furman versus Georgia*, which generally invalidated existing death penalty procedures, 41 States have enacted laws to restore the death penalty. Since the Court's 1976 decision in *Gregg versus Georgia*, it is clear that capital punishment can constitutionally be imposed under certain procedures.

Given the overwhelming public support for capital punishment as the only adequate sanction for the most atrocious crimes, it is intolerable that Federal law now provides no enforceable death penalty for certain acts.

Mr. Speaker, the President's bill establishes constitutionally sound procedures and adequate standards for imposing Federal death penalties which are already on the books, including mail bombing and murder of Federal officials. And it authorizes the death penalty for drug kingpins and for certain heinous acts, such as terrorists, murders of American nationals abroad,

killings of hostages, and murder for hire.

Are my Democratic colleagues against the death penalty in these circumstances? If not, why not take up the President's crime bill. It is time.

TRIBUTE TO THE CHAMPION CHICAGO BULLS, 108 TO 101

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

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today with tremendous pride and enthusiasm for the new champions of the National Basketball Association, the Chicago Bulls. Today, all of Chicago has reason to cheer and shout—after many seasons of being almost champions and nearly victorious, the Bulls have done it. They have won the NBA championship for the city of Chicago, their families, and themselves.

Each member of the Chicago Bulls deserves our full appreciation for playing a long, tough season and for playing well. Not only have they provided excellent role models for our youth, they have brought home a trophy championship that Chicago fans have been hoping and waiting for for 25 years.

I am doubly proud because the Bulls not only have reached the pinnacle of success, but I am proud of them because they play in my district at the Chicago Stadium. Winning this championship has made all of us proud.

You know, Mr. Speaker, the National Basketball Association has certainly provided us with a great season of pleasure because of its many fine teams—especially the Los Angeles Lakers, who with the Bulls gave all spectators an exciting series of championship games. Both of these teams are tremendous. I want, therefore, to express my sincere and great appreciation and regards for the Lakers as a team and particularly to Magic Johnson, who is a wonderful sportsman, a gracious man, and a true professional, as are all the Lakers.

Above all though, I want to say thank you to the entire Bulls team of Horace Grant, Scottie Pippen, Bill Cartwright, Dennis Hopman, Bill Paxson, Cliff Levingston, Craig Hodges, Scott Williams, B.J. Armstrong, Stacey King, Will Perdue, and of course, Michael Jordan for playing great, great basketball and bringing this exciting victory home to Chicago.

Mr. Speaker, I salute them and I take my hat off to them.

RAISING LUXURY TAXES DOES NOT WORK: JOBS ARE LOST

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

Mr. BOEHNER. Mr. Speaker, during last year's budget debate, Democrats thought they could win political points by writing into the agreement a handful of new luxury taxes to soak the rich.

The plan had a great Robin Hood feel to it. Add an extra 10 percent tax on large boats, expensive cars and furs, and get some good publicity socking it to all those rich people. Too bad they didn't bother to hold any hearings or talk to economists or to people employed in those industries.

These taxes aren't soaking the rich. The boat tax is sinking that industry, and soaking the workers who build boats for a living. Since the tax was enacted, boat sales have fallen by more than 50 percent. Eight thousand jobs have been lost in the boating industry because of the drop in sales.

In my district in Ohio, constituents who work in the boating industry have urged me to repeal of the luxury tax in order to save these jobs.

Mr. Speaker, thousands of hard-working Americans are finding out exactly what the Democrats mean when they say "tax fairness." I think it's clear that raising taxes doesn't work, and soaking the rich is an idea that's all wet.

SOMETHING REALLY STINKS, AND CONGRESS SHOULD INVESTIGATE

(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, something really stinks. While the President is banging on Democrats on highway bills and crime bills, they continue to be growing allegations that the Reagan-Bush campaign conspired to hold Americans in continuous hostage bondage in Iran during the 1980 campaign. If that is the case, ladies and gentleman, it is the most deceitful political act in all of American history, and Congress should be demanding the truth.

I say it is time for a full-blown investigation, and this President may not be so crazy about any more crime bills.

Coincidence? Hostages released the day after the President is sworn in? Or a conspiracy, Mr. Speaker?

I think Congress should find the truth to that answer.

A CALL FOR LEADERSHIP BY THE DEMOCRATIC MAJORITY

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

Mr. LEWIS of California. Mr. Speaker, the democratic leadership of this House has begun a barrage of criticism of President Bush because of what they describe as the President's having in-

terest only in foreign policy and too little interest in domestic affairs. Their criticism is based upon concern over the strength of the President's popularity in no small part related to his dynamic leadership in foreign affairs. During his Presidency, America has resurged as the clear leader providing hope for a growth in freedom and sustained peace. While the Democrats try to undermine President Bush's strength by pointing to domestic policy, they choose to ignore the fact that it is Congress that has been dragging its feet on an array of critical domestic policies. Crime legislation has been languishing in democratically controlled committees for years. Where are the bills that would lead to energy independence? Why has not their approach to meeting the health care challenge or to education policy seen the light of day from committees Democrats dominate? America needs more than political talk about Domestic policy. Mr. Speaker, it is time for your democratic majority to either lead or get off the pot.

AFTER 106 YEARS, DENVER MOVES INTO THE MAJOR LEAGUE

(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, Denver's first baseball team was coming around in 1885. It was called the Denvers. Then it became the Bears, and then it became the Zephyrs.

But the bottom line is for 106 years Denver, CO, has been waiting to move into the major league. We are very pleased the formal announcement goes out today, we finally get to move to the plate. It is finally Denver's turn and Miami's turn.

Mr. Speaker, I want to congratulate everybody who really made this happen: Our mayor has been in the bullpen keeping us all warmed up for a long time. That is even a hard word for me to say, "bullpen." I am really glad his leadership and many others were out there and we finally made it.

I hope everybody comes to see us in 1993 so we can finally see baseball played at a mile high in Denver; I think it will be very exciting.

□ 1020

ANOTHER NAIL DRIVEN INTO THE COFFIN OF COMMUNISM

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

Mr. COX of California. Mr. Speaker, another nail has been driven into the coffin of communism. Yesterday the people of Russia, not the people of the Soviet Union, but the people of Russia,

voted to reject communism and to vote for a President who himself has resigned the Communist Party and, in the city of Leningrad, the people have voted to reject the idol of Lenin and to restore the name of that city given by Peter the Great 288 years ago, St. Petersburg.

Mr. Speaker, St. Petersburg was built as a window to the West to rival Amsterdam and the great European ports. Now, as that failed ideology of communism is going down the drain of history, St. Petersburg may once again open a window to the West through which democracy and free enterprise may travel in both directions.

This argument about the name was more than a debate about St. Petersburg versus Leningrad. It was a conflict over the soul of the Russian enterprise. On the very same day that Leningrad was being changed to St. Petersburg, Mr. Gorbachev was suggesting that the icon of Lenin remain in place.

Mr. Speaker, I congratulate Mayor Anatole Sobchek and all the people who had courage to reject Leninism and communism. Let us in this Congress continue to work with them.

THE "DON'T BLAME ME" SHUFFLE ON CRIME

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

Mr. ROHRBACHER. Mr. Speaker, tomorrow it will be 100 days since we sat here and watched the President of the United States from this podium challenge us to pass legislation concerning transportation and crime, and since then all I have seen is fingerprinting and the "Don't Blame Me" shuffle coming from this Congress. They claim that the President is not offering leadership. They claim the President has no agenda.

Mr. Speaker, how much more leadership can a President provide than coming to this body and challenging us to pass legislation within a given period of time on a specific issue? How much more leadership can he provide?

Mr. Speaker, the people are not being fooled. The people know that they are still victimized by crime, and that this Congress is doing nothing, and that the President of the United States is asking us to act, and we have not acted. The only thing coming out of this Congress has been a barrage of rhetoric trying to blame the President for economic problems brought on by policies that were passed into law by this Congress. It is about time we started to act and started acting with the President to solve this Nation's problem rather than pointing fingers and dancing the shuffle.

THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

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

Mr. MAZZOLI. Mr. Speaker, later today we will take up the State-Commerce-Justice appropriation bill. In a \$21 billion bill it is sometimes hard to keep track of a \$1 million item, but I would like to direct some attention to a \$1 million item in the bill dealing with the Court-Appointed Special Advocate Program [CASA]. This is a program in which volunteers, not paid people, but volunteers, work one on one with juveniles who are caught up in the court system. Back home in Louisville, and in Jefferson County, we have had excellent luck with our CASA Program. The volunteers there act as friends, and associates and as loving intercessors for these troubled young people.

Mr. Speaker, we have all heard of the thousand points of light. I would like to reserve two of those points of light, one for all of the CASA volunteers in Kentucky an around the country for their excellent work and one to be shared by the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS] who have allowed this program to go forward and receive adequate funding.

I extend my thanks to those gentlemen, and, more importantly than that, tens of thousands of troubled young people in this country extend their thanks to Mr. SMITH and Mr. ROGERS.

THE NEED TO HELP BANKS

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

Mr. STEARNS. Mr. Speaker, I rise today to express my serious concerns about the current state of the U.S. banking industry. The antiquated laws currently on our books leave taxpayers overexposed, consumers and businesses underserved, and the industry increasingly uncompetitive. As a result, banks are unable to effectively perform their important role in stimulating and sustaining economic growth.

Today, the United States does not have a single bank among the world's 25 largest. Twenty years ago we led the standings with the top 3 and had 7 banks in the top 25. Of course, the question of pure size is not the whole story. But against the backdrop of an economy that is twice the size of our nearest competitor's I wonder if anyone can explain the complete absence of U.S. banks from the list of world leaders?

Surely these statistics tell us something. To me, it is strong evidence that something is very wrong. Would we be comfortable with no aerospace compa-

nies in the world's top 25? No pharmaceutical companies? No computer manufacturers? Of course not.

Mr. Speaker, bank failures totaled 198 in the 38 years from 1942 to 1980, but reached 206 in 1989 alone.

Mr. Speaker, I'd like to commend Secretary of the Treasury Brady and the administration for the legislative package that they proposed to Congress.

Thank you, Mr. Speaker.

BREAST CANCER RESEARCH

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, there is an epidemic in this country called breast cancer. By the time we finish these 1-minute speeches, two women in this country will have died of breast cancer. One out of nine women get breast cancer. Every 11 minutes a woman finds out she has breast cancer.

So, Mr. Speaker, what do we want to do about it? We do not view this as a problem.

That is why, Mr. Speaker, I was so delighted to see that my legislation to authorize and appropriate \$50 million for breast cancer research to find a cure for breast cancer, which some scientists say, if they had the resources, they could concentrate and within 5 years come up with some remedies; I was thrilled to see that the gentleman from California [Mr. WAXMAN] and the full committee had authorized no less than \$50 million for breast cancer basic research. That is minuscule compared to what we do for AIDS, and I support AIDS research, et cetera.

□ 1030

Mr. Speaker, that is only the first step, however. That money must be appropriated, and we must go through the Appropriations Committee. The Senate must put in at least the same amount. The Senate has never put in a line item for breast cancer, and it is about time they did because women and their families will no longer tolerate our lack of commitment.

EXCLUSIONARY RULE WOULD BE KEY ITEM IN PROPOSED CRIME BILL

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

Mr. GEKAS. Mr. Speaker, one of the key elements of the President's anticrime package, which comes to fruition tomorrow with his 100-day warning, is the reform of the exclusionary rule. On paper that does not sound very exciting, but nothing is more sickening to the American people than to see on their TV screens or read about a case where an individual caught redhanded

in a burglary, a robbery, a rape, or a homicide appears in court and then the case is thrown out because of some technicality in the law, with the judge having no other recourse in his or her own mind but to throw out the case. And then this individual walks out laughing at the whole system and making the American people themselves distrustful of the justice system.

It is not just 100 days we have been working on this; it has been 100 months we have been laboring, trying to reform the exclusionary rule, to give some ability to the police to bring home a criminal to the justice system without worrying about a case being thrown out on some technicality.

Mr. Speaker, it is time, not 100 days but 100 months later, after some of us have been trying to get this done, to have legislation like this come to the floor of the House.

CONFERENCE REPORT ON S. 64, EDUCATION COUNCIL ACT OF 1991

Mr. KILDEE. Mr. Speaker, I call up the conference report on the Senate bill (S. 64) to provide for the establishment of a National Commission on a Longer School Year, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the conference report be considered as having been read.

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

There was no objection.

(For conference report and statement, see proceedings of the House of Wednesday, June 12, 1991, at page 14403.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. KILDEE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

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

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

THE CRIME BILL

(By unanimous consent, Mr. SCHUMER was allowed to proceed out of order.)

Mr. SCHUMER. Mr. Speaker, President Bush gave himself a birthday present last night—he decided it was OK for his administration not to do anything about the pressing problems facing our Nation.

At the top of this list, Mr. Speaker, is crime. The President may feel he has

the luxury to do nothing about violent street crime, but the American public is not so lucky.

The President extolling his crime bill is like a street mime extolling his speaking ability—there just isn't anything there. We haven't passed the President's crime bill within his foolish 100-day deadline for the simple reason it isn't worth passing.

Democrats in Congress have a better idea—enact comprehensive anticrime legislation that focuses on preventing crimes from happening in the first place. We need fewer guns, safer schools, and less drugs—the things that will enable the elderly woman on the street to avoid being mugged.

The President has a crime bill that affects virtually no Federal crimes, an Attorney General who can't make a career choice, and an agenda defined by the number of days spent on a bill rather than the number of lives saved on the street.

The Crime Subcommittee is in the midst of crime bill hearings and will generate a truly comprehensive bill in the near future. We would like to have the President join in this debate, but it looks as if he is content to look at the calendar and not at the problem.

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

Mr. Speaker, within 3 weeks after its introduction we are enacting today a key element of the President's education package.

Mr. Speaker, the conference agreement contains four titles.

Title I authorizes a National Education Commission on Time and Learning to report to the Congress and the Secretary of Education on the quality and adequacy of the study and learning time of elementary and secondary students in the United States.

The Commission would examine issues including the length of the school day and year, the extent and role of homework, and the use of school facilities for extended learning programs.

Members of the Commission would be appointed jointly by the Congress and the Secretary of Education and the report would be due no later than 2 years after the Commission's first meeting.

Title II, Mr. Speaker, authorizes a grant for the national writing project to improve the quality of student writing and the teaching of writing at all grade levels.

Title III authorizes a program in the Department of Education to educate children on the history and principles of democracy in the United States.

Title IV establishes the National Council on Education Standards and Testing.

This Council would report to the Congress, the Secretary of Education and the National Education Goals Panel on the desirability and feasibility of national education standards and a system of national examinations.

The language of the conference agreement pertaining to this Council is identical to the version approved by the House earlier this week.

Mr. Speaker, I would like to thank all the Members on both sides of the aisle who have helped to put this conference agreement together.

I particularly want to thank Mr. GOODLING for his assistance both on the content of the conference agreement and for helping to expedite its consideration.

He established my credentials with Secretary Lamar Alexander which made it possible for us to proceed in a bipartisan, bicameral cooperation with the executive branch.

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

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

FAILURE OF CONGRESS TO PASS A CRIME BILL
(By unanimous consent, Mr. ROTH was allowed to proceed out of order.)

Mr. ROTH. Mr. Speaker, I have asked for this 1 minute to rebut some of the arguments made in the previous 1 minute speeches.

I have to compliment President Bush. I would not have had the patience that the President exercised last night. When the Commander in Chief gives the U.S. military a clear goal, the result is a 100-hour battle and the war is won, but when he gives the Democrat leadership a clearcut goal of passing two essential bills in 100 days, the result is nothing.

I can see why the President is critical of Congress. Last year this body spent 3 days—October 3, 4, and 5—deliberating the comprehensive crime bill of 1990. After a great deal of debate and amendments, it passed, 368 to 55. The vote was 368 to 55, not even close. The final legislation contained many of the administration's desired reforms.

Mr. Speaker, we could have passed that bill on any day in the last 100 days if we as a Congress had had the will to do so.

The President, 100 days ago—more than 3 months ago—asked for only two legislative bills, and the Congress has passed neither. It's disgraceful. The war which was won in 100 hours, and the Democratically controlled Congress' legislative nonaccomplishment graphically demonstrates the differences between Republican and Democrat leadership.

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

Mr. Speaker, today we bring the Members living proof that we can do good things in 100 hours if we just work together, instead of 100 days.

Mr. Speaker, I believe that the conference report that we are adopting today, while small in size, may be one of the most important pieces of education legislation to be considered by the Congress this year.

The major title of this legislation creates a National Council on Education Standards and Testing. The creation of this Council is significant for at least two reasons. First of all, it signals the beginning of congressional involvement in the ongoing debate over the creation of national education standards and a national examination system. It is important for Congress to be involved because our constituents can utilize our offices to get their views into this important discussion and because we may be asked some day to fund the development of such standards and tests.

The charge to the Council created by this legislation also adds to its importance. Members of the Council will decide upon the wisdom and feasibility of creating a system of national standards and tests. We will put the issue of desirability on the table and discuss what educational ends are met by such an effort. Besides the political imperatives that have been built up around these ideas, we need to clarify how will they help teachers teach, students learn, and schools become more effective?

I want to thank and commend the chairman of the subcommittee, Mr. KILDEE, for his efforts in putting together this compromise bill and moving it expeditiously to enactment.

Mr. Speaker, I would be remiss if I did not talk about the term effort on the part of the staff from both sides of the aisle, by Jack Jennings, Susan Wilhelm, Jeff McFarland, Damian Thorman, Dr. Hartman, Dr. Buehlmann, and Ms. Selmsler. All of them worked together to produce what we have here today.

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

Mr. Speaker, I certainly concur with the gentleman's comments concerning the tremendous staff work we have had on this bill. We both are really blessed with tremendous staff people. They have done tremendous work on this legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI]

□ 1040

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

Mr. Speaker, I would like to salute the gentleman from Michigan [Mr. KILDEE] and the gentleman from Pennsylvania [Mr. GOODLING] for their work on this bill. Certainly dealing with educational standards and testing on a national basis is very important.

But I would like to momentarily mention one other title in the bill. The gentleman from Michigan [Mr. KILDEE] mentioned that there is a title in the bill dealing with the writing projects. If I understood it correctly from staff today, this program teaches teachers to teach writing to students. I cannot

say how important this is. Unless the teachers themselves understand grammar and syntax and know how to spell and know what tense and number are, and know how to parse a sentence, they can hardly teach and train young people to speak and write correctly.

Yesterday's New York Times carried a column, which I ask permission to extend in the RECORD, which takes excerpts from various papers which have been filed by so-called teachers and so-called experts on the subject of rhetoric, and their excerpts are absolutely unintelligible. They have garbled syntax and the grammar is appalling.

Mr. Speaker, I salute both of these gentlemen for moving a bill that I hope will help to make America learn how to write correctly and learn how to spell and read. These are very important subjects.

JOHNNY'S TEACHER CAN'T WRITE EITHER
(By Rachel Erlanger)

A report by the Educational Testing Service finds that "students are poor writers, they do not like to write and they like it less as they go through school." One reason students write poorly could be that so many teachers write poorly.

Strunk and White, in "The Elements of Style," tell us to omit needless words and avoid elaborate and pretentious ones. The writer William Zinsser talks of stripping a sentence to its "cleanest components." But neither the professional literature that finds its way into my mailbox nor the meetings on the teaching of writing I attend show any concern for such matters.

To prepare for a colloquium on freshman writing, I obtained copies of a number of articles on the subject. One, "Rhetoric and Ideology" by James Berlin, a professor of English at Purdue University, came from College English, the magazine of the National Council of Teachers of English. "It is true that some rhetorics have denied their imbrication in ideology, doing so in the name of a disinterested scientism," says Professor Berlin. "More recently the discussion of the relation between ideology and rhetoric has taken a new turn. Ideology is here foregrounded and problematized in a way that situates rhetoric within ideology, rather than ideology within rhetoric."

An article by Ira Shor, a professor at the City University of New York, spoke of the need for "conscientization to counter the interferences to critical thought in daily life."

Among the journals displayed at the colloquium was Notes from the National Testing Network in Writing. This group, a joint project of the City University and the Fund for the Improvement of Postsecondary Education, prides itself on being "the world's largest clearinghouse of information and materials on literacy education and assessment."

Papers abstracted in Notes including "Holistic Evaluation as Empowerment," "Holistic and Performative Assessment of ESL Writing," "Competency Testing as a Catalyst for Attitudinal Change at the University" and "An Interactive Matrix for Evaluating Program Procedures."

Reading these abstracts, and the articles by Professors Berlin and Shor, and countless other articles in the literature on the teaching of basic writing, I am reminded of a sentence in George Orwell's essay "Politics and

the English Language": "A mass of Latin words falls upon the facts like soft snow, blurring the outlines and covering up all the details."

Sometimes the writer does not even know the meaning of Latin words he uses. In one City University newsletter, a professor tells us that his students and their ancestors "have been coming to the land now called the United States for millennia."

Sometimes it is difficult to believe the writer is serious, as when Professor Shor speaks of the interdisciplinary approach to the study of the fast-food hamburger. As he put it: "Concretely my class' study of hamburgers not only involved English and philosophy in or use of writing, reading, and conceptual analysis, but is also included economics in the study of the commodity relations which bring hamburgers to market, history and sociology in an assessment of what the everyday diet was like before the rise of the hamburger, and health science in terms of the nutritional value of the ruling burger."

Inevitably, mistakes in syntax creep in. An article by a City University dean, Harvey S. Wiener, speaks of a possible "exchange of teachers."

How can people who write like this teach others to write clearly and concisely? Is it asking too much to expect teachers of writing to heed the rules of rhetoric? Or perhaps we should require them to take a course in basic writing before they teach one.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the conference report on S. 64, the Education Councils Act of 1991. This conference report contains the provisions of S. 64, as passed by the Senate, and H.R. 2435, the National Council on Education Standards and Testing Act, which passed the House last Monday.

We are able to bring back so swiftly to the House a conference report on this legislation because of the spirit of cooperation which existed between Senators KENNEDY, PELL, HATCH, and KASSEBAUM, and the House Members, Congressmen KILDEE, GEORGE MILLER, GOODLING, and GUNDERSON. We also had great cooperation from the administration, in particular, Secretary Alexander.

The importance of considering this bill so expeditiously is that the National Council on Education Standards and Testing created by this bill must be put into place immediately in order to perform its work by the end of the year. This Council was fashioned by Congressman KILDEE, Secretary Alexander, and Governors Romer and Campbell. Its purpose is to consider both the desirability and feasibility of national education standards and testing. A report is due to the Congress, the Secretary, and the National Education Goals Panel by the end of this year.

Another important component in this legislation is the creation of a national commission to study the amount of time spent on education and spent on study by students. Senator BINGAMAN is to be commended for proposing the creation of this Commission, and Secretary Alexander is to be commended for proposing that this Commission have a broad mandate to review all aspects of the time and study involved in education.

The conference report also authorizes the national writing project which is an exemplary program administered in many States by the University of California at Berkeley. Congress-

man GEORGE MILLER has been a ceaseless advocate of the writing project and has repeatedly pointed out to us the need to improve the writing ability of American students.

The last component of the conference report transfers the "We * * * the People" Program from the National Bicentennial Commission to the Department of Education. This program is operated by the Center for Civic Education headed by its very dedicated executive director, Chuck Quigley. High school students receive instruction in civics and then compete locally, statewide, and nationally to show their expertise. Evaluations have shown that this program is very effective in heightening the understanding of our Government and politics by young people.

Mr. Speaker, this is a good conference report which we are bringing back to the House. DALE KILDEE has shown himself to be a very skillful legislative craftsman in fashioning all the compromises needed to move this legislation. Congressman GOODLING, as always, has lent his wise advice and support in this endeavor. I urge my colleagues to adopt this conference report.

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

Mr. KILDEE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. 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 the conference report on S. 64 that was just agreed to.

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

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That all points of order against consideration of the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and

related agencies 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.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all the time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 174 waives all points of order against the bill for failure to comply with clause 2(1)(6) of rule XI, the 3-day layover rule. It further waives clause 7 of rule XXI, which requires relevant printed hearings and reports to be available for 3 days prior to consideration of a general appropriations bill.

The Appropriations Committee ordered the bill reported on June 11. In order to proceed to consideration today, waivers of these two rules were necessary.

Mr. Speaker, H.R. 2608 appropriates \$21.5 billion in new budget authority for fiscal year 1992 for the Departments of Commerce, Justice, State, the Judiciary and 21 related agencies. I urge my colleagues to support this rule so that we may proceed to consideration of this important legislation.

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

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

Mr. Speaker, the rule before us is a relatively simple rule, especially when compared to what was originally suggested by the Appropriations Committee.

This rule waives the 3-day layover requirements with respect to the committee report and hearings on this bill. Under House rule XI, clause 2(1)(6), a bill cannot be considered by the House "until the third calendar day" on which the report has been available to Members, excluding Saturdays, Sundays and legal holidays.

And under House rule 21, clause 7, it is not in order to consider an appropriations bill until the printed committee hearings and report have been available to members for "at least 3 calendar days, excluding Saturdays and Sundays."

This bill was only reported by the full Appropriations Committee on Tuesday, and printed copies of the report and bill did not become available until yesterday.

Under House rule 11 we could not consider this bill until Friday of this week; and under House rule 21, until Monday of next week.

Because the leadership has scheduled the consideration of this bill for today,

the waivers are necessary if we are to proceed.

I would hasten to add that the minority is somewhat concerned over the increasing frequency with which the Rules Committee is granting waivers of the layover requirements for bills and conference reports. So far in this Congress we have granted 23 rules, 6 of which have included specific waivers of the report layover requirements. That comes to 26 percent of all rules.

It seems we are giving Members less and less time to consider the reports on more and more spending, and that does not bode well for a deliberative and fiscally prudent democracy.

So it is with some reluctance that we support these two waivers. This is the fifth appropriation bill this year that has waived the layover requirement when you include the two supplemental appropriations bills we considered earlier in the year.

Mr. Speaker, the real controversy over this rule is not so much in what it includes as to what it excludes. The Appropriations Committee has initially requested protection against points of order against all the unauthorized programs contained in the bill—programs comprising roughly 70 percent of the bill.

But the committee went further and asked the Rules Committee to prohibit any amendments to those unauthorized accounts that would increase them above either the amounts contained in the bill or last year's level, whichever is higher.

The chairman of the subcommittee, Mr. SMITH of Iowa, acknowledged that this request was unprecedented but necessary because otherwise we would be rewarding committees which did not have their authorizations enacted, and penalizing those which did. And I must confess, his argument makes considerable sense both from a procedural and fiscal standpoint.

In previous years, the gentleman simply did not include unauthorized programs in his bills, so there was no need to protect them with a rule or ask for such a restrictive amendment procedure. The programs would later be restored either in conference or in supplements.

The Rules Committee did not want to grant this special amendment restriction both because it was unprecedented and because it precluded the House from making the final determination about priorities and spending levels.

As Chairman MOAKLEY correctly pointed out, the proposed restriction would make it impossible to increase funding for an unauthorized program even if you had off-setting reductions in other accounts, whether authorized or unauthorized. I think such deficit-neutral amendments are fiscally sound and responsible and do allow the House a free rein to alter priorities within a bill.

I do share Chairman SMITH's concern about the prospect of amendments that simply increase spending without providing for offsetting reductions. Since this bill is not up against its allocation ceiling, such amendments are now possible—even under this rule.

So the question becomes one of, "to what extent should the Rules Committee play a role in protecting the House against itself?" And the consensus judgment of the Rules Committee was that we should give the House a chance to act responsibly, and take the risk that it might act otherwise. Such are the perils of representative democracy.

Eventually, though, we will run up against the ceilings set by the recent budget agreements as well as this year's 602(a) and 602(b) allocations. So, theoretically, there is a self-disciplining mechanism already built into the process to protect us against becoming fiscally profligate.

Mr. Speaker, the bill this rule makes in order appropriates approximately \$21.5 billion for the Departments of Commerce, State, Justice, and the Judiciary for fiscal year 1992. That's roughly \$2 billion more than last year but close to \$803 million less than the President's request.

It should be no surprise then, that the administration is concerned about the underfunding in this bill of some of its requests. For example, the \$9.3 billion in the bill for the Department of Justice is \$486 million below the administration's request. And the administration policy statement expresses the view that this underfunding will significantly impair its efforts in areas like drug law enforcement and combating violent crime.

It is particularly ironic that in the same week we are marking the 100th day of the President's 100-day challenge to enact his antiviolent crime initiative, we are considering an appropriations bill that will actually reduce our ability to combat violent crime.

Mr. Speaker, I don't want to dwell further on the substance of this bill since there will be plenty of time to discuss its specifics during general debate and the amendment process. I do support this rule, with the reservations I previously expressed, so that we can proceed to the bill's consideration and send this on to the Senate and to the President. I urge adoption of the rule and reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

This Statement of Administration Policy expresses the Administration's views on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1992, as reported by the House Committee.

On the basis on OMB's preliminary scoring, the Committee bill is within the House 602(b) allocation. The House 602(b) allocation is consistent with the statutory spending limits enacted in the Budget Enforcement Act. However, the bill reported by the Committee would significantly underfund several key

areas such as programs to combat crime, while providing excessive funding for several lower priority activities, such as EDA and other Commerce and Justice programs.

DEPARTMENT OF JUSTICE

The overall \$9.3 billion funding level established by the Committee for the Department of Justice is \$486 million below the President's request. This substantially reduced level of funding would seriously undermine Administration efforts to combat and prosecute crime effectively. Key effects of the Committee's reductions would include:

- Impairment of drug law enforcement efforts;
- Failure to expand efforts to combat violent crime;
- Failure to prosecute vigorously in areas of anti-trust law, environmental crime, and white collar crime, including public corruption and bankruptcy oversight;
- Delays in the development of an automated and complete felon identification system; and
- Inability to expedite deportation of criminal aliens.

DEPARTMENT OF COMMERCE

The Administration strongly objects to over \$100 million in reductions from the President's request for the National Oceanic and Atmospheric Administration (NOAA). The reductions to the request would seriously jeopardize NOAA's ability to move ahead with the National Weather Service modernization program. Reductions to the GOES satellite program could result in a lapse in weather satellite coverage with serious implications for public safety. In addition, the Administration objects to the Committee's failure to fund fully NOAA's central role in the interagency U.S. Global Change Research Program. Finally, the Administration strongly objects to the reduction of \$28 million from the President's request for the National Institute of Standards and Technology internal research programs.

INTERNATIONAL AFFAIRS PROGRAMS (STATE AND USIA)

The Administration urges the House to provide full funding for requested arrearage payments for the United Nations and international organizations. At a time when the United Nations is playing such an important role in world affairs, the United States must fulfill its treaty obligations to the UN and its affiliated organizations and pay our required share.

SMALL BUSINESS ADMINISTRATION

The Committee's bill does not provide sufficient budget authority to cover the subsidy costs associated with all disaster loans expected to be made through the Disaster Loans Program Account in FY 1992. The bill provides \$115 million in budget authority for subsidies that would support a loan level of only \$322 million, although the annual average loan level is \$365 million. An appropriation of \$126 million for loan subsidies would be required to cover a typical year.

FEDERAL COMMUNICATIONS COMMISSION (FCC)

The Committee's bill fails to provide adequate resources to fund the Federal Communications Commission. The bill provides only \$68 million in direct appropriations. Without the \$65 million in new fees requested by the President, planned staffing would be reduced by two-thirds, and significant furloughs would occur. No new or transfer licenses would be processed, and enforcement efforts would be limited to life-threatening cases.

COMMISSION ON CIVIL RIGHTS

The Committee's funding level of \$7.2 million is \$3.6 million, or 33 percent, below the President's request. This reduction would severely hamper the operations of this Commission. It would preclude the Commission's initiative to restore the seven regional offices that were eliminated in 1987. The regional offices support the State Advisory Committees that are the "eyes and ears" of the Commission. Funding should be restored to the level requested in the President's budget.

LEGAL SERVICES CORPORATION (LSC)

The Administration objects to the Committee's proposed appropriations restrictions on the use of Legal Services Corporation funds. This provision would require the LSC to abide by any restriction that the House may, in the future, include in H.R. 2039, an authorizing bill currently under consideration. The Administration has begun its analysis of H.R. 2039 to determine whether its provisions are acceptable. Because the restrictions are contingent upon future actions and possible amendments to H.R. 2039, the appropriations language would bind the President with an unknown set of constraints. Moreover, one provision states that H.R. 2039 would be binding if it passed only the House but were not enacted. If H.R. 2039 were to pass the House after enactment of this bill, this provision would unconstitutionally purport to make binding law a bill later passed by only one House, contrary to *INS vs. Chadha*.

CHIEF FINANCIAL OFFICERS ACT

The Administration strongly opposes section 607 of the Committee bill, which would bar the use of funds appropriated in this bill for the implementation of Public Law 101-576, the Chief Financial Officers Act of 1990 (CFOs Act). This law addresses long-standing Congressional and Administration concerns about financial management deficiencies in the Federal Government. These are deficiencies that must be corrected.

In passing the CFOs Act (passed by voice vote without dissent), the Congress found that "[b]illions of dollars . . . lost each year through fraud, waste, abuse, and mismanagement . . . could be significantly decreased by improved management." As a remedy, the CFOs Act: (1) strengthens management capabilities; (2) provides for improved accounting systems, financial management, and internal controls to assure reliable information and deterrence of fraud, waste, and abuse; and (3) provides for reliable financial information—useful to Congress and the Executive Branch—in financing, managing, and evaluating Federal programs. Implementation of the CFOs Act is essential to good government.

Additional Administration concerns with the bill are discussed in the attachment.

MAJOR PROVISIONS OPPOSED BY THE ADMINISTRATION

A. FUNDING LEVELS

Department of Justice

Law Enforcement Agencies. The Administration strongly objects to a \$235 million reduction from the request level for the FBI, DEA, and OCEDEF. This reduced level of funding would provide only 100 of nearly 900 special agents requested to continue Justice's mission against major drug trafficking groups, organized crime, and white collar crime. Further, no resources are provided to enforce new arms treaties expected to be completed shortly.

Legal Resources. The Administration opposes reductions totaling \$146 million from the requested level for U.S. Attorneys and the Legal Divisions. Such reductions would result in increasing the backlog of unaddressed cases and would preclude increased prosecution of tax fraud, which brings millions of dollars in revenue from settlement of fraud suits in such areas as motor fuel excise taxes and general taxes. Further, additional resources would not be available for the violent crime initiative.

Immigration Service. The Administration strongly objects to a \$61 million reduction from the request level for INS. This would severely impair the Administration's ability to add additional immigration judges and legal support to assure prompt deportation of criminal aliens. Funds to deport aliens were cut, which would result in increased costs due to longer periods of detention in the United States. Inspection lines at land border crossings could increase due to the lack of additional inspections. Border patrol resources at the border would not be augmented, and staffing at detention centers would not be adequately increased due to funding reductions.

Grant Programs. While underfunding important anti-crime programs, the Committee has provided funding to lower priority programs that have been recommended for reduction or elimination. For example, the Committee's bill continues funding (\$67 million over the President's request) for the Juvenile Justice Program. Continued funding of this program is unnecessary since virtually all States have reported a significant reduction in the number of non-criminal juvenile offenders detained, as recently verified in a GAO report. Additional objections include:

Proposed funding (\$12 million over the President's request) for the Regional Information Sharing System, a program that should be funded more substantially from State and local contributions.

Proposed funding of \$25 million for Correctional Options Grants to States and localities. During this period of fiscal stringency, it is inappropriate to launch a new program of grants for which virtually no hearing record exists.

Proposed funding of \$5 million to reimburse States and localities for the incarceration costs of Mariel Cubans convicted of violating State or local laws.

Finally, the Committee has assumed that \$46 million would be available for construction of Bureau of Prisons facilities from the Special Forfeiture Fund of the Office of National Drug Control Policy. The Treasury/Postal Subcommittee has provided only \$10 million from this source. As a result, there would be a \$26 million shortfall for this purpose.

Department of Commerce

EDA. The Committee bill provides \$246 million—as well as \$10 million in loan guarantee authority—for the Economic Development Administration (EDA) for regional development, a matter better left to the private sector. The Administration opposes funding EDA, unless funds are to be used solely for close-out costs associated with termination of the agency.

Other Department of Commerce Increases. The Administration objects to funding several programs that have largely met their goal or that fill roles more appropriate to State and local entities. These include the Public Telecommunications Facilities Program (PTFP), National Undersea Research

programs, Stuttgart catfish farm, and various fishery grants.

Census. The Administration strongly objects to the Committee's lack of support for the FY 1992 Economic Statistics Initiative. The Committee-reported bill would reduce the President's request for the Economic and Statistics Administration by \$5 million and the request for the Bureau of the Census by \$12 million. With the exception of funds provided to maintain the quality of the GNP estimates and to improve the coverage of the service sector, the bill would underfund the integrated Government-wide undertaking to improve Federal economic statistics.

National Telecommunications and Information Administration. The Administration strongly objects to the \$3 million reduction in the requested appropriation for the National Telecommunications and Information Administration (NTIA). A reduction of this magnitude would make it impossible for NTIA to carry out critical spectrum management tasks. In particular, NTIA would be unable to implement the reallocation of radio spectrum from Federal to private users as would be required by bills pending in both the House and the Senate. An error or delay in reallocating frequencies could cost the Federal government millions of dollars in wasted planning and unnecessary equipment purchases. As a result of delays in reallocating spectrum, introduction of new spectrum-based technologies could stall, and private users of the radio spectrum could lose hundreds of millions of dollars in potential revenues.

National Institute of Standards and Technology (NIST). Reductions to internal research programs would prevent NIST from addressing needed repairs to facilities and from adequately addressing a growing number of important measurement and standards issues that would go unresolved without funding. In addition, a strong internal research program is essential to maintaining the technical knowledge base at NIST required to manage effectively and carry out the new external programs. At the same time as the bill cuts internal research from the President's request, it adds \$18 million for NIST's external program, including grants. This program is still young and in an experimental stage, with uncertain potential benefits.

International programs (State and USIA)

Contributions to International Organizations and Conferences. The Administration objects to the Committee mark of \$982 million for Contributions to International Organizations and Conferences, a reduction of \$346 million from the President's request of \$1.3 billion. The Committee's funding level includes only a partial arrearage payment (\$157 million) instead of the President's request for full funding authority (\$503 million). Full appropriation of budget authority for arrearage requirements would send an important signal to the United Nations and all members that the United States is committed to fulfilling its obligations with respect to these organizations.

State: Salaries and Expenses. The Administration objects to the Committee's \$28 million reduction to the President's request. This reduction would hamper the Department's ability to cover growing operations demands and to continue upgrading important communications and information management systems.

Small Business Administration (SBA)

Salaries and Expenses. The Committee mark includes \$62 million for Small Business De-

velopment Centers (SBDCs), \$32 million more than requested in the President's Budget. The Budget proposes to reduce Federal assistance to these centers, which should rely increasingly on non-Federal sources of support.

Pollution Control Equipment Fund. The Committee bill includes \$8 million for the Pollution Control Equipment Contract Guarantee Revolving Fund although it is no longer a discretionary account. As a result of the Federal Credit Reform Act of 1990, this mandatory liquidating account has permanent indefinite borrowing authority from Treasury. Therefore, no appropriation is required.

Office of the Inspector General. The Committee mark includes \$10 million for SBA's Office of the Inspector General, \$3 million less than requested. A level consistent with the President's request is necessary to ensure stepped-up action to prevent fraud, waste, and abuse.

Business Loans Program Account. The Committee-reported bill does not reflect the Administration's proposals to increase guarantee fees on certain loans and to reduce the SBA share of general business loans. Instead, the Committee provides \$188 million more than requested for guaranteed loan subsidies. In addition, the Committee provides \$25 million for direct loan subsidies, \$23 million more than requested. The Budget proposes to substitute general business guaranteed loans, where appropriate, for most categories of direct loans.

B. LANGUAGE PROVISIONS

Commission on Civil Rights. The Committee continues to earmark funding for operations of regional offices and civil rights monitoring activities and to place funding restrictions on the use of consultants, the number of special assistance, and the number of billable days for which a Commissioner can be reimbursed. The Administration opposes this language because it would hamper the Commission's ability to meet its legislative mandate effectively and to operate efficiently.

Federal Communications Commission (FCC): Spectrum Reassignment. The Committee has not included Section 609 of the General Provisions proposed in the President's budget. That section would direct the FCC to move current occupants of 30 MHz of certain parts of the radio spectrum to other locations on the radio spectrum and to reassign the vacated frequencies using competitive bidding procedures.

The Administration objects to the deletion of this proposal because Section 609 would: enable the public to reclaim some of the private benefits derived from the licenses to the exclusive use of the spectrum; improve the FCC licensing process by doing away with costly and inefficient comparative hearings; and end the assignment of licenses by the purely random lottery process.

SBA Salaries and Expenses. The Committee bill would prohibit SBA from adopting, implementing, or enforcing and regulation for the Small Business Development Center (SBDC) program or from changing any policy that was in effect on October 1, 1987. The Administration opposes inclusion of this prohibition because new regulations are needed to prevent possible abuses of this roughly \$60 million-per-year program. In the absence of such prohibition, SBA would not take any action that would restrict or limit Federal funding of SBDCs. Instead, SBA would act to reduce deficiencies currently plaguing the program. A number of rules likely would be promulgated including: 1) regulations to ensure that individual SBDC's have adequate

internal controls and accounting standards to track the receipt and disposition of program income; 2) regulations to ensure consistency of program delivery; and 3) regulations to reduce conflicts between SBDC's.

Securities and Exchange Commission (SEC): Salaries and Expenses. The Committee bill rejects the offsetting (governmental) collection proposals included in the request for SEC salaries and expenses, which were projected to generate revenues of \$68 million. The Committee has provided only \$157.5 million. When combined with the failure to enact the offsetting collections proposals, this results in a reduction of \$68 million, or 30 percent, from the President's request.

C. SCOREKEEPING ISSUES

The Committee-reported bill provides \$4.6 million to the National Oceanic and Atmospheric Administration to lease-purchase a Class VII supercomputer. The net present value of this lease-purchase is \$22.1 million, requiring a scorekeeping adjustment of \$17.5 million.

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

Mr. FROST. 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. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2608, and that I be permitted to include tables, charts, and other extraneous materials.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. SMITH of Iowa. 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. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies 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 Kentucky [Mr. ROGERS] and myself.

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

There was no objection.

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

The motion was agreed to.

□ 1050

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. 2608, with Mr. BROWN 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 Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill this year contains a number of programs that are not authorized; 71 percent of the dollar amount in the bill is for programs that are not authorized, and of course they are subject to being stricken if any Member wants to do so. We felt we should allocate the money anyway under the stringent conditions that we have.

We have an allocation under the budget agreement that was made last fall and the budget resolution passed by the House, as it was amended on the House floor, which in my judgment is not adequate for the domestic side of this bill. Those programs in the bill which fall under the defense function are funded at the budget request. We are not permitted to move that money over to the domestic functions under the budget agreement. The same thing applies for the international programs, except that there they are not only funded at current services levels in most all of the programs, but in addition to that, some extra money is put into some higher priority items.

On the domestic functions, we just did not have the money that is needed, so what we had to do was to fund most programs across the board at 98½ percent of the current services level for most programs. Then with the money that was left, we tried to allocate to relatively few high priority programs. As a matter of fact, I think there were only 9 or 10 programs most of which were in the area of crime and drug law enforcement. In those areas we have a number of programs that have to be annualized, including some new prisons that have to be opened.

There is another area that is a high priority in this country at this time, and that is some additional money is needed for development and advanced technology because we are reducing the

defense and energy R&D budgets. There is a need to do more technology development through the National Institute of Standards and Technology. So there is a slight increase in that area.

In addition to that, I mentioned that the budget agreement requires us to fund the estimated subsidy and administrative costs of the loan guarantee programs that are in the bill. That is a substantial amount of money. So we had to include the up front estimated subsidy costs of the credit programs in the bill, although we do not know for sure what they will be. That came I think to an additional \$350 million. We had to do that out of the allocation for the domestic functions in the bill. So that appears to be a big increase for SBA, but in fact it is not. It is just a difference in the way we have to keep books and costs under the Credit Reform Act.

I think the bill represents about all we could do under the allocation in the House. They do have a little better allocation in the Senate, and hopefully there are some problems that we can take care of when we get to conference.

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

Mr. ROGERS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in strong support of this bill and recommend it to the House for three reasons. I think it deserves Members' support. One is it is fiscally responsible; two, I think it is fair; and three, it needs to be passed because it does fund some very vital programs.

First, let me deal with the fiscal responsibility of this bill. In every sense of those words, it is just that.

If Members have any fears, Mr. Chairman, about whether or not the Budget Enforcement Act has teeth, this bill is Exhibit A that it does have teeth. This committee scoured the budgets of all of the agencies in our bill after many long hearings to bring a bill that meets that austerity test that was forced upon us by the Budget Enforcement Act, the Budget Committee and the 602(b) allocations.

This was below zero based budgeting. We started with an allocation for domestic programs that totaled over \$500 million in outlays below the administration request. But for a few exceptions, we have funded no new initiatives.

The bill provides \$21.5 billion in total money. That is an increase above current levels, but it is \$416 million below the President's overall request.

As Members know, we fund the State Department in this bill, which is in the international account in the Budget Enforcement Act and under a separate cap, but in the domestic program we recommend \$15.4 billion in budget authority, and that is close to \$400 million under the overall administration request.

We lived within our allocations. I have to tell Members it was an arduous task.

The second reason for supporting the bill, in addition to the first that I mentioned of fiscal responsibility, the second reason is that the bill is fair. Our subcommittee approached the dilemma that we were under of short funding in the fairest way that we knew. Most of the agencies will receive just short of what it will take to keep operations and personnel at this year's level, after adjusting for pay and inflation.

What increases we did provide went largely to what remains the highest priority for our bill, and that continues as a chief concern nationwide, and that is the war on drugs and crime, the Justice Department and the Federal courts. They run the enforcement side of the street in the war on drugs, and their efforts have been tremendous. Arrests, prosecutions, incarcerations, asset seizures all are zooming upward year after year, thanks to some very dedicated people in those agencies and the courts. It is an expensive obligation that we have undertaken, this war on drugs and crime, but an obligation we are compelled to honor.

Third, and finally, Mr. Chairman, my reason for supporting this bill and urging Members to support it is that it funds badly needed Federal programs. In the Department of Justice there are, of course, missions well beyond the scope of the drug war; organized crime, white collar crime, border patrol, and all of these require specialized and the very best trained personnel we can put on the street. State and local law enforcement grants for the front line troops in our cities and our counties and States; 93 U.S. attorneys plotting and coordinating the complex cases all around the country, not to mention the huge amount that we have allocated specifically for the investigations and prosecutions of the S&L crimes, and those are proceeding, even as we speak, in record numbers.

□ 1100

For the Department of Commerce we addressed as best we could their top priorities, and we asked them for their top priorities given the budget constraints, and we were given good advice. We tried to follow it as best we could.

Building on past years, we bumped up our export-promotion efforts in the International Trade Administration. In many of the areas of the Commerce Department, we came up a little thin, to be frank with you, but the constraints on our allocations simply left no choice in our hands.

One particular initiative I want to bring to the Members' attention, and many of our colleagues and, indeed, folks back home have approached this subcommittee about the 1990 census. Complaints have been festering about

the accuracy, the length of the form, the complexity of the process, and the enormous cost, \$2.5 billion.

This bill, in its report language, includes funding for an independent, back-to-basics review of the decennial census.

We are requesting the Commerce Department to contract with the National Academy of Sciences to form a panel to recommend what kinds of information we should be collecting in the decennial census not only for apportionment but for other purposes and how best to collect it. It will guide the Congress and the administration toward funding a fundamentally better process. I hope that that happens so that the shortcomings of past years are not repeated in the year 2000 and beyond.

Finally, for our international programs, the bill maintains operations for our State Department including overseas operations and Foreign Service Corps and our arm of public diplomacy, the U.S. Information Agency. These areas have fared better due to the separate international cap on discretionary spending, but there is yet much to be done, and justifiably so.

America's long struggle to change world opinion has met with success in Eastern Europe. We now reach into societies vitally ostracized for decades through exchanges, broadcasting, literature, and people. Our investment has paid off, and we must continue with the process, and we do so in this bill.

I ask your support for this bill, because not that it is perfect, but because it takes a fair approach during a very difficult time and addresses priorities we all recognize.

Every member of our subcommittee made valued contributions, Mr. Chairman, and a special gratitude and compliment to our chairman, the gentleman from Iowa [Mr. SMITH], who, as usual, worked very, very hard on this bill for all the Members of this body, and the bill reflects his work.

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

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Iowa for yielding me this time and for his indulgence.

Mr. Chairman, I want to congratulate him and my friend, the gentleman from Kentucky [Mr. ROGERS], my colleague, on a job well done in producing this bill.

In a \$21 billion bill, which the chairman brings forth, it is easy to overlook a \$1 million item, but I would like to devote a few minutes to that \$1 million item which is for the Court-Appointed Special Advocates Program which goes by the acronym CASA.

The CASA Program is very important back in Louisville, Jefferson County. It is a collection of volunteers who work one on one with troubled youth who are caught up in the court system. This program has been a worthy program over the years. It has allowed these young people to have by their side, through the court system, a friend, a benefactor, someone who really cares about them, a CASA volunteer.

Over the years, the Justice Department has been generally unable to find adequate funding for the program, only until the last 2 or 3 years, when I have had the privilege of appearing before the gentleman's committee and testifying in behalf of the CASA Program, only recently have we been able to give CASA line-item status.

I would say that the CASA Program not only is a worthy program but it entitles its main sponsors to what I call the points of light. We are all familiar with the thousand points of light that President Bush has talked about.

I would make a reservation of one point of light for all the thousands of volunteers who have helped the CASA Program. And, then I would like one point of light reserved to be equally shared by my friend, my colleague, the gentleman from Kentucky [Mr. ROGERS], and my friend, the gentleman from Iowa [Mr. SMITH], the chairman of the committee, because they certainly have done wondrous work for the troubled young people of this country caught up in the court system.

I certainly support the overall bill, but particularly am I happy that the two gentlemen have been able to bring forth suitable funding for the CASA program.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. REGULA], a very valued member of our subcommittee who worked hard on this bill.

Mr. REGULA. Mr. Chairman, I rise today in support of the Commerce, State, Justice appropriations bill for fiscal year 1992. Although it was not possible to fully fund the many worthy programs within the subcommittee's jurisdiction, we tried to identify the priority programs and to fully fund those priorities.

The bill funds our law enforcement agencies, providing full funding for their fight against drugs and crime. The bill also provides for the activation of five new prisons and several prison expansions which the Department of Justice identified as a high priority.

Investigations of financial institution fraud continue and the committee has provided \$256.7 million for the FBI and the Department of Justice offices charged with the responsibility of rooting out fraud.

The 1990 crime bill initiated several programs to combat child abuse and to

help its victims. Although it was difficult to fund any type of new initiative, the committee believed these programs were important enough to include some funds for them. Priority was given to the training of juvenile and family court personnel and improving the investigation and prosecution of child abuse cases. The bill also fully funds the Juvenile Justice and Delinquency Prevention Program.

Also funded by this bill are the numerous agencies involved in trade and promoting U.S. exports. The United States and foreign commercial service of the International Trade Administration was given its requested increase to expand its commercial staff in overseas markets such as Japan, the Pacific rim, Latin America, and the Soviet Union. The Office of the United States Trade Representative was given a slight increase above its request to carry out its important work with the Uruguay round of the GATT and its responsibilities of developing and coordinating United States trade policy.

Also within the Department of Commerce, the committee provides more than the budget request for the industrial technology services of the National Institute of Standards and Technology. Charged with improving the technological competitiveness of the United States, these funds will support industry led research to develop new technologies that U.S. companies need to be competitive.

In the international area, the bill provides \$130 million for the Moscow Embassy. In line with the House-passed authorizing legislation, the bill does not address whether the Department should implement the top hat design or the teardown and rebuild plan.

The U.S. Information Agency has been doing vital work in promoting American ideals around the world. Many of the changes in Eastern Europe and the Soviet Union can be attributed to the tireless dedication of the professionals at USIA. Although we were unable to fully fund their request, the committee did provide an amount \$34 million above last year's levels.

Educational and cultural exchange programs received a \$5 million increase above the request. Time and again I meet foreigners who have benefited from these exchange programs, their views of the United States being irrevocably and positively reinforced or changed. What the Agency does in the upcoming years very well may have profound effects on whether the Soviet Union can successfully make a transition to instituting democratic and free-market principles.

In sum, not everyone will be happy with this bill, but I believe it is a good bill, probably the best that could be done with the resources we had. I encourage my colleagues to support it.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Ari-

zona [Mr. KOLBE], a very valued member of the subcommittee.

Mr. KOLBE. Mr. Chairman, I rise today to discuss the fiscal year 1992 appropriations bill for the Departments of Commerce, State, Justice, and the Judiciary. I am pleased to be a member of the subcommittee that works this bill every year. Because we cover the gambit of issues, from defense spending to domestic discretionary spending to crime and drugs, international broadcasting, weather service modernization, Zebra-Mussels, and the construction of embassies abroad, it is truly an achievement to bring this bill to the floor every year.

I support the actions taken by the chairman of the subcommittee, Mr. SMITH of Iowa, and the ranking minority member, Mr. ROGERS of Kentucky. Because of their diligent work, and their efforts to achieve fairness, I will vote for the bill.

But I cannot lend my support to the current appropriations process.

Before I talk about specific points in this bill, let me say a few words about process. Every Republican member of the House Appropriations Committee recently sent a letter to the chairman of the committee urging his consideration of changes to the process for allocating money to the various appropriations subcommittee.

We all know that the budget of this Nation is the policy of this Nation; it indicates our priorities. Our constituents send us here under the assumption that we will have a say in setting these priorities.

Instead, our priorities are set by 13 men, not 435.

It is truly ironic that the majority party accuses our President of not having a domestic agenda. Yet the President has made crime and drugs in this Nation one of his absolute top priorities.

But the senior members of the Appropriations Committee, sometimes called the college of cardinals cut his request for the subcommittee that funds Federal crime fighting by almost half a billion dollars. And then today majority members come to the floor of this House and accuse the President of having no domestic agenda.

The majority of this House cannot have it both ways. They should either fund the President's priorities and criticize those policies on their merits—or they should consider what happens when 13 senior House Members meet to set their own priorities for this country behind closed doors, out of press scrutiny, and away from public policymaking.

Regarding this bill, again let me stress that the chairman and the ranking minority member, working together with the other members of this subcommittee did the best they could under the circumstances. Because our domestic allocation was so low, they

started by funding the domestic accounts at 98.5 percent of the current services level.

We then allocated as much funding as possible to meet increases in those accounts that fight the war on drugs. There are various program increases in this bill for the FBI, DEA, and the Bureau of Prisons. But under our allocation, this wasn't enough. For example, the President's request for additional INS investigators and inspectors along the border where the frontline battles on the war on drugs are fought, was not funded.

And to accommodate what we could in the Department of Justice accounts, other domestic accounts suffered. For example, under this bill the International Trade Administration will not be given sufficient funds to meet its requirements to support either the Uruguay round of the GATT negotiations or the negotiation of the North American Free-Trade Agreement.

Other Department of Commerce accounts will also suffer in this bill due to our low allocation. The National Weather Service modernization, admittedly plagued by problems, will be cut significantly, as will some of the satellite programs in NOAA.

I was pleased, however, that we were able to find an additional \$12 million for the Advance Technology Program in the National Institute of Standards and Technology.

To maintain our Nation's competitiveness, our Nation must focus on the promotion of generic technologies that benefit a wide spectrum of industries.

This kind of research is very expensive, and requires resources well beyond those available to most American high technology companies. That is why the ATP Program, which provides competitive private sector grants for generic technology research is so important.

In the international accounts, the subcommittee had more room to work with. As a result, the State Department, USIA, and other international entities will have enough funding to continue current services.

On State Department funding specifically, the subcommittee approved \$130 million for the Moscow Embassy but did not specify a course of action.

On this issue, let me just say that I am supporting the quickest, most economical way to provide a secure environment for the diplomatic corps in Moscow.

If we have to tear down the new building and start all over again, fine. If we have to knock off the top two floors and build additional space, that's fine with me, too.

I also supported, in full, the full committee markup, a reduction in funding for the State Department's congressional liaison office.

I hope this action will send a message to State that they need to be more responsive to member inquiries.

On the issue of funding for the USIA, the subcommittee came very close to funding the overall administration request. However, during our hearing on the USIA, it became apparent that a review of our foreign broadcasting priorities, including the broadcasting of U.S. policy positions, is in order.

Indeed, prior to the Iraqi invasion of Kuwait, there was a USIA broadcast that both inflamed Saddam Hussein, and also was not a reflection of official United States policy.

That is why I look forward to the results of an executive branch commission, the Hughes Commission, that will analyze and make recommendations for U.S. foreign broadcasting.

I am hopeful that these recommendations will include ideas for broadcasting to China, Cuba, the Middle East, and parts of Europe and the Soviet Union.

One final concern I have that we addressed in this bill is funding for the independent counsels. Current law states that to preserve the independence of these entities, they should be allowed to spend whatever resources they see fit.

In the case of Lawrence Walsh, this figure, depending on how you count it, may exceed \$30 million. The taxpayers have had enough of this nonsense, and Mr. Walsh should formally end his investigation.

As for future independent counsels, I would recommend that the Judiciary Committee take notice of report language attached to this bill that urges them to consider proposals to rein in on extravagant spending by independent counsels.

Again, Mr. Chairman, I support this bill and urge its adoption. But I also urge the adoption of a more equitable process for distributing this Nation's revenues.

The current system is not representative of the other Members of this body or of the American people.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished ranking member of the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Chairman, I had originally planned to offer an amendment to this bill which would have cut off funding for Lawrence Walsh's independent counsel office for expenditures beyond those needed to complete his final report, but under the rules of the House such an amendment obviously would not be in order.

Mr. Walsh now has spent 4½ years and more than \$25 million of scarce taxpayer dollars since the Iran-Contra investigation began. Yet he is determined to remain on the office dole until someone shuts him down. He will pursue appeals, even though they may

take longer and prove more costly than the original trials. He is leaving open the possibility of new indictments.

I believe it is well past time to say enough is enough and send Lawrence Walsh home.

Iran-Contra has been thoroughly examined—by congressional committees, by the independent counsel, and in the courts. Mr. Walsh took his appeal to the Supreme Court, and lost. They sent him home, and we should too.

Yes, Mr. Walsh estimates that he will spend at least another \$1.5 million of taxpayers' money next year. And yes, the independent counsel falls under the broad appropriation provided in this bill.

But the funding for the Walsh office comes from something called a permanent, indefinite appropriation.

What that means is that Congress has relinquished its power of the purse. It's our own fault. We have been too eager to make sure that the independent counsel has total, complete, independent autonomy. So, we have gone beyond writing him a blank check—we have handed him the keys to the Treasury.

The result is that the independent counsel is completely free of our scrutiny during the annual appropriations process.

Congress created the independent counsel to prevent an aggressive President from accumulating too much power and to put teeth in the principle of checks and balances.

How ironic it is that this aggressive counsel has no check on his own power. In Mr. Walsh we have a rogue special prosecutor, and Congress doesn't have the power to restrain him.

Mr. KOLBE, a member of the Appropriations Subcommittee, found the same problem. He only tried to find out how Mr. Walsh had used public funds. He got nowhere.

I hope that the Judiciary Committee, which has legislative responsibility in this area, will heed the wise advice of the Appropriations Committee and consider legislation to provide appropriate financial controls and oversight measures over spending by the independent counsels.

It is my hope that the Judiciary Committee will approve legislation I have introduced that institutes a check against endless fishing expeditions by independent counsels. The Independent Counsel Sunset Act automatically terminates an appointment after 2 years, unless an extension is approved.

These reforms will ensure that future independent counsels will pursue unbiased and thorough investigations of criminal activities against senior Government officials in a prompt, responsible, and cost-effective manner.

Finally, I sincerely hope that Mr. Walsh will curb his zeal and proceed diligently in shutting down his office. He has a final report to write. Any-

thing more, at this point, is a frivolous waste of taxpayer dollars and an abuse of the public trust.

Mr. Chairman, I thank the gentleman from Kentucky for yielding this time to me to make this statement.

□ 1120

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Chairman, I rise in support of full funding for export-promotion efforts.

Mr. Chairman, first, I want to sincerely commend the gentleman from Iowa, Chairman SMITH and his colleague from Kentucky, Mr. ROGERS, on the fine job they have done in putting together this appropriations measure. But in particular, I want to applaud them for the support this bill provides to the export promotion programs of the Department of Commerce.

H.R. 2608 provides \$194.9 million for the International Trade Administration. That is an increase of \$7.8 million over the level approved last year. As the Government's lead agency for export promotion, it is critical that ITA and its components, including the U.S.-Foreign Commercial Service be adequately funded. This bill does that.

Why should we be concerned about exports? The answer in one word—Jobs. It is estimated that 23,000 American jobs are created for every \$1 billion in U.S. exports.

U.S. goods and services have consistently had a broad appeal abroad. But if we are going to translate that appeal into jobs, American firms have to do the planning, market research, develop overseas contacts, prepare their products for export, and make the sale. The ITA and the U.S. and Foreign Commercial Service can be integral to helping American firms do those things.

Each year, trade specialists from the Department of Commerce conduct more than 125,000 individual counseling sessions with American companies considering exporting their products to other countries. As a result, thousands of companies of all sizes are aided in making their first sales overseas.

The International Trade Administration is a vastly more effective agency as a result of its efforts over the last 2 years. The U.S. and Foreign Commercial Service has made significant progress toward implementing the recommendations contained in their strategic review which identified exporter's needs. The funding provided in this bill will help ensure that there is continued progress.

I have seen first-hand the challenges facing American firms as they attempt to do business abroad. I have also seen the positive impact professionals at the ITA and U.S. and FCS can have in as-

sisting U.S. firms to meet those challenges.

Once again, I want to commend Chairman SMITH, Mr. ROGERS, and their colleagues on the Appropriations Committee for their support of Department of Commerce export promotion efforts. At the same time, I would urge House conferees to stand firm in support of this funding level when the bill goes to conference.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mrs. MORELLA].

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

Mr. Chairman, I rise in support of H.R. 2608, the Commerce-Justice-State appropriations bill for fiscal year 1992. I commend the Appropriations Committee for their efforts, especially the work of subcommittee chairman, NEAL SMITH and ranking member, HAL ROGERS.

As we all know, the National Institute of Standards and Technology is the agency in the Department of Commerce with the unique mission to aid American firms in bolstering their international competitiveness. It is also a world-class center for science and engineering research. NIST is headquartered in my district in Gaithersburg, MD.

Mr. Chairman, the Appropriations Committee has provided NIST with \$237.7 million for fiscal year 1992. However, I am concerned about the funding for NIST's intramural programs. The heart of all NIST programs is the core research developed in the intramural area. This core research is directed toward enhancing U.S. competitiveness both nationally and internationally. The authorizing committee's Subcommittee on Technology and Competitiveness concluded in our report that not only are the intramural programs extremely valuable, but their funding levels must be sufficient to allow NIST to fulfill its goals. In addition, the importance of the intramural programs was underscored by several witnesses at our subcommittee hearings.

Perhaps Dr. John P. McTague, vice president of Ford Motor Co. reflected most succinctly the sentiments of the various witnesses when he stated that:

The NIST intramural research program is a national jewel on which industry justifiably relies. The first priority * * * should be to support NIST's in-house research and services. [A]ny new NIST assignments must also be accompanied by adequate new resources, not at the expense of the laboratory based programs.

Mr. Chairman, I thank the Appropriations Committee for their past contributions and I would urge the committee to continue their full support of NIST and, in particular, the intramural programs.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN] the chairman of the committee.

Mr. WHITTEN. Mr. Chairman, I call attention to the fact that our subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member, the gentleman from Kentucky [Mr. ROGERS], and members of this subcommittee deserve a lot of credit for their leadership in the difficult job of putting together a good bill. I join with my fellow subcommittee members in support of the bill.

This bill provides increases for the major crime fighting and drug enforcement agencies of the Government—the Federal Bureau of Investigation, the Drug Enforcement Administration, and the prison system. The bill includes increases for the judiciary. While we may not provide all some would like for these important programs, we did the best we could under the budget ceiling. I continue to believe we should handle a national emergency of this sort by taking it out from under budget ceilings as the President has in other areas.

The bill includes funds for economic development and small business. We need these programs to help get out of the recession we are in and to help provide jobs for returning military personnel and defense industry workers.

Mr. Chairman, we also provide increases for the weather service.

Mr. Chairman, this is a good bill, and I urge it be adopted.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

As the ranking Republican on the Science Committee, I stand with some concern about some of the prioritization of the moneys that are within this bill that affect the science community.

For example, in the National Oceanographic and Atmospheric Administration, the programs under the jurisdiction of the Science Committees were cut in this appropriation bill by \$176 million, short of the President's request and short therefore also of our committee's authorization.

The fact that the committee is looking for places to cut is not a concern to me, except they also pumped up some other areas that are non-science. That gives me concern, because in the case of the Weather Service, the modernization program is where they took the big hits. They did so by cutting the new Doppler radar system by \$40 million and weather satellites are reduced by \$50 million and the new system to process and interpret all the highly advanced raw data is down by \$34 million.

In other words, our ability to do environmental monitoring and Weather Service evaluation is being cut very, very seriously in this particular bill, and it is something of real concern.

Now, \$31 million is taken out of the global change proposals by the administration, one of the major issues of concern to the administration, and it is cut here.

On the competitiveness side, while there is a 30-percent overall increase provided to the grant programs, the core programs at the National Institute of Standards and Technology are cut, and that is a real concern, because the people at NIST have just told me that if this appropriation is allowed to stand, they are going to have to RIF people in their core programs. These are the experts who allow us to make determinations about the technological developments that are taking place. If you begin to RIF those people, you have a problem.

Now, does that mean that no money is being spent in this area? No. What they have done in this particular bill, they have taken money out of the core programs and allocated it to a whole bunch of essentially targeted programs; so what you have is the National Textile Center, the Integrated Design and Manufacturing Sciences Program, and a number of programs like that which are earmarked in the bill at the expense of the core program. The core program drops, it earmarks the increase. That is no way to run science and research programs. In this particular case, it is being done at really the expense of the programs that are needed to keep this Nation technologically competitive; so I have a real concern about the priorities reflected in this bill.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS].

□ 1130

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from Iowa [Mr. SMITH], chairman of the subcommittee.

Mr. Chairman, it is my understanding that in developing the funding levels for the nondrug units in the Department of Justice, the gentleman's intention was to establish levels of funding at 98.5 percent of current services. Is this correct?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, yes, that is correct, 98.5 percent of current services.

Mr. EDWARDS of California. Mr. Chairman, I understand that because of an inadvertent error in the presen-

tation of the Department's budget, the current services estimate for the Antitrust Division was approximately \$5 million below what it should have been. Is that the gentleman's understanding as well?

Mr. SMITH of Iowa. Yes, that is my understanding.

Mr. EDWARDS of California. Mr. Chairman, the impact of a \$5 million reduction in funding would be truly devastating and would likely lead to substantial staffing cuts that would hamper effective antitrust enforcement. Because the present debate does not permit amendments to the bill on the floor, I would ask whether the gentleman will work with the Senate in conference to correct this shortfall in funding for the important activities for which the Antitrust Division is responsible.

Mr. SMITH of Iowa. Yes.

Mr. Chairman, since it was a mistake—and we would not have done it if it had not been a mistake—we will personally work to see that this error is rectified in some way, if we possibly can, in the conference.

Mr. EDWARDS of California. I thank the gentleman.

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

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

Mr. Chairman, I rise in support of the bill and especially in support of funding for export promotion. I commend both the chairman, Mr. SMITH, and the ranking minority member, Mr. ROGERS, for recognizing the important role our Government must play in promoting exports.

The world is changing. Listen to any newscast and you hear the status of world financial markets, the international price of oil—it is the era of internationalism, of a world market, and the successful nations will be those who recognize this and adapt to it.

The U.S. and Foreign Commercial Service is the structure we have to assist U.S. companies interested or engaged in exporting. Their resources are small, too small in fact, when compared to the resources deployed by our trading partners and they need to be increased. This subcommittee recognizes the importance of the U.S. and Foreign Commercial Service and it has funded this organization and the International Trade Administration at the full request, minus the across-the-board cut.

The money in this appropriations bill, and hopefully the addition of a little more in conference, will move the Commercial Information Management System [CIMS], which is a complex computerized market information system, forward. This system has had major problems in the past. I serve as the ranking minority member of the Committee on Government Operations

and we have conducted oversight of its effectiveness. The new Director General, Ms. Schwab, has made improving this system a priority and it has paid off.

Eighteen separate export promotion functions are being coordinated under the leadership of our Commerce Secretary, Robert Mosbacher. This administration is showing the commitment necessary to propel us forward in developing and implementing effective export policy. With this legislation, developed by my good friends Mr. SMITH and Mr. ROGERS, Congress is showing the commitment as well.

I urge support for passage of this legislation.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding.

Mr. Chairman, I would like to address a question to the chairman of the subcommittee, the gentleman from Iowa [Mr. SMITH].

In the last Congress, the gentleman and the committee were willing to work with me and the Bureau in an effort to find an easy transition for the reorganization of the FBI office out in Montana, in Butte, MT. As a novel solution, the committee, the FBI, and my office worked on a test program to shift some additional FBI clerical responsibilities to Montana. It was decided that those additional responsibilities would be handled through a technology information center. The purpose was to take advantage of both the positive economic qualities of living in Montana, and particularly in Butte, and to help alleviate the costly training and turnover problems faced by other urban FBI offices.

The FBI has told me and folks out in Montana as well that the test has been an unqualified success, and it is their intention to continue the technology assistance that the center has provided.

My question to the gentleman is: Is the gentleman aware of this success and does the legislation that we are considering today allow that center in Montana to continue to operate?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, to start with, I am aware of the success at Butte. I have been told it is a very successful test. I assure the gentleman that the FBI has been treated in this bill better than most of the other agencies, so that they have the money to continue current services and this should give them enough money to continue this project.

Mr. WILLIAMS. I thank the gentleman for yielding to me and particularly the gentleman from Iowa [Mr.

SMITH]. I want to congratulate him, and I want him to know how much in Montana we have appreciated his attention to that technology information center in Montana.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I take this time to address a concern that Americans living abroad have conveyed to me in regard to the rumored closing of the U.S. consular office in Geneva, Switzerland. As we all know, the front line of our trading and international commerce is done, for the most part, by Americans living abroad. Many of our citizens in faraway places need the services of the consulate offices around the world for the purpose of addressing their concerns.

I am advised that there has been no official request by the State Department or the Congress to close the U.S. consular office in Geneva and that there is no information that that is to be forthcoming.

However, letters which I have received from concerned Americans living in and around Geneva, Switzerland, indicate to the contrary. I will read those letters into the record and get permission when the committee goes back into the whole House, to insert copies of those letters into the RECORD.

But it is to be noted by the Members today that certain U.S. officials in Geneva are making statements that the office will close, and there has been no notice to the Congress that there is an intention to close the Geneva office.

Mr. Chairman, statements of this nature are in violation of the policy which must include notice to the Congress of intentions, in order to give this institution the opportunity to act upon that request.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. I thank the gentlemen for yielding.

Mr. Chairman, I rise for the purpose of entering into a colloquy with regard to pages 51 and 52 of the committee report where it is stated that the committee has included \$1.4 million for the Commerce Department to enter into a contract with the National Academy of Sciences for the study of decennial census methods.

As you know, the Committee on Post Office and Civil Service has authorizing jurisdiction over the Census Bureau and census programs generally.

We have been carrying out a comprehensive census evaluation of the

1990 census and are planning for the year 2000.

So, in order to clarify the intent of the statements on pages 51 and 52 of the committee report, am I correct in saying that it is not the intent of the Committee on Appropriations, notwithstanding those statements on pages 51 and 52 of the report, to interfere with the appropriate jurisdictions of the authorizing committee?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, it is not our intent to interfere with the jurisdiction of the authorizing committee. I do want to add this, however. We think the authorizing committee has done a very good job with regard to census, and has tried very hard to exercise oversight over the census. We know that the authorizing committee is aware, as we are aware, that the next census has to be a lot better than this one. We have to start immediately to work toward the 2000 census, to get a better method of obtaining a more accurate count. We appreciate what the gentleman is doing in that regard. I think this expresses our great concern that Census Bureau start as soon as possible to get a better method of handling the next census.

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

Mr. SAWYER. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, let me commend the gentleman from Ohio [Mr. SAWYER] for the fine work that he and his ranking Republican on the subcommittee, the gentleman from Pennsylvania [Mr. RIDGE], have done in oversight in the recent months of the Census Bureau.

□ 1140

Of course the gentleman from Ohio [Mr. SAWYER] was not around back there in the early 1980's when the planning for the 1990 census took place and was the critical period of time. We are in that critical period of time now on the year 2000 census, and that is why we must act, as the gentleman is doing, expeditiously. There is no intent to interfere with the jurisdiction of the gentleman's subcommittee.

I would say this: As the gentleman from Ohio [Mr. SAWYER] is aware, the Commerce Department has contracted with the National Academy of Science numerous times, even on the census and various other things over the years without the authority of the Congress, and that is within their authority to do so, but there is no intent to interfere with the committee's jurisdiction.

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Iowa [Mr. SMITH], the chairman, and the gentleman from

Kentucky [Mr. ROGERS], the ranking member, of the appropriating committee, and I look forward to our genuine teamwork as we seek to accomplish the goals described.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise, today, to thank the committee for reviewing and including Palm Beach County's innovative Substance Abuse Awareness Program as a part of the Correctional Options Grant Program.

Alternatives to incarceration such as the boot camp prison approach have long been discussed as a practical and viable approach to mainstreaming prison populations that are often overcrowded and plagued with drugs.

Palm Beach County sheriff's office has worked relentlessly to address this problem in Florida. I am pleased to see that the committee has seen the merit of this approach as well.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend both the minority members of the committee and the majority members of the committee and the staff on both sides for working on this bill. This has been the most difficult bill we have ever had to try to put together because admittedly we just simply did not have enough time to do the things that need to be done in many of these areas. That is the reason we have had to hold domestic agencies, by and large, to 98.5 percent of current services levels. I think that this is truly a subcommittee bill. It is not the product of any one or any two members, but we have done the best we can to reach consensus on what we could do with the amount of money that was available.

Mr. Chairman, I want to commend all the staff, and the minority and majority members for the work on this bill.

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

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

Again let me say to the Members our thanks to the gentleman from Iowa [Mr. SMITH], our chairman, who has been very fair with every member of the subcommittee on both sides of the aisle and with all Members of this body while attempting a really tight-wire act in trying to find the money for the vital programs in this bill. Came up short here and there, but, by and large, it is a masterful job. So, let me thank the gentleman from Iowa [Mr. SMITH] and all the members of the subcommittee and our staff on both sides.

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

Mr. MCDADE. Mr. Chairman, I rise in support of H.R. 2608, fiscal year 1992 appropriations for the Department of Justice, Com-

merce, and State, the Judiciary, and related agencies.

This bill provides funding for some of the most important Cabinet agencies in Government. Its scope spans the veritable alphabet soup of independent agencies as well—FTC, FCC, SEC, ITC.

It's an important bill, and in bringing it to us today, Chairman [Mr. SMITH] and the gentleman from Kentucky, [Mr. ROGERS] have done an admirable job under difficult circumstances.

The allocation precluded us from funding the majority of programs at levels as high as we would have liked. But, to the maximum extent possible, the subcommittee has safeguarded our fiscal year 1991 program levels, making adjustments where possible for the administration's highest priorities.

And these are the committee's priorities as well: programs to fight drugs and crime; to bolster exports abroad; and to foster development of emerging technologies, helping us to sharpen this country's competitive edge.

Let me mention some of my other interests and concerns in this bill.

For the Justice Department, the bill provides \$9.26 billion, unfortunately a decrease of \$486 million below the administration's request, but still \$769 million above last year's level. This title includes funding for the work of such important agencies as the Drug Enforcement Administration, the Federal Bureau of Investigation, the U.S. Marshals Service, and the Bureau of Prisons.

With the President's renewed emphasis on fighting crime and waging the war on drugs, our already overstressed prison capacity has been pushed even further. I have been impressed with the dedication of the hard-working professionals at the Bureau of Prisons, and I know they will use well the \$2 billion we have provided in the bill.

Let me also iterate my interest in the Assets Forfeiture Program at Justice, which is fast providing itself an effective law enforcement tool as well as a source of revenues for law enforcement efforts.

The Commerce Department appropriation was one area in which I wished we could have provided more funding, but again, our allocation would not allow it. In particular, the request for the National Oceanic and Atmospheric Administration was reduced by \$117 million, which could have unwanted consequences for weather service modernization. I am hopeful we can improve upon this provision in conference.

Language was also included providing \$1.4 million for a National Academy of Sciences study of the decennial census process. I am confident this will lead to some suggestions for ways in which we can improve the 2000 census. Any error in the census—in design or in implementation—can have dire effects in a host of ways. I commend the gentleman from Kentucky for his insight in identifying shortcomings in the census and developing this useful examination leading toward an improved process.

I am also pleased that the committee was able to locate extra funds for Secretary Mosbacher's important export initiatives, bringing the total for the International Trade Administration to \$194 million.

Critical to our competitive posture in the Northeast is this Nation's ability to export goods and services abroad. The Government is undertaking a number of vital export programs, including those at the Small Business Administration and its small business development centers. While it appears that SBA is the big winner in this bill, that is not the case.

Credit reform combined with unapproved legislative proposals to limit access to SBA programs through increased program fees and SBDC matching rates, necessitated provision of \$250 million above the request. It is appropriate that we continue solid support of this Nation's small businesses, my continued priority in the Congress.

For the State Department we provided \$3.8 billion, \$20.6 million less than the request, but \$520.6 million more than the current level. These will provide vital support for the conduct of our foreign policy, both here and abroad.

Finally, for the Judiciary, the bill provides \$2.4 billion, an increase of \$373 million over the current level.

Mr. Chairman, programs funded by this bill have an effect on each and every one of our citizens throughout the Nation. It deserves our support.

Mr. PANETTA. Mr. Chairman, I rise in strong support of H.R. 2608, the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations bill. I would like to commend Chairman SMITH, Chairman WHITTEN, and the members of the committee for their hard work in bringing forth this legislation.

This legislation funds many important programs, including several National Oceanic and Atmospheric Administration [NOAA] programs in my congressional district. I would like to take a moment to describe these programs.

The bill appropriates \$490,000 for the operation of the Center for Ocean Analysis and Prediction [COAP] in Monterey, CA. The COAP is part of NOAA's Center for Excellence Program and provides our Nation with pertinent marine information for national defense, maritime transportation, fishery management, weather forecasting, coastal zone management, and climate change research. I am very pleased that the committee has included this funding that will ensure the continued operation of this important NOAA Center.

The bill also includes \$148,000 for the funding of two central California weather buoys. These provide fishermen and boaters with critically needed data on weather and ocean conditions along the often treacherous central California coast. They have helped to save boaters' lives in the past and their continued deployment will help to ensure mariner safety along the central coast in the future. At this point, I would like to note my concern that this legislation does not include funding for five additional weather buoys off the coast of California. These buoys, which are currently operated by the Minerals Management Service [MMS], are slated to lose their funding at the close of the current fiscal year. I understand that due to the severe budgetary constraints the committee was operating under, it was unable to fund the continued operation of these buoys. I am hopeful, however, that the funding for these important buoys may be obtained in the Senate and I look forward to working with

my colleagues in the California delegation toward this goal.

Last, Mr. Chairman, I would like to commend the committee for increasing the funding for the National Marine Sanctuary Program to a level of \$4.75 million for fiscal year 1992. The National Marine Sanctuary Program is our Nation's only marine protection program and has enjoyed enormous success in protecting our unique marine resources and educating the public on the importance of preserving our sensitive marine ecosystems. I am pleased that the committee has included adequate funding for this program to ensure that the NOAA may designate and open new national marine sanctuaries, including the proposed Monterey Bay National Marine Sanctuary, in my congressional district.

In closing, Mr. Chairman, I would like to again thank Chairman SMITH and the members of the committee for their assistance in funding these important projects. I urge my colleagues to support the adoption of this measure.

Mr. SKELTON. Mr. Chairman, I would just like to commend the Appropriations Committee and the Subcommittee on Commerce, Justice, State, and the Judiciary for spelling out specifically that some of the general salary and expense funds that are provided to the SBA should be used to carry out rural initiatives that the Congress authorized in the Small Business Reauthorization and Amendments Act of 1990—Public Law 101-574. As the gentleman knows, when I asked the Small Business Administration to give me an update on their progress with regard to these programs, they said that funds had not been earmarked for them to carry out the law. It is my own feeling that such an earmark is not necessary and that the SBA should have been able to meet the requirements of the law out of the \$274,000,000 that we provided them.

I do appreciate the support that the Appropriations Committee has shown in this bill by making it clear to the SBA that Congress is serious about rural small business development efforts and that the SBA should fund those programs that are authorized. I urge my colleagues to support business development in rural areas to vote in favor of this bill.

Mr. BROOMFIELD. Mr. Chairman, I want to express my strong support for the position approved by the Appropriations Committee on TV Marti. I believe there can be no better use of our funds than supporting the export of free information to a country that is not free.

I have been a Member of Congress for 35 years. For 32 of those 35 years, Cuba has been the victim of Castro's tyranny. The Cuban people are long overdue to breathe the winds of freedom that have swept the globe in the last few years. TV Marti is a vital element in our efforts to support the Cuban desire for democracy and freedom.

Opponents of TV Marti cite various studies and viewer estimates, but that is not the real issue—the real issue is whether we will continue to support using the airwaves to provide accurate information to the Cuban people.

We heard many of the same people making many of the same arguments against Radio Marti, but we now know how successful that program has been. We should not pull the rug out from under TV Marti just as there are

signs that Castro's reign of terror may be on its last legs.

There is no doubt that Castro's jamming efforts have decreased the number of Cubans that have access to TV Marti. But just because Fidel Castro is so afraid of accurate news getting to his people that he tries to shut out TV Marti, we should not aid his efforts to half the flow of information.

We should ally ourselves with the Cuban people who want free information—not with Castro's information tyrants who want to control the news. We should ensure that TV Marti continues to broadcast and avoid Castro's stranglehold on information.

I hope this body will see the wisdom of supporting the free flow of information to Cuba and defeat this amendment.

Mr. RAHALL. Mr. Chairman, I am pleased to rise in support of the fiscal year 1992 Commerce, Justice, State, and Judiciary appropriations.

While I am not a strong supporter of every program funded in this bill, I will just briefly highlight those that are of importance to my constituency in the Fourth District of West Virginia.

I will lead off with praise and gratitude for the increased funding for the Economic Development Administration. The bill increases funding for the EDA by \$69.3 million over last year's level, for a total of \$246.3 million for fiscal year 1992.

The bill appropriates \$2.7 billion for domestic programs administered by the Commerce Department, out of which the EDA funding will come. This level is \$30 million more than current funding and \$85 million more than the President requested. The increase reflects funding for programs the President sought to terminate or drastically cut, such as the economic development assistance programs and NOAA programs.

The continued rejection by Congress of President Bush's recommendation, and for 8 years President Reagan's similar recommendations, to cut or terminate the EDA is of personal gratification to me and the people I represent, who depend upon these funds. EDA is a self-help program, which means that States and localities use EDA Federal dollars to leverage other State and local funds for economic development purposes in areas of West Virginia that suffer from chronic unemployment. West Virginia's largest unemployment factor is known as worker dislocation or displacement, which is due in large part to plant closings caused by foreign competition, and more recently certain provisions of the Clean Air Act that affect coal mining; \$215 million of the funds appropriated will go for economic development assistance, with a \$10 million cap on economic development loan guarantees.

At a time when we are struggling to obtain sufficient funds to meet our crumbling infrastructure needs, EDA funding will help by

funding such projects as waste water treatment, business incubators, health care facilities, industrial parks, vocational schools—all of which lead to the creation of new jobs and long-term development opportunities and projects.

The NOAA appropriation includes funding of, among other things, the National Weather Service. With the proposed closing of two weather stations in my district, it is my hope and expectation that, until the Government is absolutely certain that the loss of such weather stations will not affect adversely the ability of airport facilities to operate in a safe manner, these funds can be used to keep those facilities open and operating in the interest of public safety.

Another program of interest to me is the Legal Services Corporation, a Government-sponsored entity that provides pro bono legal services for individuals who are too poor to afford adequate legal assistance of any kind when they need it. The bill appropriates \$335 million for LSC in fiscal year 1992, which is \$7 million more than last year's level. Much is said and written about the LSC, and the rhetoric is aimed at the complete and total dismantlement of the program. I hope and expect that this will never come to pass, since the services provided to Americans at no cost assures them of the constitutional right to due process and competent counsel in all legal matters that affect them. We take it for granted ourselves—the ability to get a lawyer for our legal problems—but there are millions of Americans who do not and cannot take legal assistance for granted, because they have no spendable income that can be used for that purpose.

Finally, Mr. Chairman, this bill like other appropriations bills that have come before us this year contains language prohibiting the use of funds to implement the Chief Financial Officer Act of 1990. I hope that this reluctance to fund the CFOA will be resolved soon, and to the satisfaction of all since it was intended to help guard against Government waste, fraud, and abuse.

I realize that with the budgetary constraints we find ourselves laboring under, we do well to find funds enough for our domestic needs, and the argument goes that we should not spend those scarce funds on another layer of bureaucracy. Perhaps so. But we should make all efforts to prevent Government waste, fraud, and abuse that leads to further loss of revenues. If the CFOA will help us more in that direction, and if funds can reasonably be found to implement it, it ought to be done.

Mr. Chairman, I reiterate my support for this appropriations bill which contains many programs of value to the economic development and continued well-being of my district, my State, and the Nation. I urge its adoption.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2608, the Department of Commerce, Justice, and State, the Judiciary, and

related agencies appropriations bill for fiscal year 1992. This is the sixth of the 13 annual appropriations bills.

The bill provides \$20.653 billion in discretionary budget authority and \$20.613 billion in discretionary outlays. I am pleased to note that the bill is \$262 million below the level of discretionary budget authority and equal to the discretionary outlays as compared to the 602(b) spending subdivision for this subcommittee. Also, the bill, as reported, is \$7 million below the international discretionary outlays and \$1 million in defense discretionary outlays as compared to the 602(b) 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.

COMMITTEE ON THE BUDGET,
Washington, DC, June 12, 1991.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2608, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992. This bill is scheduled to be considered on Thursday, June 13.

This is the sixth regular Fiscal Year 1992 appropriations bill to be considered. The bill is \$262 million on domestic discretionary budget authority below the 602(b) spending subdivision and equal to the outlay subdivision.

I hope this information will be helpful to you.

Sincerely,
LEON E. PANETTA,
Chairman.

FACTSHEET.—H.R. 2608, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992 (H. REPT. 102-106)

The House Appropriations Committee reported the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for Fiscal Year 1992 on Tuesday, June 11, 1991. This bill is scheduled for floor action on Thursday, June 13.

COMPARISON TO THE 602(B) SUBDIVISIONS

The bill, as reported, provides \$20,653 million in total discretionary budget authority, \$262 million below the Appropriations subdivision for this subcommittee.

COMPARISON TO DOMESTIC DISCRETIONARY SPENDING ALLOCATION

The bill, as reported, \$15,428 million of domestic discretionary budget authority, \$262 million less than the Appropriations subdivision for this subcommittee. The bill is the same as the subdivision total for estimated discretionary outlays. A comparison of the bill with the funding subdivisions follows:

(In millions of dollars)

	Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	15,438	15,540	15,690	15,540	-262	

[In millions of dollars]

	Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill		Appropriations Committee 602(b) subdivision		Bill over (+)/under (-) committee 602(b) subdivision	
	BA	O	BA	O	BA	O
Mandatory ¹	902	890	902	890		
Total	16,330	16,430	167,592	16,430	-262	

¹ Conforms to the budget resolution estimates for existing law.
Note: BA—New budget authority. O—estimated outlays.

COMPARISON TO INTERNATIONAL DISCRETIONARY SPENDING ALLOCATIONS

The bill, as reported, provides \$5,000 million of international discretionary budget authority for the State Department and related activities, the same as the Appropriations subdivision for this subcommittee. The bill is \$7 million under subdivision total for estimated discretionary outlays.

COMPARISON TO DEFENSE DISCRETIONARY SPENDING ALLOCATIONS

The bill, as reported, provides \$225 million of discretionary budget authority for the ready reserve force within the Department of Transportation Maritime Administration, the same as the Appropriations subdivision for this subcommittee. The bill is \$1 million under the subdivision total for estimated discretionary outlays.

The House Appropriations Committee reported the Committee's subdivisions 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 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for FY 1992, as reported:

[In millions of dollars]

	Budget authority	New outlays
Justice Department:		
Office of Justice Assistance	665	146
General administration	110	99
General legal activities	380	330
Japanese American reparation payments (mandatory)	500	500
Antitrust Division	43	35
U.S. attorneys	721	634
U.S. trustees	68	57
U.S. marshals	314	282
Support of U.S. prisoners	218	131
Organized Crime Drug Enforcement Task Force	363	280
Federal Bureau of Investigations	1,867	1,493
Drug Enforcement Administration	706	530
Immigration and Naturalization, salaries and expenses	947	758
Federal Prison System, salaries and expenses	1,637	1,474
Federal Prison System, buildings and facilities	415	42
Commerce:		
National Institute of Standards and Technology	238	154
National Oceanic and Atmospheric Administration, operation, research and facilities	1,416	867
Bureau of the Census	295	257
International Trade Administration	195	136
Patent and Trademark Office	92	51
Economic Development Administration, programs	215	21
EDA, salaries and expenses	28	25
The Judiciary:		
Court of Appeals, District Courts and other judicial services	1,947	1,792
Defender services	185	176
Court security	83	54
Administrative Office of the Courts	45	40
Federal Judicial Center	19	15
Equal Employment Opportunity Commission	210	186
Legal Services Corporation	335	295
Securities and Exchange Commission	157	143
Federal Maritime Administration	296	164
Small Business Administration, salaries and expenses	221	162
SBA Business Loans Program Account	270	233

[In millions of dollars]

	Budget authority	New outlays
SBA Disaster Loans Program Account	115	69
State Department:		
Salaries and expenses	2,022	1,658
Acquisition and maintenance	553	104
Contributions to international organizations	867	867
Contributions for international peacekeeping activities	109	109
U.S. Information Agency	1,060	764

Mr. LEVIN of Michigan. Mr. Chairman, I want to commend Chairman SMITH for finding the resources to fund the programs of the International Trade Administration, especially given our current fiscal constraints. I particularly applaud the \$2.2 million funding increase for the U.S. Foreign Commercial Service.

But I worry about the impact that across-the-board cuts could have on critical export-promotion programs, especially the USFCS.

Exports, especially U.S. manufacturing exports, are critical to this country's future economic well-being. But many of our small- and medium-sized businesses find it difficult to establish a foothold in foreign markets. And in some important markets, there is scant evidence of an American presence of any kind.

I learned this 2 years ago on a congressional study mission to the booming capital cities of Southeast Asia. Everywhere we went, American exporters told the same story: Americans are losing ground. At that time, Indonesia, a country of 180 million with a growing appetite for goods and services, was served by only three FCS officers.

Even today, as the ITA tries to beef up its staffing, the American Government effort pales in comparison to our competitors for Asian markets, particularly the Japanese. In Indonesia, we have only three FCS officers; in Thailand we have only two.

The ITA this year announced a series of programs for Eastern Europe that take a step in the right direction—at least in that part of the world. Through these programs, the Government becomes a facilitator for small- and medium-sized American firms that seek to do business in new markets but may not have the resources to take the first, difficult steps.

The American Business Center, which will be set up in Warsaw, will provide technical business services and temporary office space to the U.S. business community. The consortia of American businesses in Eastern Europe provides grant funds for the formation of consortia of American business in Eastern Europe. The consortia will provide promotional, marketing and trade services to their members.

I introduced legislation last year to create pilot programs that were similar to the ITA initiatives. My bill would have gone further by establishing United States commercial centers in

Eastern Europe, Asia, and Central America. Because of the importance of continuing America's import growth—especially in markets like Asia—I plan to reintroduce this legislation shortly.

We must continue to bolster and expand the programs of the ITA. Any such funding is an investment in our country's future.

Mr. GILMAN. Mr. Chairman, I rise to express my strong support for the National Endowment for Democracy.

The National Endowment for Democracy is a privately incorporated nonprofit organization with an independent board of directors. Created in 1983, the endowment works to strengthen democratic institutions around the world through its international grants program.

In March 1991, as a result of a Congressional mandate, the General Accounting Office [GAO] published a review of the endowment's programs and operations, stating that the endowment has not given adequate attention to systematically planning program objectives and program results.

The endowment has responded by initiating the development of a comprehensive program of evaluation that will be integral to all aspects of the endowment operations.

Through the creation of this program, the endowment informs me that they will be able to adequately evaluate and coordinate its programs. Furthermore, the endowment plans to strengthen financial control by improving its audit coverage and devoting increased attention to implementing its monitoring procedures.

Throughout its history, the National Endowment for Democracy has made significant and vital contributions toward the promotion of democracy worldwide. While the GAO report has identified areas needing improvement, the endowment should be allowed to adjust and improve, and not be closed down.

The withdrawal of endowment funds would mean the abandonment of fledgling democracies that depend on the endowment for assistance.

In closing, I would like to quote President Arias of Costa Rica:

I offer the National Endowment for Democracy and all those involved in its lofty purposes all of my support and solidarity. Only by joining our wills and our efforts throughout the entire world and particularly in the countries of our Americas will it be possible to safeguard and strengthen the principles of peace and justice upon which democracy is founded.

Mr. Chairman, I strongly support the endowment and urge my colleagues to support it as well.

Mr. BACCHUS. Mr. Chairman, I strongly support the \$14.2 million in fiscal year 1992 funding for TV Marti that is included in H.R.

2608, the Commerce-Justice-State appropriations bill.

This appropriation for TV Marti is an important step toward ensuring that the democratic movement that has swept Eastern Europe, Latin America, and other parts of the globe reaches Cuba as well. We cannot and must not tolerate one of the world's last totalitarian regimes so close to our own shores.

I am convinced that Fidel Castro will go the way of Ceausescu, Honecker, and other despots if we continue to show and tell the Cuban people that there is a better way. Castro's government is facing greater difficulties than at any time since his revolution of New York's Day 1959. The Soviet Union is reducing oil supplies and monetary subsidies. Trade with Eastern Europe has dried up. The Cuban people are traveling by bicycles and oxen in the cities and rationing food in the countryside. Surely they yearn for freedom and a better standard of living. Surely Castro's grip is slipping.

TV Marti is an integral part of our efforts to hasten Castro's fall from power. It can deliver uncensored news and information across 120 miles of open ocean into Havana. Because of TV Marti, the Cuban people have been able to learn about democratic change elsewhere in the world and about how much better their lives can be if they follow.

Cuba has claimed that it is successfully jamming TV Marti. However, a recently defected Soviet communication technician on assignment in Cuba stated just the opposite. These jamming efforts also are taking up costly resources and making the country's economic hardships even more extreme. These efforts also point out just how isolated and desperate Castro is at a time when the Soviet Union and his former East bloc allies are championing the free flow of ideas and ceasing their attempts to jam Radio Liberty, Radio Free Europe, and VOA broadcasts.

Mr. Chairman, Fidel Castro will fall. The question is when. We must do all we can to make sure that he falls sooner rather than later. We must use every means to increase the pressure on him. We must fund TV Marti.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2608

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 Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, \$88,876,000, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, including salaries and expenses in connection therewith, \$493,000,000, to remain available until expended, of which: (a) \$450,000,000 shall be available to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized by section 2801 of Public Law 101-647 (104 Stat. 4912); (b) \$25,000,000 shall be available to carry out chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants, as authorized by section 1801(e) of Public Law 101-647 (104 Stat. 4849); (c) \$1,000,000 shall be available to carry out part N of title I of said Act, for Grants for Televised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-647 (104 Stat. 4814); and (d) \$17,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824); *Provided*, That \$25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, shall be provided to the Arkansas State Police for high priority drug investigations.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$76,000,000, to remain available until expended, as authorized by section 261(a), part D of title II, of said Act (42 U.S.C. 5671(a)), of which \$3,500,000 is for expenses authorized by section 281 of part D of title II of said Act.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Victims of Child Abuse Act of 1990, \$2,000,000, to remain available until expended, as authorized by sections 218 and 254 of Public Law 101-647 (104 Stat. 4796 and 4815), of which \$1,000,000 is for expenses authorized by subtitle A of title II of said Act, and of which \$1,000,000 is for expenses authorized by subtitle G of title II of said Act.

In addition, \$4,885,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1991, through September 30, 1992, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1992, a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1992, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) and section 1301(b) of Public Law 101-647 (104 Stat. 4834).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$109,925,000.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That in fiscal year 1992, not to exceed \$4,000,000 of the total income retained shall be used for improvements to the Department's data processing operation: *Provided further*, That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the \$4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

In addition, for fiscal year 1992 and thereafter, at no later than the end of each fiscal year, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the Working Capital Fund to be available for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$27,893,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, \$9,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; \$379,804,000, of which not to exceed \$5,973,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed \$6,000,000 for litigation support contracts shall remain available until September 30,

1993: *Provided*, That of the funds available in this appropriation, not to exceed \$35,213,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration.

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

In addition, section 245A(c)(7) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1255a(c)(7)), as amended, is further amended by inserting after subsection (B) a new subsection as follows:

"(C) IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Not to exceed \$3,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices: *Provided*, That such amounts shall be in addition to any funds appropriated to the Office of Special Counsel for such purposes: *Provided further*, That none of the funds made available by this section shall be used by the Office of Special Counsel to establish regional offices."

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$53,045,000 of which an estimated \$10,000,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of \$43,045,000: *Provided*, That fees made available to the Antitrust Division shall remain available until expended, but that any fees received in excess of \$10,000,000 in fiscal year 1992 shall not be available for obligation until fiscal year 1993.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, \$720,737,000, of which not to exceed \$5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed \$1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, \$67,520,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges,

United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$843,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; \$313,847,000, including purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which not to exceed \$11,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended, and of which not to exceed \$6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$218,125,000, to remain available until expended; of which not to exceed \$15,000,000 shall be available under the Cooperative Agreement Program.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$92,797,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; and of which not to exceed \$1,008,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$27,343,000, of which not to exceed \$19,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Ex-

penses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed \$500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, \$100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, \$363,374,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in section 606 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,364 passenger motor vehicles of which 2,299 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$1,866,832,000, of which not to exceed \$25,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, 1993; of which not to exceed \$8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed \$500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,054 passenger motor vehicles of which 730 are for re-

placement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$706,286,000 of which not to exceed \$1,800,000 for research shall remain available until expended; and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed \$2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1993; and, of which not to exceed \$6,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 415, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; \$947,041,000, of which not to exceed \$400,000 for research and \$17,097,000 for construction shall remain available until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 374 of which 122 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$1,637,299,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$40,000,000 for the activation of new facilities shall remain available until September 30, 1993.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code,

which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$10,221,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$415,090,000, to remain available until expended, of which \$3,497,000 shall be available for construction and renovation costs at the Immigration and Naturalization Service Processing Center at El Centro, California: *Provided*, That labor of United States Prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further*, That not to exceed \$14,000,000 shall be available to construct areas for inmate work programs.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,248,000 of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. A total of not to exceed \$31,000 from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1992 with respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)).

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code.

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1992, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary

for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1992—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed \$50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed \$100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 107. Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Support of United States Prisoners' Cooperative Agreement Program.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$7,159,000, of which \$2,000,000 is for regional offices and \$700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98-183: *Provided*, That not to exceed \$20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), and the Americans with Disabilities Act of 1990, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed \$25,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, and the Americans with Disabilities Act of 1990, \$209,875,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For total obligations of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed \$450,000 for land and structures; not to exceed \$300,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$67,929,000 of which not to exceed \$300,000 of the foregoing amount shall remain available until September 30, 1993, for research and policy studies; and of which not to exceed \$1,000,000 shall be collected for work performed for agencies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. app. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$17,317,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$78,892,000 of which an estimated \$10,000,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of \$68,892,000: *Provided*, That fees made available to the Federal Trade Commission shall remain available until expended, but that any fees received in excess of \$10,000,000 shall not be available for obligation until fiscal year 1993.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and

not to exceed \$3,000 for official reception and representation expenses, \$157,485,000 of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100-690 (102 Stat. 4466-4467)), \$13,347,000, to remain available until expended; *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1992".

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that title I, through page 33, line 12, 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 Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order with regard to title I?

Are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$173,942,000, to remain available until expended, of which not to exceed \$6,541,000 may be transferred to the "Working Capital Fund"; and of which not to exceed \$10,340,000 shall be available for construction of research facilities.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Regional Centers for the Transfer of Manufacturing Technology and the Advanced Technology and State Extension Services Programs of the National Institute of Standards and Technology, \$63,713,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,381,550,000 to remain available until expended, of which \$542,000 shall be available for operational expenses at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas, and of which \$394,000 shall be available only for a semitropical research facility located at Key Largo, Florida; and in addition, \$34,858,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. App. 2205(d); and in addition, \$69,738,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries". Of the amount appropriated under this heading in Public Law 101-515 and carried over into fiscal year 1992, \$995,000 shall be available only for a grant for the construction of facilities for the Seafood Consumer Center, Incorporated, Astoria, Oregon.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 35, line 1 of the bill, strike "\$995,000" and insert in lieu thereof "\$1,995,000".

Mr. SMITH of Iowa. Mr. Chairman, this just makes a technical correction in a program earmarked in the bill. This does not add or subtract money in the bill. It increases the amount from the carryover of funds which is earmarked for a specific project and I ask that it be adopted.

Mr. ROGERS. Mr. Chairman, I rise in support of the amendment of the gentleman from Iowa [Mr. SMITH].

Mr. Chairman, I understand this has no impact on the bill totals, and we have had a chance to examine it and have no objection.

Mr. WALKER. Mr. Chairman, I move to strike the last word and do so to ask a couple of questions.

Since this is coming out of the operations research and facilities moneys that are in the National Oceanographic and Atmospheric Administration, the gentleman is adding \$1 million to an earmarked program. Is that a million dollars then that is coming out of the core research program at NOAA that further diminishes their ability?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. No, Mr. Chairman, it comes out of the unobligated balance carrying over into fiscal year 1992, and the reason for this is that we did not have full information at the time of the committee markup, but

there is a contract that cannot be let unless it is let for the contract for the full amount. The grantee cannot let part of the contract.

Mr. WALKER. Mr. Chairman, I understand that, but my concern is that the gentleman from Iowa [Mr. SMITH] is adding a million dollars out of fairly tight funds.

Mr. SMITH of Iowa. Out of the unobligated balance.

Mr. WALKER. Out of what unobligated balance?

Mr. SMITH of Iowa. The fiscal year 1991 unobligated balance.

Mr. WALKER. So, Mr. Chairman, this is 1991 money that is being transferred over to 1992. It is not coming out.

Mr. SMITH of Iowa. It is an unobligated balance carried over and we need to give NOAA the authority to make the grant and enough funds for the guarantee to enter into the full contract.

Mr. WALKER. However, Mr. Chairman, I have the gentleman's assurance that none of this money will come out of the core programs of NOAA's research.

Mr. SMITH of Iowa. That is correct, Mr. Chairman. This money should come from a wide variety of NOAA programs other than basic research.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Iowa.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 6209 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), \$6,000,000 for projects and grants authorized by 16 U.S.C. 1455, 1455a, and 1455b, notwithstanding the provisions of 16 U.S.C. 1456a(b)(2).

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, as amended, \$250,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed \$1,281,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under

the foreign fishery observer program authorized by these Acts, not to exceed \$1,996,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, \$1,400,000: *Provided*, That during fiscal year 1992 total commitments to guarantee loans shall not exceed \$14,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$2,000,000 which may be transferred to and merged with Operations, Research, and Facilities.

GENERAL ADMINISTRATION SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$30,611,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$14,913,000.

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$123,009,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, \$172,357,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$38,921,000.

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$330,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; \$194,875,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard

to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed twelve.

EXPORT ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$25,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$38,777,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$40,880,000 of which \$24,941,000 shall remain available until expended: *Provided*, That not to exceed \$15,939,000 shall be available for program management for fiscal year 1992.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$15,000 for representation expenses abroad; \$15,249,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; \$91,887,000 of which \$90,340,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, \$4,318,000.

INFORMATION PRODUCTS AND SERVICES

Notwithstanding sections 212 (a)(1)(B) and (a)(3) of Public Law 100-519, there may be credited to this account not to exceed \$1,000,000 for modernization, including operating expenses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$15,861,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$22,428,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed \$1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances under this heading may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2024, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, \$214,923,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That during fiscal year 1992, the Economic Development Administration shall not make any changes in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: *Provided further*, That any reduction in an individual grant amount to a university center from the fiscal year 1991 level shall be subject to the reprogramming procedures stated in section 606 of this Act.

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, \$1,549,000: *Provided*, That during fiscal year 1992 total commitments to guarantee loans shall not exceed \$10,000,000 of contingent liability for loan principal. In addition, for administrative expenses to carry out the guaranteed loan program, \$1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$28,218,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: *Provided further*, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

□ 1150

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I raise a point of order.

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

Mr. WALKER. Mr. Chairman, beginning on page 43, line 5, through page 45, line 10, I raise a point of order that this section of the bill is in violation of clause 2 of rule XXI. It is both appropriations which are unauthorized and also legislation within an appropriations bill.

The CHAIRMAN. Does the gentleman ask unanimous consent that his point of order also lie against the two paragraphs which have not been read yet, the following two paragraphs?

Mr. WALKER. Mr. Chairman, I ask unanimous consent that it lie for all the information regarding the Economic Development Administration from page 43 through page 45, line 10.

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

There was no objection.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard?

Mr. SMITH of Iowa. Yes, Mr. Chairman, I do. We concede that it is not authorized.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] concedes the point of order is valid.

Does the gentleman from Kentucky [Mr. ROGERS] wish to be heard?

Mr. ROGERS. Mr. Chairman, correct me if I am wrong, but is not the section dealing with the salaries and expenses authorized?

Mr. SMITH of Iowa. Mr. Chairman, the appropriation for salaries and expenses is authorized, but it is within the total paragraph and within the total program. Of course, if they do not have anything to administer, I suppose they will need some salaries and expenses, but not a whole lot.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] insist on his point of order?

Mr. WALKER. I do insist on my point of order, Mr. Chairman.

The CHAIRMAN. That is against the third paragraph, as well, part of which is authorized?

Mr. WALKER. I insist on my point of order that that particular paragraph constitutes legislation in an appropriation bill, that in that particular case the "provided" clauses following it are legislation in an appropriation bill, so, therefore, that particular section is also outside the scope of the committee's jurisdiction.

Mr. SMITH of Iowa. Mr. Chairman, if this is the appropriate time, I will offer an amendment to the part that is authorized.

The CHAIRMAN (Mr. BROWN). The Chair must first rule on the point of order.

For the reasons stated by the gentleman from Pennsylvania [Mr. WALKER], the Chair sustains the point of order, and all three paragraphs are stricken.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 44, line 16, insert the following:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$28,218,000.

Mr. SMITH of Iowa. Mr. Chairman, this is the part that is authorized permanently, and I ask for a favorable vote on the amendment.

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

Mr. Chairman, let me say this: About 70 percent of this bill is not authorized, and that has been true now for several years. We have the Justice Department and the Federal Judiciary which are not authorized in the bill. We have the Commerce Department, a part of which has not been authorized, and there are various other parts of the bill that are not authorized.

This subcommittee has been asked to go ahead and do what we have to do, and that is to get something out of here even though the authorizing committees have not acted. In the past we got protection from the Rules Commit-

tee, realizing that we were trying to do something when it had to be done. The FBI, the DEA, and the Justice Department cannot wait around while we fiddle sticks up here. I would hope that the Members would recognize that.

I understand the rights of the gentleman from Pennsylvania, and that he feels an obligation on this particular EDA section, but I would hope that the Members would recognize what we are trying to do here, and that is to get a bill out of here for programs that are vital to this country when the authorizing committees have not acted.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am happy to yield to the subcommittee chairman.

Mr. SMITH of Iowa. Mr. Chairman, I would agree with what the gentleman from Kentucky has said, that we would like to have had an authorization. There has been an authorization on the House floor, I think, at least once, if not two or three times, that passed overwhelmingly, but we were not able to get the Senate to agree. So we are including a program that the House has indicated in the past that it supported overwhelmingly.

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

Mr. Chairman, I simply take this time today to observe that the objection by the gentleman from Pennsylvania is a delaying tactic which will cause a delay by this committee in funding programs which will ultimately be authorized by the authorizing committee, programs which are very important to States like Arkansas and possibly Kentucky, and other States with which I am not as familiar as I am my own.

The kind of funding that may be in prospect from the action that we would have taken today, but for the objection, would fund programs that offer to create jobs in States where there is high unemployment. While there is always debate on the question of the value of any Federal program, we can demonstrate in Arkansas that never has the Federal Government lost any money by funding economic development programs. Just for the record, the money is spent to invest in industrial parks and in providing utilities for those parks which attract industries that provide jobs, the salaries from which go to repay the Government for its investment.

Mr. Chairman, I would simply like to state that at this time for the benefit of people who might be confused by this tactic. It is an effort to delay action provide jobs to the American people.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this has been an interesting discussion. First of all, I think that we must look at exactly what the amendment is that the gentleman from

Iowa is offering. The amendment is to pay salaries and expenses to an agency that, if the point of order is upheld, as it has already been upheld, does not exist any more. I am talking about what is within the bill.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, that is not all of it. They will need some of it.

Mr. WALKER. They may need some of it.

Mr. SMITH of Iowa. There will be prior grants to administer and other administrative matters.

Mr. WALKER. But the gentleman has offered an amendment for \$28 million when the administration zeroed this agency out of its budget presentation. It said the most they would need is \$20 million. That was the amount of money they sent up. The gentleman is adding another \$8 million to that. He has the figure in there.

All I am suggesting is that since the agency no longer exists and it is not going to have a program, the question becomes: Why would we pay salaries and expenses to people who do not have a job any more? That is a little bit difficult for the American people to swallow when we have multibillion-dollar deficits.

Beyond that, the discussion has been interesting in regard to the prioritization of programs. Let us remember that within this bill we have this program that was funded at around \$246 million, which is a program that the administration did not ask any money for other than to close it out, and that was \$20 million.

□ 1200

Now, you may say that the administration had the wrong priority, but understand what was not funded in order to do this 246 million dollars' worth of spending. The President's crime program was not fully funded so we could do this \$246 million in spending; the President's science programs were not fully funded—and in my opinion were not funded adequately—so we could do this \$246 million in spending.

Mr. Chairman, there are a number of things that were high priority items in the minds of many Americans that were dramatically underfunded so that this \$246 million could be spent. What I am doing is cutting out a program which the administration regarded as a nonpriority in order to try to get some money in for crime fighting and into science programs.

Mr. Chairman, let me tell Members about a couple of science programs, because I think that is a real question of priorities here.

In the language that I had struck, we are talking about \$215 million. That would get us the \$176 million that we

need for the NOAA program, including \$31 million for dealing with global change. I can tell you, if you go across the country, there are many people who are concerned that our global change programs are not doing enough.

This committee is suggesting that even what the administration asked for should be cut. I think that \$31 million is better spent for global change than for some of the programs that have been regarded as just outright waste that EDA has been doing.

Beyond that, we need a new doppler radar system for our Weather Service. The Weather Service is attempting to come up with high tech solutions so we can save lives of Americans in severe weather incidents. This committee cut \$40 million out of the development of that new radar system.

Mr. Chairman, I would suggest that we might be better off putting that money back in. For the economic development of this country, it would be far better to have the kind of weather forecasting ability that gives farmers and other small businessmen some sense of confidence about weather forecasting, than some of the programs EDA has been doing.

There is a weather satellite program that has had \$50 million cut out of it. Those are weather satellites that are absolutely essential to this country's understanding of what is happening.

People watch the weather on television every night. It is one of the main things that news programs run. What this committee is doing is undermining our ability to do that in the future.

Mr. Chairman, we are attempting to find the kind of money that is needed in order to be able to understand the highly advanced raw data that comes down from these satellite programs. This committee cuts that fund by \$34 million.

I would suggest that for the economic development of the country, it is better to be able to interpret that weather data than most anything we can do for the long-term economic health of one of our major areas of the economy and one of our major trade areas, our agricultural program.

Mr. Chairman, let us look beyond that. Let us look to competitiveness, and let us look to high technology. I think this country believes that we ought to be doing work in superconductivity, in fiber optics, in new materials, in chemical quality programs, and a number of other items of that type. That is where the real jobs are going to be created, in Arkansas, in Kentucky, in Pennsylvania, and a lot of other places.

What does this committee do to the NIST programs in order to try to deal with some of those issues? It cuts the programs. It cuts the programs in those areas in order to fund a bunch of earmarked programs in other areas.

Those earmarked programs are taking away from the core program ability to deal with superconductivity, fiber optics, and a number of other things absolutely essential to our economic competitiveness for the future.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, it is really a question of priorities here. I would simply suggest that if we are going to do the things which are needed in science in order to be technologically competitive, if we are going to be able to do the things with regard to forecasting of weather that allows us to save lives and maintain a strong economy, then we need to find the money for that.

All I am asking is the EDA provide some of that money. EDA is a program where their loan program is heavily in default, where many of the programs have not created the numbers of jobs that were projected; in fact, where the job creation has cost us vastly more than anything that would be regarded as a sensible figure.

Mr. Chairman, let me go back to the original point. The bottom line is if the Smith amendment is adopted, we will be spending money for salary and expenses for a program that no longer exists in the bill. If you want to spend \$28 million for salaries and expenses for people that no longer have anything to do, that is your choice. I would suggest it is not a very wise expenditure of funds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 11, noes 6.

So the amendment was agreed to.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent to return to page 34, lines 15 to 20.

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

Mr. SMITH of Iowa. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this having consulted with the chairman of the subcommittee. I chair the Subcommittee on Administrative Law of the Committee on the Judiciary, which has jurisdiction over the Legal Services Program. In conjunction with many Members concerned with that program, of a variety of views—members such as the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Texas [Mr. STENHOLM], who have been critical of some aspects, and other like myself

who have been supportive in other ways, but all of us believing the program should continue—we have begun marking up an authorization bill for the first time in a long time.

Mr. Chairman, this has been a problem not of this subcommittee's making, but of Congress' making, that they had jurisdiction over a program which was not authorized. We are trying to resolve that problem for the subcommittee, which believes and has practiced a regular order.

Mr. Chairman, I just wanted to make clear that we have a markup that has proceeded through subcommittee. We were held up a little bit by the deliberation on the civil rights bill, but at a meeting that will be held soon of the full Committee on the Judiciary, we will be marking up an authorization of Legal Services, with the agreement of all parties, and will be bringing that bill to the floor.

Mr. Chairman, I just wanted to say it is my understanding from conversations with the chairman that his intention would be that in the current bill, if nothing is done further, the money would be governed by existing legal restrictions on how it could be spent.

If in fact the House were then to proceed to authorize a bill, we would be guided by what the House has done. If in fact a bill was enacted into law and signed by the President, obviously that would be controlling.

So if there is no authorization, the existing set of rules and regulations would apply as they exist in statute. If we authorize and it goes through the House, that would supersede that. If in fact we enacted a bill, that would supersede the authorization.

Mr. Chairman, I would ask the gentleman from Iowa if I am correct in my understanding.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman from Massachusetts [Mr. FRANK] is correct. I want to say no one will be more glad than I am to see the gentleman from Massachusetts [Mr. FRANK] and his subcommittee and the Judiciary Committee bring a bill before the House so the House can work its will on this matter. Of course, if the House does work its will on this matter, I would be guided to the extent I possibly can to try to uphold in conference whatever the House does on a Legal Services authorization, whatever that happens to be. That is the position I would take.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I thank the gentleman. He has been very generous and gracious, and has forbore a lot. We hope finally to be able to live up to our part of the bargain.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Kentucky, the ranking minority member.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, like the gentleman from Iowa [Mr. SMITH] says, the gentleman from Massachusetts [Mr. FRANK] is making us very happy by relieving us of the obligation we have had over the last several years to authorize the Legal Services Corporation, on which we do not have hearings, and we are not experts in that field. It is too much detail, and we should not be doing that. Thank goodness the subcommittee, and hopefully the full committee and Congress, will enact a bill.

Mr. Chairman, let me ask the gentleman from Massachusetts [Mr. FRANK] just to clarify, and I have conferred with the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Texas [Mr. STENHOLM], and others who are interested in this proposition, am I correct, to restate what the gentleman has said, if the House passes an authorizing piece of legislation on the Legal Services Corporation, our language would be governed by that, and if the House does not pass a piece of legislation, then we would be governed by the last year's regulations?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, that is my understanding of the chairman's intentions. I think that is a fair way to proceed. If Congress passes the bill, that would take care of it.

Mr. ROGERS. Mr. Chairman, that would supersede everything?

Mr. FRANK of Massachusetts. Yes.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] for the clarification, and, more importantly, thank him for acting.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate that. Let me point out that the subcommittee acted. We were not unanimous in every aspect. We bridged a lot of the gaps that existed. We had a product out of subcommittee that was voiced at subcommittee. Further issues will be debated. My subcommittee will come under a very open rule, in the sense that all issues will be on the floor, and that is my intention.

□ 1210

Mr. ROGERS. Let me clarify just once more.

When does the gentleman expect the full committee to take that up?

Mr. FRANK. Within a month or so.

Let me say in defense of the chairman, and he does not need defense, but explanation, the chairman of the full committee has been, as Members understand, very much occupied with the civil rights bill. This is on our agenda and I would expect sometime within the next month it will be reported out.

In other words, it should be able to come to the floor this summer.

Mr. ROGERS. The reason I ask is that by the time we go to conference with the Senate, the other body on this bill, if the committee, and more importantly the House had acted on something, we would have something to be guided by.

Mr. FRANK. I agree with the gentleman, I think that is a useful thing for those who do the scheduling to keep in mind. It would be very helpful for the House at least to have had a chance to authorize before the conference begins.

Mr. ROGERS. I thank the gentleman.

Mr. FRANK. I thank the gentleman.

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

Mr. Chairman, I want to recognize the very hard work of the chairman of the Commerce, Justice, and State, the Judiciary and Related Agencies Subcommittee, the gentleman from Iowa, [Mr. SMITH] and the ranking Republican member, the gentleman from Kentucky [Mr. ROGERS] in the development of this bill.

This year has been an especially difficult one in which to set priorities among the various programs funded in this bill. The final bill recognizes the very tough budgetary constraints under which we operate this year, while providing essential funding for important governmental operations.

Mr. Chairman, I would like to call attention to the National Institute of Standards and Technology [NIST] program in the Technology Administration in the Department of Commerce which is a critical link in a Federal effort to advance technology in the United States of America.

There can no longer be any doubt that some technologies and industries are critical to our Nation's future. This year the Office of Science and Technology Policy called for a stronger Federal research and development and applications effort in 22 critical technologies. Taking these technologies and turning them into products that people want to buy, and doing it faster, less expensively, and better than our overseas competitors is the lifeblood of our economic well-being and the fundamental underpinning of economic growth, jobs, and standard of living now and into the next century.

The way we do business now will not be sufficient in the future. With technology as the driving force for economic growth and standard of living advance, we need to take the \$70 billion that we spend each year in the Federal R&D economy and orient it more to the marketplace, orient it more toward jobs, to our standard of living, toward underpinning those companies that are fighting daily the technology and competitiveness battles with foreign competitors all over the world, and might

here with regard to imports, I might add.

Limited investments by the Federal Government can have a tremendous impact in terms of leverage. The Technology Administration is the nucleus of the Federal Government's effort to foster increased cooperation with the private sector in advanced technology. It includes the National Institute of Standards and Technology, the Federal agency best poised to work with industry and problems of competitiveness, and the Federal agency which has the most experience throughout the decades in working with industry to help industry to be more competitive.

The funding level proposed for the Technology Administration in the bill before us would result in the reduction or elimination of important initiatives.

All including a manufacturing initiative which calls for centers to enable American manufacturers to make the transition to advanced manufacturing practices and processes. This program is extremely important as the United States of America seeks to regain the high ground in manufacturing, in production, in making things and in making them better, in bringing quality products and processes to the world.

Our efforts to distill technological information from Japan would be slashed. We need more, rather than less, technological transfer from Japan to the United States.

Federal technology management programs that try to optimize what we get out of the Federal labs in terms of patents, in terms of relationships with industry, these kinds of programs would be cut.

If I might go back to manufacturing; making things, production, manufacturing, these constitute the crown jewels of an industrial society and of a modern technological society. It is absolutely essential that we change our national pattern of behavior regarding manufacturing. For three or four decades we tended to ignore manufacturing. It was dirty, it had smokestacks, it had pollution. But the Japanese experiment shows that a nation can go from rubble to primacy in a brief period of time in modern society based on making things and making them better. NIST is the primary Federal agency in our Government that deals with manufacturing.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RITTER] has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. The percentage of investment in our Federal R&D economy in manufacturing is minuscule; yet, manufacturing may well be the key to national wealth creation and prosperity. We need greater national focus on manufacturing; not less.

Let's move on to NIST's core programs. These programs are the very basis of what the National Institute of Standards and Technology does for our country. Such programs will absorb a 1.5-percent cut if we take inflation into account, and that means none of the upgrades of aging facilities and laboratories that are requested by the President, for the Science, Space, and Technology Committee, are going to be funded. This once flagship laboratory of the U.S. Government and of our country working closely with industry right there on the front lines in fighting the battles of global competitiveness is, in many places, declining. It needs upgrading. It needs a surge of modernization and renovation.

None of NIST's important, new initiatives in electronics and electrical engineering, manufacturing engineering or measurement standards are going to be funded. This deals a blow to a crucial element of the Federal Government's effort in technology at a time when the Nation can least afford it. These are crucial investments in the future well-being of our economy.

We seem to be able to fund increasing tens of billions of dollars of transfer payments. Forced by largely political considerations. But for these basic seed core investments we are really coming up short.

I would urge, Mr. Chairman, when this bill proceeds to the House and Senate conference that the House strive to maintain an adequate level of funding for this most important endeavor, encompassing the Technology Administration and the National Institute of Standards and Technology.

In closing, I want to express my appreciation for the Appropriations Committee for funding of the new Advanced Technology Program. As one of the founders of this effort, I think it is extremely important in our economic race with some real fast competitors. There's been a good boost there to bring industry together on common ground to solve tough problems. But these investments are still so very small in comparison to the total Federal R&D economy; much more can and should be done to redirect our R&D resources.

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

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Depart-

ment of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. (a) Funds appropriated by this Act to the National Institute of Standards and Technology of the Department of Commerce for the Advanced Technology Program shall be available for award to companies or to joint ventures under the terms and conditions set forth in subsection (b) of this section, in addition to any terms and conditions established by rules issued by the Secretary of Commerce.

(b)(1) A company shall be eligible to receive financial assistance from the Secretary of Commerce only if—

(A) the Secretary of Commerce finds that the company's participation in the Advanced Technology Program would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States; and agreement with respect to any technology arising from assistance provided by the Secretary of Commerce to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(B) either—

(i) the company is a United States-owned company; or

(ii) the Secretary of Commerce finds that the company has a parent company which is incorporated in a country which affords the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those funded through the Advanced Technology Program; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) The Secretary of Commerce may, 30 days after notice to Congress, suspend a company or joint venture from receiving continued assistance through the Advanced Technology Program if the Secretary of Commerce determines that the company, the country of incorporation of the parent company of a company, or the joint venture has failed to satisfy any of the criteria set forth in this subsection, and that it is in the national interest of the United States to do so.

(3) As used in this section, the term "United States-owned company" means a company that has a majority ownership or control by individuals who are citizens of the United States.

This title may be cited as the "Department of Commerce Appropriations Act, 1992".

□ 1220

Mr. SMITH of Iowa. Mr. Chairman, may I inquire, does anyone have an amendment to title III? It is on the judiciary.

If not, 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 Iowa?

There was no objection.

The text of title III is as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$20,787,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$3,801,000, of which \$1,861,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$10,775,000.

UNITED STATES COURT OF INTERNATIONAL
TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$9,432,000.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$1,947,471,000 (including the purchase of firearms and ammunition); of which not to exceed \$68,245,000 shall remain available until expended for space alteration projects; and of which \$500,000 is to remain available until expended for acquisition of books, periodicals, and

newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$1,588,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$185,372,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); \$70,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); \$82,830,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED
STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District

of Columbia and elsewhere, \$44,681,000, of which not to exceed \$5,150 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$18,795,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,000,000, and in addition, to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. 178(1), \$500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$8,865,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. (a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

This title may be cited as "The Judiciary Appropriations Act, 1992".

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

If not, are there any amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
OPERATING-DIFFERENTIAL SUBSIDIES
(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$272,210,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$70,920,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, \$225,000,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CHRISTOPHER COLUMBUS QUINCENTENARY
JUBILEE COMMISSION
SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, \$220,000, to remain available until December 31, 1993, as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100-94.

AMENDMENT OFFERED BY MR. PENNY

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

The Clerk read as follows:

Amendment offered by Mr. PENNY: on page 57 strike out lines 11 through 19.

Mr. PENNY. Mr. Chairman, the amendment offered by myself and the gentleman from Michigan would eliminate funding of \$220,000 for the Christopher Columbus Quincentenary Jubilee Commission. This Commission, which has received nearly \$1.3 million

in Federal funding to date, is riddled with management and fundraising problems. The GAO issued a report in April 1991, criticizing the Commission. It reported, "(the Commission) has accomplished very little of what Congress envisioned as its mission and its financial condition is precarious".

The Commission was supposed to have raised a majority of its funds from private donations. To date, they have brought in only \$888,700. This is only 64 percent of what they have received from Congress.

While I am aware that the Commission has come under new management, I am not convinced that the problems have been resolved. Without funding by Congress this year, the Commission can still perform its functions with private donations and the celebration of the 500th anniversary of the discovery of America by Christopher Columbus will proceed. The GAO reported that, "the celebration will still occur through (the over 470) projects conducted by other organizations."

The conclusions of the April 1991 GAO report are the most damaging:

The 500th anniversary of Christopher Columbus' first voyage to the new world is no less than 18 months away. To date the Christopher Columbus Quincentenary Jubilee Commission has accomplished very little of what Congress envisioned as its mission and its financial condition is precarious. It has experienced several setbacks including a spate of negative publicity, the withdrawal of the primary corporate sponsor, and the resignation of the director in October 1990 and the chairman in December 1990. What should be the home stretch for the Commission has become rescue operation to salvage whatever benefits are possible in the limited remaining time."

Mr. Chairman, continued funding of this Commission needs to be questioned.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding and for offering this amendment and for allowing me to offer this amendment with him.

I was very disturbed as I read this GAO report about the tack that the Commission had been taking under the former Chairman.

I have some good news to report in that I talked to the new Chairman just this morning, Mr. Frank Donnatelli, and I have been assured that they are on a new tack, with a "k"; they have got new wind in their sails. In fact, the shot across the bow that we have fired has been well received.

I know that we are going to be hearing from the gentleman from Ohio, and perhaps we could yield to the gentleman from Ohio to receive some type of assurance.

Mr. PENNY. I might suggest that in order to give the gentleman from Ohio enough time to respond to our concerns about the Commission that he might

receive his own time in order to make his remarks.

Mr. UPTON. If the gentleman will yield further, as I read this report, I know that the primary objective of the Christopher Columbus Jubilee Commission was to raise funds from private sources, and the GAO report has showed, in fact, that has not occurred. I am hoping that in the next year that if we do withdraw our amendment that the seed money that is provided in this bill will, in fact, enable the Columbus Jubilee Commission to, in fact, get on a new course, a new tack, and in that sense, bring about fiscal responsibility back to where it should have been from the very beginning.

Mr. PENNY. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I am aware that there were a lot of allegations which I believe were unproven, but whether they are unproven or not, the fact is the Commission does have new leadership. I know that the gentleman has a lot of constituents that think that Leif Ericsson should be getting the recognition.

Mr. PENNY. The Chairman has identified my ulterior motive.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. PENNY] has expired.

(By unanimous consent, Mr. PENNY was allowed to proceed for 2 additional minutes.)

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I am happy to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Iowa points out a concern some of us had when this Commission was originally empaneled.

Without disparaging Christopher Columbus' role in our history, he, of course, discovered a country that was inhabited already by native Americans and that had been visited long before by Scandinavians. So many of us who voted against that felt that it was rather incongruous to see us decide to spend a bunch of money celebrating the discovery of something that had been discovered long before and even then had been inhabited by native Americans.

I think there is a tendency around here whenever we empanel these kinds of commissions to create a condition in which more money is spent than is necessary.

I do not today intend to redebate the issue whether or not we should have this. It is already underway. But I lend sympathy to the efforts of the gentleman from Minnesota and hope that we can rein in some of this spending.

Mr. SAWYER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition, but in very special gratitude to my col-

leagues, the gentleman from Minnesota [Mr. PENNY] and the gentleman from Michigan [Mr. UPTON], for their calling attention to a matter of real serious concern in this Congress.

The Commission to which they refer was established in 1984 to coordinate ceremonies appropriate to the local, national, and international observances associated with the 500th anniversary of Christopher Columbus' arrival in the New World.

The Subcommittee, which I chair, on Census and Population has oversight responsibility for the Commission. I fully understand my colleagues' concerns and express the gratitude of the subcommittee for their raising it.

It is true that the findings of a recent audit by the National Archives and the General Accounting Office indicate the very kind of poor management of financial resources and inadequate financial administrative controls at the Commission that my colleagues described, and, yes, the Commission's position is precarious.

However, I want to express that these management problems occurred under the Commission's former Chairman. An investigation was begun last summer which led to the Chairman's resignation in December 1990, amid a rush of negative publicity. A new Chairman was elected by his fellow Commissioners in February of this year, and he since then has made several staffing changes.

□ 1230

In April, the subcommittee held an oversight hearing to review the commission's financial position and its planned activities for 1992. Those hearings have brought about considerable effort with the Commission staff and leadership and a thorough GAO investigation conducted by the Office of Special Investigations of allegations of misconduct or perhaps even criminal conduct. Those hearings are proceeding now.

We believe we have isolated that problem so that the commission's new leadership, new Chairman, new Executive Director, and new staff with real and needed experience in accounting, fundraising, and management, management that was nonexistent before, a fundraising plan that was nonexistent, but was developed and being implemented in an attempt to resolve the contractual dispute is resolved, clearing the way for other corporations to lend the kind of substantial support that really was intended when all this began. In short, I think it is obvious that the task ahead will not be easy. The Commission's financial condition is precarious. Its image is tarnished, and time is running out.

I would particularly point out that the Commission is actively pursuing those corporate sponsors for its planned activities. Eliminating the

Commission's modest annual appropriation right now, however, would seriously impair the Commission's ability to move forward in a fashion we described.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, just so the record is clear, I want to point out that all we have ever appropriated has been a little seed money, \$200,000 or \$220,000 a year. If there was mismanagement, the money that was wasted or whatever was not appropriated money. The amount of money that has been appropriated would have been necessary under any circumstances to cover the administrative costs of the Commission.

Mr. SAWYER. Mr. Chairman, I thank the gentleman for his comments. The gentleman is absolutely right, and that does not diminish the dismay that many Members feel over the conduct of that management.

However, the absolute loss to the Government of the United States is not enormous. I have confidence in the Commission's new leadership and their ability to plan and carry out a series of programs and activities that will ensure an appropriate role for the United States in an event of international significance.

I would add that the gentleman from Illinois [Mr. ANNUNZIO], who is the original sponsor of the legislation to recognize this important worldwide event, has asked to be associated with these remarks.

I ask Members to vote "no" on this particular amendment.

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

Mr. SAWYER. I am happy to yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, I rise to explain to the authors of the amendment and to my colleagues the need to continue the modest funding of this program.

(By unanimous consent, Mr. SAWYER was allowed to proceed for 2 additional minutes.)

Mr. SAWYER. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, as ranking minority member of the Subcommittee on Census and Population of the Post Office and Civil Service Committee no one knows better than I the problems the Christopher Columbus Quincentenary Jubilee Commission has faced. There is no question that in the past the Commission has been riddled with management problems and former officials are under investigations. But what should be emphasized is the fact that the management problems have been in the past and the officials under investigation are former officials.

Mr. Frank Donatelli was named the Chairman of the Commission on February 6 of this year. He began as Chairman of the Commission; he was quickly made aware of the serious difficulties facing the Commission. Most critical is the need for an extensive fundraising campaign. Mr. Donatelli is the new blood and captain of the ship charged with ensuring a successful journey for the Commission. He has not had ample time to implement his plan for the Commission or to raise funds. Mr. Donatelli and his staff at the Commission are dedicating over 85 percent of their time contacting individuals and corporations to solicit funds.

The Commission was created with the idea that the Federal appropriations would provide seed money to enable the Commission to secure private sector sponsors. Mr. Donatelli's plan consists of three key elements. The Commission is in the process of contacting a number of corporations regarding the possibility of their participation as official sponsors of the Commission; the Commission is currently putting together a group of individuals from the private sector who are interested in helping to raise money for the Commission's programs.

This group will be known as the "Columbus 500 Council" and will solicit private donations to support the Columbus Scholars, the National Maritime Celebration, and other programs. In order to both raise money and heighten the national level of awareness for the quincentenary, the Commission has begun a direct mail campaign, aimed at bring information about the upcoming events in 1992 to as many Americans as possible.

Elimination of the funding so desperately necessary to keep the Commission afloat will endanger the success of commemorative activities planned by State and local entities across the land. The benefits both in terms of the cultural and educational gains, as well as the greater understanding of the true significance of Columbus to our history, far exceed the minimal costs involved.

Through my personal knowledge of Mr. Donatelli and his total commitment to the Commission's success, I am confident that his leadership of the Christopher Columbus Quincentenary Jubilee Commission will steer America to the celebration that Congress envisioned when the Commission was established. I urge my colleagues to withdraw this amendment.

Mr. Chairman, at this point I will include for the RECORD a letter from the Chairman, Mr. Frank J. Donatelli, regarding the Christopher Columbus Quincentenary Jubilee Commission.

CHRISTOPHER COLUMBUS
QUINCENTENARY JUBILEE COMMISSION,
Washington, DC, June 13, 1991.

Hon. BENJAMIN A. GILMAN,
Member, House of Representatives, Rayburn
House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: It has come to my attention that an amendment has been proposed that could reverse significant accomplishments made by the Christopher Columbus Quincentenary Jubilee Commission since its reorganization a few months ago.

It gives me great pleasure to report to you that just yesterday, I, on behalf of the U.S. Commission, signed documents that will advance the cause of the commemorative caravels program in the United States and will continue Texaco's support of this Commission. These agreements take decisive steps to settle negotiations between the U.S. Commission and the Spanish Commission and they clarify the respective relationships with Texaco.

This new accord has opened the way for the U.S. Commission's new and aggressive fund raising program to be put into motion. In fact, the Commission is already in direct contact with several major corporations and with a number of prominent philanthropic individuals who have expressed interest in the Columbus Quincentenary.

The resolution of this matter and the Commission's commitment to its eight National commemorative and educational programs give us a clear course for the months ahead. The Commission's difficulties of the past have been put far behind us by these major accomplishments.

Withdrawal of spiritual and financial support by the United States Congress at this time would cause irreversible damage to the rapid progress made during recent months, weeks, and days.

I appreciate your concern for the work and programs of this Commission. It is my hope that you will be able to urge your colleagues to reject the proposed amendment that would put a permanent damper on the Quincentenary year of 1992.

Very truly yours,

FRANK J. DONATELLI,
Chairman.

Mr. SAWYER. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania [Mr. RIDGE] for his remarks. I would add to that that I am grateful for the bipartisan cooperation with which we pursued this matter of substantial concern, and continue to pursue it today.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in strong support of H.R. 2608, the fiscal year 1992 appropriations bill for Commerce, Justice, State, Judiciary, and related agencies. I also rise in opposition to the Penny-Upton amendment, which would eliminate funding for the Christopher Columbus Quincentenary Commission.

I commend the chairman of the subcommittee, NEAL SMITH, and the ranking member, HAL ROGERS, for their outstanding efforts and leadership in bringing this legislation to the floor. The subcommittee staff also deserves recognition for their tireless efforts on behalf of this bill. I know that many hours of hard work were put into the development of this legislation.

As a result of last year's budget summit agreement, the subcommittee faced a particularly difficult task this year in drafting this bill, which includes funding for a diverse group of programs and agencies. Yet despite the severe budgetary constraints, the subcommittee managed to fund adequately the programs in this bill, provide much-needed increases for some high-priority national programs, and meet its 602(B) allocation.

First, as I noted, I rise in opposition to the Penny-Upton amendment. The funding for the Christopher Columbus Quincentenary Commission is a modest appropriation to defray staff salaries and other operating expenses of the Commission. Private contributions will be used to meet the costs of outreach activities and initial implementation costs of the celebration's projects. During hearings before the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, the new Chairman of the Commission assured us that the Commission is working to increase its private donations in order to address the concerns made about the Commission prior to his appointment. I believe that the Commission is back on track and I urge the rejection of the Penny-Upton amendment. Funding the Commission will enable it and our local communities to move forward in their plans to celebrate the quincentenary of Columbus' voyage.

On another issue, I am especially pleased and appreciative of the \$16 million provided for the Asia Foundation, which is authorized at a level of \$18 million. The Asia Foundation has a proven track record of stimulating the development of local social, political, and economic institutions that are consistent with local needs throughout the Asia-Pacific region. The funding increase will enable the Foundation to undertake a number of important new initiatives and to continue the successful programs it has already begun in Asia.

The bill also includes \$50.3 million for the Coastal Zone Management Program, a vital national program charged with protecting and preserving the treasures of our Nation's coastlines. The level of funding provided in the bill will allow NOAA and the coastal States to meet the enhanced responsibilities and obligations called for in last year's reauthorization of the Coastal Zone Management Act, which was overwhelmingly supported by Congress, and will help ensure that we continue to preserve and protect our Nation's valuable coastal resources.

H.R. 2508 also includes \$3 million for the Office of Special Council for immigration-related unfair employment practices and for grants to community-based organizations for Outreach Programs. As a result of employer sanctions imposed in the Immigration Reform and Control Act of 1986, a number

of employers have adopted discriminatory practices because they fear being penalized under the employer sanctions provision of the law. The funding provided in the bill will provide much-needed assistance to the victims of discrimination.

Mr. Chairman, these are just a few examples of the important programs included in this bill. Again, I commend Chairman SMITH and the subcommittee for the excellent job they have done in putting this bill together. I urge my colleagues to join me in supporting this legislation.

Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Michigan [Mr. UPTON] which would eliminate the \$220,000 in fiscal year 1992 funding for the Christopher Columbus Quincentenary Jubilee Commission.

The Christopher Columbus Quincentenary Jubilee Commission was established by Congress in 1984 to organize and coordinate comprehensive programs and major events to celebrate Columbus' discovery of the New World.

As ranking minority member of the House Committee on Post Office and Civil Service and as an ex officio member of the Subcommittee on Census and Population, I am aware of the allegations of misconduct and mismanagement at the Christopher Columbus Quincentenary Jubilee Commission that came to public attention in late November 1990. The subcommittee immediately requested the General Accounting Office [GAO] to conduct an in-depth review of the Commission's activities and was directed to investigate these allegations, which arose from media disclosure as well as accusations made from individuals directly involved with the Commission.

The subcommittee conducted a hearing for April 23, 1991, at which time GAO and the current chairman of the Commission, Frank Donatelli testified. Both the GAO and Mr. Donatelli made specific recommendations regarding the directions the Columbus Commission will be taking as well as efforts that must be taken to rectify the problems facing the Commission and the plans to meet the Commission congressional mandate.

While the Office of Special Investigation is continuing to investigate the allegations, no one currently involved with the administration of the Commission is connected with the charges of misconduct. The Commission under its new leadership is vigorously proceeding to create a celebration worthy of the 500th anniversary of Christopher Columbus' maiden voyage to the New World. Negotiations with numerous corporations as well as the governments of Italy and Spain would be undetermined by a cut of funding for the Commission at this time.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

□ 1240

Mr. Chairman, I appreciate the good intentions of the gentleman from Michigan [Mr. UPTON] and the problems which Mr. Donatelli must overcome; however, we are confident of the dedication and commitment of the members of the Columbus Commission to its success and that its past difficulties will be overcome.

Mr. Chairman, Mr. Donatelli has submitted to us his letter dated June 13, 1991, and I will ask that a portion of his letter be made part of the RECORD. Mr. Donatelli states in his letter:

Withdrawal of spiritual and financial support by the United States Congress at this time would cause irreversible damage to the rapid progress made during recent months, weeks and days. We appreciate your concern for the work and program of this Commission. It is my hope that you will be able to urge your colleagues to reject the proposed amendment.

I thank the gentleman again for bringing this measure to the attention of the Congress and we hope by working together we can rectify some of the Commission's prior problems.

Mr. PENNY. Mr. Chairman, will the gentleman yield before he yields back his time?

Mr. GILMAN. I am pleased to yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, with the assurances presented by the gentleman from Ohio [Mr. SAWYER] and others this morning and given the understandings included in that letter from the new chairman of the Commission, the gentleman from Michigan [Mr. UPTON] and I ask unanimous consent to withdraw our amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Minnesota [Mr. PENNY] is withdrawn.

Mr. GUARINI. Mr. Chairman, I rise in opposition to the Penny amendment. As the national chairman of the National Italian American Foundation Columbus 1992 celebration, I would like to bring the following letter to the attention of my distinguished colleagues:

DEAR MEMBER OF CONGRESS: The National Italian American Foundation wishes to reaffirm its full support of the Christopher Columbus Quincentenary Jubilee Commission and therefore urges opposition to the amendment which would eliminate all funding for fiscal year 1992.

We regret that an effort is being made to defund the Commission as we so rapidly approach the start of the quincentenary. Since 1984, when Congress first created the Commission and called for a national quincentenary celebration, to the present there has been strong and bipartisan support for the commission. It should continue especially now as we approach the justified recognition for Columbus and his enormous impact on world history.

The issues that have been raised about past problems with the Commission are just that. The Commission has an able new Chairman Frank Donatelli. He has taken full command of the Commission and has instituted strong new management practices and has made as his top priority—fundraising to ensure a successful quincentenary. His efforts were recognized by the State-Commerce Subcommittee which produced this legislation and which recommended the Commission be fully funded for fiscal year 1992.

The National Italian American Foundation has worked closely with the Commission since its inception. We have jointly sponsored several national conferences on the quincentenary and its various themes. We in fact have one scheduled for October 4 of this year. The Commission has actively and consistently sought the input of our communities and the others involved and interested in the quincentenary. They have fulfilled their role as the national coordinators.

The Columbus Commission is needed to ensure that State and local quincentenary activities are conducted in a coordinated fashion along the lines called for in the authorizing legislation. The Commission, especially under the leadership of Frank Donatelli, has been especially effective in working with the States and localities.

The Italian American community looks forward with great pride to the Columbus quincentenary. We looked forward with great pride when the legislation authorizing the quincentenary was passed and when Presidents Reagan and Bush named such outstanding individuals to serve on the Commission. We are now at a point of great expectation as the days tick ever closer to the quincentenary knowing that it is being developed as a truly national celebration.

We support full funding for the Columbus Commission so it can continue and finish its important work. We are satisfied beyond a doubt that the Authorizing and Appropriations Subcommittees have closely examined all aspects of the Commission including their past problems. We think that their conclusions speak for themselves and the direction Congress should take is to support the leadership of the subcommittee and endorse the full funding called for in this bill. Let the quincentenary proceed as a celebration for all Americans and a vehicle to promote greater dialogue between peoples and nations in the future.

JENO F. PAULUCCI,
Chairman.

FRANK D. STELLA,
Vice chairman.

ARTHUR J. GAJARSA,
President.

Mr. BONIOR. Mr. Chairman, I move to strike the last word. I do so to engage my colleague, the gentleman from Iowa and the chairman of the subcommittee in a colloquy.

As the gentleman knows, the northern border of the United States has experienced a tremendous surge in commercial and commuter traffic in recent years. The enactment of the United States-Canada Free Trade Agreement and, more recently, the imposition of a heavy Canadian sales tax has increased the flow of commerce across the border.

At the Blue Water Bridge in Port Huron, MI, which is the third-busiest crossing point on the United States-Canada border, traffic tieups have be-

come the rule, rather than the exception. The Ambassador Bridge in Detroit, which is our second-busiest crossing point, faces a similar situation.

Despite the recent surge in economic activity, the Immigration and Naturalization Service has not provided any additional inspections staff at our second- and third-largest northern crossing points. In fact, INS staffing has actually decreased at these two border crossing while traffic has increased 20 percent each year for the past 5 years. As a testament to the seriousness of this situation, truck traffic delays at these two crossing points cost U.S. business \$17 million each year in lost revenue.

May I ask the gentleman from Iowa [Mr. SMITH] in light of the serious situation on our country's northern border, does the gentleman feel that it is necessary to provide additional Immigration and Naturalization Service staff at these critical border crossings?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, first of all, I want to say that my colleague has been very forceful in bringing this to our attention. We wanted to do something about it.

As the gentleman knows, in this bill, due to the budget agreement and the budget resolution, it was necessary to keep virtually all the domestic agencies at 98½ percent of current services. It was with the gentleman's problem in mind that we did make the INS one of the agencies that is exempted from that limitation. They are getting the full amount of current services, plus a little bit more.

Now, I do not know that little bit more is going to be enough to relieve all these problems. This program does come under function 750, however. In addition to the Budget Committee not allocating enough for function 750, there was an amendment on the floor, which passed overwhelmingly, that took another \$100 million out of function 750 and that reduction virtually left us with an impossible situation in answering the needs the gentleman is interested in.

I agree that the need is there. There is not any question about that. The Justice Department ought to do as much as they can toward relieving the problem.

Mr. BONIOR. Mr. Chairman, as the gentleman from Iowa [Mr. SMITH] knows, I have been working for some time to secure additional INS staff for these two border crossings with my colleague, the gentleman from Michigan [Mr. HENRY] and the entire Michigan delegation. It is unfortunate that these staffs have not been forthcoming. Although the legislation before us today does not specify that additional INS staff will be allocated to the Blue Water Bridge and the Ambassador Bridge, would the gentleman agree

that the committee will work to ensure that this problem is addressed this year?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield further, I agree that more staff is needed at our northern border, and on the southern border, too, for that matter. I assure the gentleman that I will work to bring these matters to the attention of my colleagues during the upcoming conference on this legislation.

Mr. BONIOR. Mr. Chairman, I want to thank the gentleman for his assurances on this. I look forward to working with the gentleman from Iowa and his staff to correct this serious problem. We have got to move forward and secure more staff for the Blue Water Bridge in Port Huron and the Ambassador Bridge in Detroit, to maintain our strong relations with Canada and the economic growth of a large region of our country.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield further, I might mention that while we did not intend to discuss this, I think I should mention that we are also having a problem with illegal aliens coming across the Canadian border. This is a different situation than we had several years ago, which is one reason why more INS inspectors are needed there. Even though we now have a free-trade zone, a lot of illegal aliens, some of which are citizens of the United Kingdom, find it is easy to get into Canada, and then into the United States. It is easier to come through the northern border than it is the southern border.

Mr. BONIOR. Mr. Chairman, I thank my colleague.

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

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), \$1,426,000, to remain available until expended.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98-101 (97 Stat. 719-723), \$1,882,000, to remain available until expended: *Provided*, That in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,059,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec. 5209 of the Omnibus Trade and Competitiveness Act of 1988, \$750,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,153,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, \$300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$21,077,000 of which \$2,500,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$335,169,000: *Provided*, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) Public Law 101-515 unless paragraph (2) or (3) applies;

(2) authorizing legislation for fiscal year 1992 for the Legal Services Corporation passed by the House of Representatives unless paragraph (3) applies; or

(3) authorizing legislation for fiscal year 1992 for the Legal Services Corporation as enacted into law.

POINT OF ORDER

Mr. BURTON of Indiana. Mr. Chairman, I make a point of order against this section of the bill.

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

Mr. BURTON of Indiana. Mr. Chairman, starting at page 59, line 22, through page 60, line 13, I make a point of order against the language in this paragraph in that it is legislation on an appropriation bill and that the funds are unauthorized.

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

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BROWN). The gentleman concedes the point of order. For the reasons stated by the gentleman from Indiana, the Chair sustains the point of order. The paragraph is stricken, and the Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$221,079,000, of which \$61,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended: *Provided*, That not more than \$500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act: *Provided further*, That none of the funds appropriated or made available by this Act to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee. In addition, nothing herein shall preclude the Small Business Administration from preparing or formulating, but not publishing in the Federal Register, proposed rules, nor shall anything herein apply to uniform common rules applicable to multiple Federal departments and agencies, including the Small Business Administration; nor may any of the funds provided in this paragraph restrict in any way the right of association of participants in such program.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$9,757,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 15 U.S.C. 631 note as follows: cost of direct loans, \$24,563,000, and cost of guarantees, \$245,786,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$69,935,000, and total loan principal any part of which is to be guaranteed of \$4,819,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$104,410,000, of which not to exceed \$104,410,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

DISASTER LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 15 U.S.C. 631 note, \$114,913,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$344,750,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$76,830,000, of which not to exceed \$76,830,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$14,381,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, \$8,400,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and bina-tional contracts and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, \$2,021,835,000: *Provided*, That not to exceed \$500,000 shall be available either directly or indirectly for the Office of Congressional Relations, any successor organization, or any other organization in the Department of State to carry out the same or similar functions as the office carried out during fiscal year 1991; and in addition not to exceed \$523,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (section 118 of Public Law 101-246), and in addition not to exceed \$1,013,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246), and in addition not to exceed \$15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (section 119 of Public Law 101-246).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$23,037,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$4,802,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, \$9,464,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) \$552,594,000, of which \$130,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R., to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), \$7,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans as authorized by 22 U.S.C. 2671 as follows: Cost of direct loans, \$74,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed \$223,000. In addition, for administrative expenses necessary to carry out the direct loan program, \$145,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$13,334,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$112,983,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress \$866,774,000, of which not to exceed

\$117,109,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, \$108,856,000 of which not to exceed \$39,987,000 is available to pay arrearages.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, \$5,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed \$200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$11,400,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$10,277,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed \$9,000 for representation expenses incurred by the International Joint Commission, \$4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$12,647,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 403 of Public Law 101-179 and section 105 of Public Law 101-246, \$4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, \$4,784,000.

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, \$250,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed \$100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$43,527,000.

BOARD FOR INTERNATIONAL BROADCASTING GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), \$212,491,000 of which not to exceed \$52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$200,000 as authorized by Public Law 99-83, section 1303.

INTERNATIONAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$42,934,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND
For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,250,000; and an amount of Japanese currency not to exceed the equivalent of \$1,420,000 based on ex-

change rates at the time of payment of such amounts as authorized by Public Law 94-118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by 22 U.S.C. 1474(3); \$681,051,000: *Provided*, That not to exceed \$1,235,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed \$3,500,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed \$500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further*, That not to exceed \$7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), \$4,206,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$178,000,000, to remain available until expended as authorized by 22 U.S.C. 2455, of which: (a) \$1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation; (b) \$2,000,000 shall be available for cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York; and (c) \$2,000,000 shall be available only for the expenses of Soviet-American interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund to provide for a permanent endowment for the Eisenhower Exchange Fellowship Program, \$5,000,000 as authorized by section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454).

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, \$98,043,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, \$33,288,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a): *Provided*, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$23,920,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 as authorized by section 209 of H.R. 1415 as passed the House of Representatives on May 15, 1991, by grant to an educational institution in Florida known as the North/South Center, \$10,000,000 to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$26,025,000 of which \$1,025,000 shall be available for obligation only upon submission of the report required by section 212(b) of H.R. 1415 as passed the House of Representatives on May 15, 1991.

□ 1250

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, the section, National Endowment for Democracy, page 77, line 23 through page 78, line 4 is in violation of clause 2 of rule XXI because it constitutes an appropriation on an unauthorized program.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BROWN). The gentleman from Iowa [Mr. SMITH] concedes the point of order, and for the reason stated by the gentleman from California the Chair sustains the point of order.

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

Mr. Chairman, this Member from Pennsylvania had an amendment at the desk in relationship to the National Endowment for Democracy.

Mr. Chairman, we had the opportunity to raise the point of order that this was not authorized by the authorizing committee, but we worked very hard on putting together our arguments today to come and face the issue of whether or not we should expend the taxpayers' money in the nature of \$26 million to primarily fund four major institutions in the United States: the Republican Party, the Democratic Party, the AFL-CIO, and the National Chamber of Commerce.

A large part of the membership on this side of the aisle and, I may say, on the other side of the aisle addressed this issue not from a partisan standpoint but, finally, from addressing whether or not we are acting in the best interests of the taxpayers of this Nation in spending money on private organizations such as the National Endowment for Democracy. We wanted to take this issue to the floor, not to remove it. The issue on a technicality is being removed by the chairman of the subcommittee who is the authorizing committee for this legislation. By virtue of this objection and point of order, we are going to be denied today the opportunity of having an up or down vote.

I wish to say to the gentleman from California [Mr. BERMAN] that I would hope that this means that he joins what we think is the majority of this House, that the National Endowment for Democracy should no longer be funded. But I would say that that would be optimistic on my part. I would have to assume that he probably has done a vote count in this House and knows full well that if we had taken this issue to the floor and had an up or down vote, finally after 4 or 5 years of trying we would have succeeded and cut back and sent a message to an organization like the National Endowment for Democracy.

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

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

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(On request of Mr. BERMAN and by unanimous consent Mr. KANJORSKI was allowed to proceed for 1 additional minute.)

Mr. KANJORSKI. I yield to the gentleman.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I think it is important for the body to know that of course the gentleman who has strong feelings and deeply felt feelings on this subject and a full opportunity to raise this issue in an amendment he made to the authorization bill less than 3 weeks ago, a very lengthy debate, long discussion.

A \$30 million authorization was approved. But that authorization bill has not yet passed the Congress, and I think that the appropriators—I would like to see an opportunity for the appropriators to be guided by the appropriations process and for problems that may very well exist with these programs to be worked out between now and such time as the appropriators would meet in conference.

Mr. HOYER. Mr. Chairman, will the gentleman from Pennsylvania yield to me even though I am not in conjunction with the gentleman?

Mr. KANJORSKI. Being the only part of the leadership that is not with us, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I appreciate the gentleman yielding.

Mr. Chairman, I do not know that I am the only part of the leadership that is not with the gentleman.

But let me say something: This is a very important issue. As all of you know, I am a strong supporter of the National Endowment for Democracy. I have debated that way, spoken that way, and voted that way.

However, there is a related issue here which I think is very important. So that there is no mistake that this message is not sent—and I see the distinguished majority whip, Mr. GRAY, on the floor—unrelated to whether NED ought to be funded or not, that I for one, and I know others would be working on it, that nobody ought to miss the message: Some months ago we appropriated \$10 million for the enhancement of democracy in South Africa. This Congress has stood strongly against what is, in effect, a China policy, constructive engagement for South Africa.

I would hope that the message that goes forward from our actions there is that this issue needs to be resolved. And whether it is NED, AID, Secretary Baker's office, whoever it is, or whether it is minority membership on the House committee or the Senate committee, this money needs to get going.

And I, and others in this House, am going to be wondering why, when we legally have taken an action that money is not going to South Africa to assist in moving that country to full realization of democracy.

And I want to share very strongly the sentiments of the majority whip and want to tell the majority whip and members of the committee that I am going to be working very, very strongly with them to extricate this part of the issue from what I think is the broader issue as to whether or not we ought to proceed with NED.

I want to say also I intend to work very closely with the distinguished chairman and my good friend and colleague on the Committee on Appropriations, the chairman of the Subcommittee on Foreign Operations. I have been delving into this over the last 24 hours.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has again expired.

(On request of Mr. HOYER and by unanimous consent Mr. KANJORSKI was allowed to proceed for 1 additional minute.)

Mr. KANJORSKI. I yield further to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I have been delving into this. Obviously, I am a brandnewcomer to the issue and therefore do not pose for holy pictures or any other pictures as an expert on this matter. But as somebody who basically is a strong supporter of NED—I know there are other views on that—but the related issue here is we need to get this resolved. I look forward to working with the gentleman from Wisconsin [Mr. OBEY], the gentleman from Pennsylvania [Mr. GRAY], the gentleman from Iowa [Mr. SMITH], the gentleman from Florida [Mr. FASCELL], and others to see if we can at least resolve that part of the problem.

I thank the gentleman for yielding. The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has again expired.

(On request of Mr. OBEY and by unanimous consent Mr. KANJORSKI was allowed to proceed for 2 additional minutes.)

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

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to say that I understand full well what happened here procedurally. But if we had proceeded to a vote, I would most certainly have supported strongly the amendment of the gentleman from Pennsylvania [Mr. KANJORSKI].

I was a short-term convert to NED. I opposed it at first because I thought that it would get us into mischief. I changed my mind when I saw some good work that was being done.

But I was reconverted to my old position, very frankly, by the incredible bureaucratic arrogance and, in my view, the shortsightedness of the people who run NED today.

I think that that agency is out of control. I think they are pursuing their own empire-building agenda rather than pursuing the interests of the United States of America and Uncle Sam. And I frankly doubt that the management problems are going to be corrected unless you have new personnel over there.

□ 1300

So, Mr. Chairman, I would simply hope that the subcommittee would remember that an authorization is simply a ceiling, it is not a floor, and I would hope that we would see this appropriation reduced significantly in conference because until it is, until we pull their chain, we are not going to have that operation spending money consistent with the interests of the United States. We are going to continue to see them engaged in institutional and ideological empire building which does not serve the cause that I think all of us are interested in promoting.

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

Mr. Chairman and my distinguished colleagues, I understand what the gentleman from California has done by raising the point of order. Essentially what has now happened is that that authorization has not been passed for the National Endowment for Democracy, and, therefore, the point of order would remove the \$26 million for the National Endowment for Democracy in this piece of legislation.

First of all, Mr. Chairman, I want to compliment the chairman, the gentleman from Iowa [Mr. SMITH], who always does an outstanding job with the appropriation bill, however, with regard to the National Endowment for Democracy I want to say, as one who has generally in the past been a supporter, that I had planned very strongly to support the amendment of the gentleman from Pennsylvania [Mr. KANJORSKY] to cut the National Endowment by \$10 million, and the reason was twofold:

As recently as March 1991, the GAO's report said, quote, that NED's funds were being misused, mismanaged and not effectively accounted for, and they listed in that GAO report such abuses as taking grant money to pay personal credit cards, to buy homes, personal homes, as well as not having objectives, and of course I could go on with the other sad list of so-called things to promote democracy, such as funding the opposition of Costa Rica's President Arias as somehow helping to promote democracy. One of the major concerns that I had was the fact that over a year ago this body and the President

signed into law an appropriation bill that provided \$10 million for the democratization process in South Africa, and NED was supposed to be the subcontractor through AID on that. My colleagues and I who led that trip, and I see the gentleman from California [Mr. DELLUMS] who was a part of that, the gentleman from Louisiana [Mr. MCCRERY] who was a part of that, the gentleman from New Jersey [Mr. GALLO] on the other side of the aisle, and we made the recommendation that, as we are helping democratization in Poland and elsewhere in the world, we also ought to do it there, but here we are almost 14 months later, and that money has not been distributed largely due to a lack of commitment on the part of the National Endowment and that their proposal called primarily for funding of beltway-bandit consultants to go over and teach the people in South Africa about freedom and democracy rather than give it to the groups there.

So, Mr. Chairman, I want to go on record as saying that I understand what the gentleman from California has done, however when it comes back in the conference report, unless there is something done very strongly, I will oppose the conference report, and I think that this body and the American people are tired of money being wasted that basically provides for the political consultants on both sides of the aisle, Democrats and Republicans, to travel and talk to folk about democracy.

Mr. Chairman, I think people know about democracy. It is breaking out all over, and we ought to give it to the people there.

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

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

Mr. MCCRERY. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GRAY] for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Pennsylvania [Mr. GRAY]. I, too, accompanied the majority whip to South Africa and met with a number of anti-apartheid groups, and I agree that that money should have been distributed in some form to those groups to facilitate the process which is ongoing in that nation to create a constitutional democracy. I think the NED certainly should consider that as one of its prime obligations under its charter and want to encourage the gentleman to continue his efforts to accomplish that.

Mr. GRAY. Mr. Chairman, I want to thank the gentleman from Louisiana [Mr. MCCRERY] because he played an important role in putting together a bipartisan support for those funds over a year ago and simply say that, not only did NED not fulfill the congressional responsibility assigned by the

President, but also AID, and I will talk about that at another opportunity.

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

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

Mr. VENTO. Mr. Chairman, I would like to associate myself with the remarks of both gentleman from Pennsylvania.

I planned to support the Kanjorski-Gray amendment, reducing the appropriation by \$10 million to \$15.8 million for the National Endowment for Democracy. Now that subcommittee chairman, Mr. BERMAN, has stuck the entire appropriation on a point of order, let me explain my concern.

Democracy is a right, a governmental system and a way of life, and democracies continue to develop today at a startling pace at many points on the globe. Like a wave of people at a sports event, the idea of democracy is breathing new hope into the lives of people around the world as one authoritarian regime after another collapses under the weight of its own corruption and inept governmental systems.

The Congress created and has funded the National Endowment for Democracy. By design the Congress has had limited authority over how NED money is expended. However, even the limited lawful direction provided by the committees of Congress in authorization and appropriation laws have been disregarded by the National Endowment for Democracy much to the dismay of this Member.

At a time when our national debt is well over \$3 trillion, the financial industry is going through upheaval that will cost billions of dollars, unemployment continues to hover near 7 percent and the homeless continue to inhabit cities whose infrastructures are decaying to the point of danger, we must take special care that the dollars we expend achieve the purposes we intend. Those dollars that don't go to our needs at home must be very carefully spent abroad. Now, more than ever, we need to be certain that the dollars expended are reaching and achieving the purposes envisioned in the basic policy of our programs.

It seems imprudent at this juncture to maintain the significant Federal spending for an organization whose management practices are under serious question. Recently, yet another GAO report on the National Endowment for Democracy identified a number of extremely troubling problems that continue, including misuse and mismanagement of funds, inadequate or absolute lack of evaluation of programs. Most troubling is the fact that the GAO issued a strikingly similar report on the NED detailing the same problem areas, in 1986.

Congress must respond to such a significant short coming in the budget crisis climate today. There are not the

available funds to maintain such significant dollar increases as have occurred in recent years for an organization that takes Federal money and doesn't account for it, and that has internal management and fiscal responsibility problems which persist in spite of repeated warnings. Congress needs to force the National Endowment for Democracy to face facts and to correct such issues.

The NED has been since its inception a significant challenge. It is with regret that I observe such shortfalls today. The NED has offered an innovative approach and played an important role over the past 6 to 7 years in numerous locations around the world. But our recognition of the NED success must not make us blind to the serious administrative, accounting and politically explosive misques that have also emerged within the NED. These NED weaknesses must be corrected before full funding and business as usual evolve into major blunders and embarrassment for the United States in our relations with other nations.

As columnist Leslie Gleb said yesterday in the New York Times, American people are not demanding that America withdraw from the world. They want our country to play an active, powerful, and constructive international role. But at this time of Federal fiscal frustration, let's play that role through established congressional channels, where we have control of how our money is spent.

I thank the majority whip, Mr. GRAY for yielding.

Mr. GRAY. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] and conclude by simply saying that we need to watch this situation. This is an agency that refuses the oversight of Congress. It wants to take taxpayer's money, spend it willy-nilly.

GAO 5 years ago had a very negative report, came back this year with a similar report saying that nothing had been done and, on top of it, just refuses the oversight.

I would just simply say to my colleagues that the American people should know where this money is going to, to hire consultants, the beltway bandits, to go and teach democracy. I do not think we need to teach democracy. People are fighting for it, and they have been dying for it in Poland and elsewhere.

The CHAIRMAN pro tempore (Mr. GEJDENSON). The time of the gentleman from Pennsylvania [Mr. GRAY] has expired.

(By unanimous consent, Mr. GRAY was allowed to proceed for 1 additional minute.)

Mr. GRAY. So, Mr. Chairman, whether it is in South Africa or Poland, I think what we need to do is we want to foster that democratic process or help those groups that are on the scene. We do not need to hire foundations, con-

sultants, to go over and teach folk who have already lost their lives fighting for freedom how to make freedom work. I think that that is one of the things that we need to look at in terms of this agency, and I would just say to my colleagues that this fight will continue when the conference report comes back, and this Member will be prepared to oppose it if we do not see some correction.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I rise to associate myself with the remarks of several of my distinguished colleagues who have spoken on this matter. I certainly would have risen during the course of these deliberations in order to support the efforts of the gentleman from Pennsylvania [Mr. KANJORSKI], and I do so for all the reasons that have been enunciated.

I, too, joined the bipartisan effort a year ago that journeyed to South Africa and came back. We, on a bipartisan basis, made a recommendation that these \$10 million be appropriated.

In the few moments that I have remaining I would like to note that the gentleman from California [Mr. BERMAN] was successful in zeroing out this matter. I would like to at this point assist in making the record as to why this gentleman would have stood strongly in support of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. Chairman and members of the committee, in March 1990, the Congressional Black Caucus, along with a number of my other colleagues on a bipartisan basis, successfully secured \$10 million for the victims of apartheid in South Africa as part of the fiscal 1991 emergency supplemental appropriation bill.

□ 1310

These funds were to be distributed by the National Endowment for Democracy [NED] and the South African Council of Churches. To date, 15 months later, not one dime of these emergency funds—and I underscore that, Mr. Chairman—not one dime of these emergency funds has been provided to the black South African organizations we were attempting to strengthen. NED was assumed to have complete control of these funds, and the South African Council of Churches has indeed been excluded completely.

That is not to say, Mr. Chairman, that ADI did not have to assume some of the complicity in this situation. As the gentleman from Pennsylvania [Mr. GRAY] indicated, there will be an appropriate vehicle whereby we can also send a message to AID on its role in this situation. At this moment we choose to seek this time to send our signal to NED.

In addition to what I have just said, Mr. Chairman, NED has chosen to ignore the specific legislative guidelines surrounding this \$10 million. For example, they ignored the legislation's specification that the funds be allocated solely to the victims of apartheid. Instead, their proposal would have allocated much of the \$10 million to selected American experts on democracy. The gentleman from Pennsylvania [Mr. GRAY] has spoken eloquently and articulately to that issue.

Second, they ignored the legislation's specification that the \$10 million be used to provide previously banned organizations with office and communications equipment, vehicles, office space, and so on. Instead, NED encouraged American organizations to apply for funding to hold seminars on political change in South Africa.

Third, they ignored the fact that this \$10 million was a part of an emergency appropriation. Not only did they display no sense of urgency in getting these funds to the victims of apartheid, but they also failed to apprise us, the U.S. Congress, of any factors contributing to such an inordinate delay in the expeditious implementation of this program mandated by the Congress and signed into law by the President of the United States.

It would seem to me that consultation with the Congress of the United States certainly was deemed not to be a priority by this agency, and for this reason, Mr. Chairman, and for the fact that a great deal of concern exists on both sides of the aisle with respect to the accountability for funds appropriated in fiscal year 1991 for victims of apartheid, NED has not complied with the congressional intent on the use of these earmarked funds.

At this point it would seem to me it is appropriate, irrespective of the amendment offered by the gentleman from California, to make a record that says Congress is attempting to send a clear and unequivocal signal to NED in order to protect its institutional prerogatives and its desire to see the administrative agency carry out its responsibility that indeed is mandated by law and dictated by the political situation in South Africa.

It is for these reasons and a number of other reasons that have been articulately and eloquently stated by previous speakers that I would have stood in significant support of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The CHAIRMAN pro tempore (Mr. GEJDENSON). The time of the gentleman from California [Mr. DELLUMS] has expired.

(On request of Mr. WOLPE, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

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

Mr. DELLUMS. I yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Chairman, I want to associate myself fully with the remarks of the gentleman from California [Mr. DELLUMS] and those earlier remarks that were offered by the gentleman from Pennsylvania [Mr. GRAY] and the gentleman from Louisiana [Mr. MCCREY].

I rise, frankly, just to make a generalized kind of critique of NED's performance in other areas. My sense is that they have done some things that are good and other things that are highly questionable over the years, but I have been deeply concerned by the evolution of this whole question of the \$10 million that has been appropriated by this Congress on an urgent basis to facilitate and encourage the process of democratization that is underway in South Africa.

I do not know where all of the culpability lies. I think clearly we have had something less than an aggressive effort by NED to move this program forward. The documents that I have seen that outline NED's intentions in terms of a program once it were funded, clearly do not correspond with congressional intent as clearly expressed in law.

I also have very serious concerns about AID's role in this entire affair. The language of the Congress stipulated that NED was one possible transit for these funds, but that there were alternatives, such as the South African Council of Churches, and yet AID has done absolutely nothing to move this process forward. I think they are really giving kind of lip service to our country's professed commitment to end apartheid in South Africa and to play a constructive role in that process.

The gentleman from Louisiana [Mr. MCCREY] referred back to the bipartisan allegation that we all participated in so many months ago, and I think it was one of the most encouraging and exciting points of my congressional career to see the evolution of a genuinely bipartisan understanding that has allowed us to speak with one voice as it relates to the question of South Africa. One key element of that understanding was the importance of that \$10 million program to go forward to assist those political parties that have been banned for so many years, to get about the business of organizing themselves for a new nonracial democratic South Africa. To see NED, to see AID, and to see the bureaucracies undermine that process is, I think, a tragic commentary.

So I just want to express my hope that the dialogue we are having today will be heard by those within the administration and who profess to care, and if it is not heard, then I hope that the efforts that are being made to send a stronger message by using the purse strings we do have some control over

will actually be implemented in the weeks ahead.

Mr. DELLUMS. Mr. Chairman, reclaiming my time, I thank the gentleman from Michigan [Mr. WOLPE] for his very cogent remarks and say to him that the journey to South Africa that resulted in this bipartisan effort was one of the most extraordinary events in this gentleman's political life.

I would like to conclude by making just one final comment. It is a comment that I make with some trepidation, Mr. Chairman.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DELLUMS] has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I make this final comment with some trepidation: When Members of the Congress of the United States act and the President signs into law a measure, then I believe that the Congress of the United States does indeed have an oversight responsibility to see to it that the laws are carried out efficaciously, but I do not believe that any one member of this body or the other body has the right or the prerogative to stop the will of the Congress as it is laid out in law.

I will say to the Members, Mr. Chairman, that if any Member wishes to investigate whether both AID and NED have indicated that one Member of the House or one Member of the other body played a very significant role in slowing down the ability of both to carry out this intent, I would stress that no Member of Congress should have the power to thwart the will of Congress. We operate on the basis of democratic principles here. We operate on the basis of majority convictions. We operate on the basis of rule of law. No one Member of the Congress of the United States, because that particular person in either body is not in full support of what is there, has the right or the prerogative to stop an action based on disproportionate influence. That is one additional item that has been alluded to as the gentleman has attempted to investigate culpability in this matter. I think that is wrong, I think that is inappropriate, and I think that is violative of everything we stand for. I think each one of us must pursue our responsibilities diligently, but I do not think one of us has that right.

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

Mr. DELLUMS. I am pleased to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, on that point, I would like to indicate that the formal hold process is being used regularly by the gentleman from Wisconsin [Mr. OBEY], chairman of the Subcommittee on Foreign Operations,

as well as by the chairmen of many other committees of this House.

Mr. DELLUMS. I am sorry, but may I ask, would the gentleman repeat that for me?

Mr. BROOMFIELD. I wanted to indicate that the formal hold process the gentleman was talking about is being used regularly by the gentleman from Wisconsin [Mr. OBEY], the chairman of the Foreign Operations Subcommittee, as well as by the chairmen of many other committees of the House. It is a hold policy that has been used many, many times.

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The CHAIRMAN pro tempore (Mr. GEJDESON). The time of the gentleman from California [Mr. DELLUMS] has expired.

(At the request of Mr. BROOMFIELD and by unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, first I would say that I would be the first to say that the gentleman certainly is correct. What I am suggesting is that chairmen, in the daily conduct of their responsibilities, indeed institutionally, are charged with the responsibility of being held accountable to the membership of those committees. Above and beyond that, no one Member, going directly to an agency, should be able to slow down a process, unless it is fully within the framework of the rules and regulations that guide our daily capabilities, our daily functioning, in the Congress of the United States.

That is the only point this gentleman was attempting to make.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the comment of the gentleman from California [Mr. DELLUMS] very much.

Mr. Chairman, I would like to address the concerns raised by my colleague from Pennsylvania [Mr. GRAY]. The South African program was created in the Supplemental Appropriations Act last year. AID sent a congressional notification on December 3, 1990, and arranged a series of briefings.

Because I had concerns about the proposed program—concerns that were shared by Members that approached me—I sent a letter to AID Administrator Roskens on December 14. This letter detailed my concerns and was in keeping with the informal hold procedure used by chairmen and ranking members of many communities. I ask unanimous consent that my letter be printed in the RECORD at this point.

AID has not moved forward with the South Africa program since the receipt of this letter. I and my staff have had no contact with the former and the current chairmen of the Foreign Affairs Africa Subcommittee or with Mr.

GRAY or his staff on this issue in the over 6 months since I sent the letter.

I review this history because it is important to concerns over the National Endowment for Democracy [NED]. NED did not develop, design or brief the original program. NED is not responsible for where matters stand today. In fact, although I and my staff have had only minimal contact with AID on the issue, NED has been working hard to see if a program can be developed.

NED President Carl Gershman has had extensive contact with my staff to understand my concerns and to try to develop a program which will support democracy in South Africa.

I hope that NED will not be punished for its perceived failings on an issue over which it has no control. The issues of oversight and accountability that have been raised here today are precisely the issue I raised in my letter to AID. I stand willing, as I have been for the last 6 months, to work with Mr. GRAY and all other parties concerned with the proposed South Africa program to work together to provide effective support for democracy in South Africa.

I include a letter to the Administrator of AID for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 14, 1990.

Hon. RONALD W. ROSKENS,
Administrator, Agency for International Development, Washington, DC.

DEAR RON: I am writing to express my opposition to moving forward at this time with the Agency for International Development's Transition to Democracy Project in South Africa.

Based upon the documents sent to me and briefings provided to my staff, I am not satisfied that AID's proposed program has been adequately developed or that it will advance the goals of Public Law 100-302, the FY 1990 Dire Emergency Supplemental Appropriation Act. Indeed, I remain unconvinced that the proposed meets AID's own criteria as expressed in the technical guidelines for evaluating proposals.

Specifically, I am disturbed that no assessment of potential grant recipients' qualifications for assistance has occurred. The technical guidelines provided to Congress state that "organizations must have adequate administrative capability and absorptive capacity" and that activities should "build the capabilities of the recipient groups to continue such activities after project completion."

In the cases of the African National Congress and the Action Group for Democracy, apparently neither AID nor the U.S. Mission has made a preliminary examination of administrative capability, absorptive capacity or sustainability issues. AID could not identify what organization would do an assessment of the requirements and capabilities of recipient groups. AID did seem to believe that such an assessment should occur before funds are expended but could provide no details about how the assessment would take place.

A number of other unanswered questions surround the Transition to Democracy Project. In briefing the professional staff of

the Committee on Foreign Affairs, AID officials could not answer questions concerning the origin of and reasons for specific funding levels in the proposed program, what criteria were used for selecting U.S.-based grantees, how grants to National Endowment for Democracy affiliates would be expended, or the nature of accountability procedures for recipient organizations.

Until these questions can be answered adequately, I must oppose moving ahead with the Transition to Democracy Program. I share your goal of encouraging negotiations leading to a peaceful transition to a genuine democracy in South Africa and look forward to working with AID in addressing these concerns about the Transition to Democracy Program.

Sincerely,

WILLIAM S. BROOMFIELD,
Ranking Republican Member.

Mr. GRAY. Mr. Chairman, will the distinguished gentleman from Michigan [Mr. BROOMFIELD] yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Chairman, I would like to simply say to the gentleman from Michigan [Mr. BROOMFIELD], as the author of the legislation which was to provide that aid, I would like to just take a moment and explain to him how that came about.

Back in February of last year the minority leader, the gentleman from Illinois [Mr. MICHEL], and the Speaker, asked a bipartisan delegation to go and look at the situation in South Africa. Representatives from that side of the aisle joined Representatives of this side of the aisle.

I, along with the gentleman from New Jersey [Mr. GALLO], who at that time was a member of the Committee on Appropriations, representing the Republican side, led that delegation.

Mr. Chairman, we spent a week or so there and had an opportunity to talk with everyone. We also had an opportunity to stop in Namibia, which was just about to go to the swearing in of their first democratically elected president, a model of democracy, that process there.

As we came back, the delegation bipartisanly said we ought to show bipartisanly for the American people the same kind of thing that we have shown in other places, Poland, and elsewhere in the world, where democracy is beginning to move forward, to provide some assistance.

So I undertook that responsibility, with the support of the gentleman from New Jersey [Mr. GALLO] and others, and the gentleman from Louisiana [Mr. MCCREERY], on that side, to write the legislation that would provide \$10 million for infrastructure.

I would say to the gentleman from Michigan [Mr. BROOMFIELD], if he reads it very carefully, it is very, very specific. It says for typewriters, for vehicles, because these were the things that all of the groups told us that we met with, everyone, on all sides of the

issue. They said we need to get organized to go sit at the table with the De Klerk government.

We thought these were the kinds of things that we could provide, and that \$10 million would be a step in the right direction, even though it was nowhere near what other Western democracies were doing.

Mr. Chairman, I would say to the gentleman from Michigan [Mr. BROOMFIELD] that the bottom line is essentially we are here today, now almost 14 months later, from the time that was written, passed by this body, and it has not occurred, where every other democracy has been shown encouragement.

Mr. Chairman, I will be glad to sit down with the gentleman from Michigan [Mr. BROOMFIELD] and go through my conversations as the person who authorized the legislation, and tell him about my almost weekly contacts with the National Endowment.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BROOMFIELD] has expired.

(At the request of Mr. GRAY and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 2 additional minutes.)

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Chairman, I would tell the gentleman from Michigan [Mr. BROOMFIELD] about my almost weekly contacts with AID and NED. In looking at this issue for 14 months, as was my responsibility, I can assure the gentleman that the National Endowment does bear a great deal of responsibility.

Mr. Chairman, as I said earlier, AID has a responsibility. In fact, I was told by the National Endowment that one of the reasons why they had not moved forthrightly on it was because of the gentleman's concern. I said to the director of NED:

You have just made an eloquent argument to me that you are an independent agency and you must design programs, and therefore you cannot just put something together and sign checks and give it away. But then, on the other hand, you say because of concerns of two Members of Congress, you stopped moving.

Mr. Chairman, I would simply urge that the gentleman from Michigan [Mr. BROOMFIELD] spend more time with those of us who put this in and discuss his concerns with us, and try to work them out. Otherwise, what is the meaning of a vote here? What is the meaning of having 435 Members vote on something, have it signed by the President, and then have any Member, one Member of this body, either from the majority or the minority, be able to stop something from taking place?

Mr. Chairman, that was the excuse used by the National Endowment to me and my office. It was also brought to my attention by AID as well.

I would simply say to the gentleman from Michigan [Mr. BROOMFIELD] that if we are going to promote democracy, let us promote democracy, and provide some help in South Africa, just as we did in Poland. That is the history of that situation. I would share it with the distinguished gentleman from Michigan [Mr. BROOMFIELD], and simply say, if he has the time, I would like to meet with him and try to resolve any concerns that he has.

Mr. Chairman, I was told by NED that one of the delays was in fact responding to the gentleman, the ranking member of the Foreign Affairs Committee.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BROOMFIELD] has expired.

(By unanimous consent, Mr. BROOMFIELD was allowed to proceed for 30 additional seconds.)

Mr. BROOMFIELD. Mr. Chairman, I merely wanted to indicate to the gentleman from Pennsylvania [Mr. GRAY] that it is AID that has the responsibility to give the funds to NED, because the \$10 million is not appropriated to NED. I am willing, obviously, to discuss this issue with the gentleman further.

Mr. GRAY. Mr. Chairman, if the gentleman will yield further, the gentleman from Michigan [Mr. BROOMFIELD] is absolutely correct. It was not appropriated to NED. It was appropriated to AID, with express direction that a subcontract be given to NED, or the South African Council of Churches. AID decided to use NED to be the subcontractor and entered into negotiations with them in May of last year, since the President signed it into law in May. The first proposal that came from NED was not until November of last year, even though we are talking about \$10 million that was supposed to be a supplemental appropriation which was to be expended by the first of October of last year.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BROOMFIELD] has expired.

(At the request of Mr. OBEY and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 2 additional minutes.)

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

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

Mr. OBEY. Mr. Chairman, I requested that the gentleman from Michigan [Mr. BROOMFIELD] yield, since I understand the gentleman mentioned my name earlier in the colloquy with the gentleman from Pennsylvania [Mr. GRAY].

I understand that the gentleman indicated that I and my committee had often engaged in holding one item or another that came from the administration. That is absolutely true. I think the House needs to understand the process.

The administration is given wide latitude by the Committee on Appropriations to bring to the Congress suggestions to change funding patterns so that they wind up spending money for a purpose for which it was not appropriated.

□ 1330

Absent the authority that we give the administration to do that, the administration would be limited to expend that money only for the purpose appropriated or else not to expend it at all. So when they send us a request to spend money for a purpose other than that for which it was appropriated, I think our committee has an obligation to prevent the spending of that money until we have a clear understanding of exactly what it is they intend to do. That is the purpose for well over 90 percent of the holds placed on those funds by our committee or any other committee. It is in the interest of protecting taxpayers' money, seeing to it that it is expended for a proper purpose. And I make no apology for it. In fact, I think we probably ought to do more of it.

Mr. BROOMFIELD. Mr. Chairman, I was not saying that to be critical of the gentleman's effort. I merely used him as an explanation, that others had been using the same process.

Mr. OBEY. I understand that, and I simply wanted the record to be clear.

PARLIAMENTARY INQUIRY

Mr. ARMEY. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ARMEY. Mr. Chairman, I understand that a point of order was raised against the amendment, and my inquiry is: Has the Chair ruled on that parliamentary inquiry?

The CHAIRMAN. The point of order was not against the amendment, which was never offered, but against those provisions in the bill dealing with this subject, and the point of order was upheld. The material is stricken from the bill.

Mr. ARMEY. Mr. Chairman, therefore we are not discussing any amendment. This is a fascinating debate, but I do wonder if there is not a more appropriate time, on perhaps an authorizing thing, to carry out this debate so that we can get it back to the business of the bill.

The CHAIRMAN. The Members are proceeding under their entitlement to strike the last word. While the Chair might want to discourage them, he is precluded by custom from doing so.

Mr. ARMEY. I thank the Chair.

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

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

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

Mr. PENNY. Mr. Chairman, I had intended to rise in strong support of the Kanjorski-Gray amendment to reduce funding for the National Endowment for Democracy. I am pleased that by another motion this project has been stricken from the bill.

It is right to cut funding for the National Endowment for Democracy for several reasons. First, the proposed funding level for the NED of \$26 million is an increase of more than 60 percent since fiscal year 1989. I think one would be hard-pressed to find that great an increase in many other federally funded programs.

Second, the GAO has reported that the NED " * * * does not have a system to determine whether goals and objectives are being met" and they found instances of " * * * funds being misused, mismanaged, or not being effectively accounted for". It certainly does not seem prudent to increase spending on an organization which exhibits such a lack of oversight.

Finally, we need to ask whether the U.S. Government should be involved in giving taxpayer money to a few select groups so that they can promote their own foreign policy objectives. Nobel peace prize-winner and former President of Costa Rica Oscar Arias complained about NED support for the opposition party in the most recent presidential elections there. I think we should closely consider President Arias's concerns and wonder what NED is doing in Costa Rica, a country which enjoys the strongest democratic traditions in all of Latin America.

Again I am glad to see NED eliminated from this bill and compliment Representatives KANJORSKI and GRAY for their leadership on this issue.

Mr. ALEXANDER. Mr. Chairman, I take this time to commend the gentleman from Pennsylvania [Mr. KANJORSKI] and the other gentleman from Pennsylvania [Mr. GRAY] for bringing matters concerning the National Endowment for Democracy to our attention. As a member of the Appropriations Committee, we review all of the proposals of the administration for funding, and it is simply impossible to know what goes on behind all of these appropriations without looking into some of these matters specifically. It has been helpful to me to experience a debate on the National Endowment.

But I think that it should be stated, in my view at least, that the National Endowment has done a good job. I am not privy to the visit to South Africa, and I am not knowledgeable on the subject that is being debated with reference to the proposed funding for the NED program in South Africa. However, in talking with the NED officials, they represent that it is an AID program, that AID was authorized to spend this money, and that they are sort of caught in the middle. So I hope that Members will hear the other side of this argument at some future time before it is finally resolved.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wanted to point out that I do support the initiative of the gentleman from Pennsylvania [Mr. KANJORSKI].

There are many of us who were not supportive of this when it was conceived in the early 1980's and have not been supportive since. I have no problem trying to nurture the notion of democracy around the world. But taking taxpayers' money in this country to the tune of well over \$100 million, giving it to the Chamber of Commerce, the AFL-CIO, the Republican Party, the Democratic Party, and saying, "Go forth and do some wonderful things to nurture democracy around the world," seems somehow inappropriate to me.

We have plenty of nurturing to do here at home. If we want to endow a democracy, this is one that could certainly well afford to be endowed these days, given our deficits that we have. And as we look at the record here, I understand the debate that has gone on, but if we look at the record and see that the National Endowment for Democracy has funded projects to promote democracy in England and France, I mean what is going on? We need to spend American taxpayers' money to promote democracy in England and France? What we need to do is to spend American taxpayers' money to endow democracy in this country.

Mr. ALEXANDER. I would like to point out that it might be useful for all Members to read a memorandum that was forwarded by NED to the Members which sets the record straight on some of these confusing allegations. I believe the NED has denied spending any funds to promote democracy in established democracies, to wit: Great Britain, France, and so on.

But the reason I also took this time today was to comment, and several Members have asked me to comment on the TV Marti amendment which was passed in the subcommittee to deny funds for broadcast television to Cuba, but was overturned by the full committee. I simply wish to report that the full committee has overturned the action of the subcommittee, and that without the support of the Appropriations Committee there is little chance that we could reverse that action at this time.

I would add, however, that yesterday there was a report by the United States Advisory Commission on Public Diplomacy, issued for the current year, and I will just quote briefly from that where it says:

The Commission finds that TV Marti is not cost effective at the present time when compared with other public diplomacy programs of proven value. The President's report to the Congress in August 1990, found that TV

Marti's signal has been consistently and effectively jammed. Moreover, programs that are transmitted from 3:30 a.m. to 6 o'clock a.m. so as not to cause illegal interference with other Cuban telecasts are seen by an audience which is unknown.

I will include the rest of that report for the benefit of the Members, and we can continue this subject at a future time.

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

Mr. ALEXANDER. I am pleased to yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I think I too would like to underscore the fact that in regard to the National Endowment for Democracy, Congress really ought to be drawing a lesson in that we should stop this Tinker to Evers to Chance, Mickey Mouse kind of way of setting programs up and directing who should be doing what. When we give the money to AID and then tell AID to find somebody else to do the work, we are really just asking for trouble. If we want NED to do it, give it to NED. If we want AID to do it, give it to AID, but do not set up this confusing situation.

I should also tell the gentleman that although obviously NED has problems, and I have indicated both publicly here on the floor when the authorization legislation was up and in private conversations with the NED people that unless they get their house in order in regard to accountability, nobody can save them.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has expired.

(On request of Mr. WEISS and by unanimous consent Mr. ALEXANDER was allowed to proceed for 1 additional minute.)

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

Mr. WEISS. Mr. Chairman, I have indicated to the NED that they really have to do that, and they tell me they are in the process of doing exactly that at this point.

Yesterday there was a magnificent meeting, a luncheon meeting of the Soviet American Roundtable, and Hendrick Smith, formerly of the New York Times, who is an expert on Soviet society, was saying in response to what could we be doing at this point to foster democracy in the Soviet Union, he said one example is that there is something like 20 or 25 reformers who have been elected as mayors in various cities and who have not the foggiest idea how the democratic process works, or how government works. NED is in there with \$300,000 at this point, and they ought to be spending \$6 million in 20 cities rather than just in one. The same story prevails in central and Eastern Europe and in countries around the globe. NED gets many more

requests for assistance than it can possibly respond to given the resources at its disposal. It is because of the valuable substantive work it is performing which cause me to give it my support. I have the strong expectation that NED will correct the problems which have been brought to public attention.

I thank the gentleman for yielding.

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Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word. I will try to be brief.

Mr. Chairman, I think we need to get back to the central theme of this discussion that has been taking place, and that is why the hold was put on this money, this \$10 million. I think it needs to be pointed out that not only the ranking Republican on the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], but others joined in this effort to put a hold on this money for some very good reasons.

One of the main reasons that I have been opposed to this money going to Africa, South Africa, is because 40 percent of the \$10 million approximately is going to go to the African National Congress or the Xhosa organization over there, and only \$1 million is going to go to Inkatha or the Zulu party, and there has been a black-on-black civil war that has been going on over there for some time.

We all want to see democracy, peace, and freedom exist in South Africa, and until this black-on-black civil war stops, it is not going to take place.

I think it ill behooves the Congress of the United States to be sending \$3.7 million for salaries, typewriters, or for whatever to the ANC and \$1 million to the Action Group for Democracy unless they resolve their differences and quit killing each other. Necklacing still takes place. The ANC has not renounced violence, and the civil war, so to speak, goes on.

I believe that the United States of America should help in every way possible to bring about democracy in that country, but I do not think it is appropriate right now for us to be sending \$4 million to one of the groups that continues this black-on-black killing, and for that reason I think the hold is justifiable, and it should continue until that is resolved.

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

Mr. Chairman, I will be very brief, but I could not help but respond to the observation that was made by my very good friend, the gentleman from North Dakota, who said that with all the problems we have here at home we have better and more important things to do than to nurture democracy abroad. I fully agree with him. We have an unfinished agenda here at home, and we ought to be dealing more effectively with those problems.

But we are not in the business of nurturing democracy abroad simply for sentimental reasons. We are in the business of nurturing democracy abroad because it is very much in the interests of the United States.

Not since the early part of the 19th century and the Battle of Waterloo has there been a major war in the world between two established liberal democracies. Democracies tend not to go to war. It is dictatorships which tend to go to war.

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

Mr. SOLARZ. I am happy to yield to the gentleman from Illinois, my good friend.

Mr. HYDE. Mr. Chairman, I could not agree with the gentleman more. I would suggest that had we nurtured democracy in the 1930's in Germany and in Italy, we might have avoided the most unnecessary and bloody war of our century. I thank the gentleman for this insight.

Mr. SOLARZ. Mr. Chairman, I am delighted to find myself for a change in agreement with my friend from Illinois.

But if we are interested in preserving the peace, then we have an interest in promoting political pluralism. If we have an interest in economic prosperity, then we have an interest in promoting democracy, because the democracies are almost invariably associated with market economies, which tend to be an engine of wealth. If we are interested in human rights, we have an interest in promoting democracy, because democracies tend to be much more respectful of human rights than other forms of government.

It is not just a question of expressing and acting upon our values, although that is a part of what we do, with the National Endowment of Democracy. It is also very much a part of how to promote vital American political, strategic, diplomatic, economic, and humanitarian interests.

I have no doubt that over the course of the years the NED has from time to time supported a project that many of us would think is not justifiable, but one does not throw out the baby with the bathwater. There is not a single Federal agency, no matter how important the area of its jurisdiction, that has not from time to time engaged in activities that many of us would wish it has not engaged in, but we do not thereby eliminate the funding for the whole agency when the bulk of what it is doing is worth doing.

That, I believe is the case with the NED.

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

Mr. SOLARZ. I yield to my friend, the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I just might point out to my friend, the gentleman from New York, that we are

not talking about a Federal agency. We are talking about a private foundation here with taxpayers' money.

I think that we have had a great debate here. I hope we have made the point. But I do want to call attention to the Chair that I now know what General Schwarzkopf has to feel like having had to prepare for battle for 9 months and having his intelligence lined up, had his forces ready to go and getting the final word from the President to march in, and have your opposition surrender without firing a shot, which is a frustrating moment. I think that is what happened here today.

We, in good spirits, say that, and we hope that what has happened here today is a great dialog to get accountability from a private organization using taxpayers' money and not to allow them to get involved in their own self-serving foreign policy considerations.

Mr. SOLARZ. I thank the gentleman for his observation. I fully agree with him that the NED is a private organization, not a Federal one. It was established precisely in the way it was in order to insulate it to some degree from government pressures and from association with the Government. It is based on the same model that has been used by the British, the Germans, and other industrial democracies around the world that have similar foundations.

I think this dialog has been constructive. Hopefully we can move on, improve whatever problems exist, and then do a better job in promoting democracy around the world.

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

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1992".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. 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. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. 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. 606. (a) None of the funds provided under this Act or provided from any ac-

counts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 607. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Add at the end of title VI (the general provisions title) the following:

SEC. . . SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a national savings and loan criminal fraud task force to investigate in an aggressive manner those criminal cases involving savings and loan institutions.

Mr. ARMEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] reserves a point of order against the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, let me explain what I hope to accomplish.

I did go to the Committee on Rules with this amendment, and I would hope that my friend, originally from North Dakota, more recently from Texas, would see fit not to raise a point of order. I would like to explain to him what I am intending to do.

This bill contains a substantial amount of money, well over \$260 million, for the prosecution of fraud in the area of financial institutions. We have seen in this country, Mr. Chairman, almost unprecedented failure in financial institutions, but most especially in the

area of S&L's. We have seen thousands of S&L's fail. We are told that over 60 percent of them involve some kind of fraud.

□ 1350

Mr. Chairman, we are told by those who have studied this that a substantial portion of the failures of S&L's involve fraud. Now, most Members who go home and speak to our constituents know the anxiety, and in many cases, the anger that exists about their having to come up with hundreds of billions of dollars in order to pay for this failure.

What they say is, "We understand the need to do that. We understand that this money goes to make whole the depositors who have money on deposit in these institutions, but we want to make certain that those who were involved in fraud are prosecuted. We want to make certain that those who were guilty of cheating are caught and prosecuted aggressively by the Justice Department."

The fact is we provide the money for them to run the Justice Department. They are organized in a manner that they want to organize, and we provide certain directions in those areas.

I would like to provide greater focus in the area of prosecution of S&L fraud. By "greater focus," I mean I would like the Attorney General to establish in the Justice Department a National Savings and Loan Criminal Fraud Task Force. Yes, they have a task force on the issue of criminal fraud in financial institutions.

Mr. Chairman, we held a hearing in the subcommittee under the jurisdiction of the Committee on Ways and Means a while back on this subject, and it is almost impossible to get information about what they are talking about. First of all, if we ask, "What are you doing, what kind of results are you getting?" Or if we ask about active investigations, they say that they cannot tell us. Then they give homogenized statistics about all financial institutions. I am interested in providing focus on fraud in the area of S&L's. I am interested in seeing that there be a national task force in which there is focus at the Department of Justice in organizing to prosecute savings and loan fraud.

Frankly, I think that we would do well in the Congress to adopt this section at the end of title VI and move ahead and provide some additional strength to the Justice Department to do that.

Mr. Chairman, I would hope my friend will not insist on his point of order, and I hope he will allow this to remain in the legislation and give the assurances to our constituents that, where fraud exists, all Members, Republicans and Democrats, the Justice Department and Congress are determined to find it and to prosecute it and

to respond to it the way our constituents expect Members to do so.

POINT OF ORDER

Mr. ARMEY. Mr. Chairman, I desire to be heard on my point of order.

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

Mr. ARMEY. Mr. Chairman, I make the point of order that this amendment violates clause 2 of rule XXI which prohibits this in appropriations bills.

The CHAIRMAN. Does the gentleman from North Dakota desire to be heard on the point of order?

Mr. DORGAN of North Dakota. Mr. Chairman, my understanding is the gentleman has not asserted a point of order at this moment, is that correct?

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, it is my understanding that once I stipulate the point of order, I have an opportunity to discuss my point of order.

The CHAIRMAN. The gentleman has stated his point of order. He does have the opportunity to be heard. The Chair thought that he had expressed it.

Mr. ARMEY. Mr. Chairman, I had intended to discuss my point of order and my reasons for holding that.

The CHAIRMAN. The gentleman may proceed.

Mr. ARMEY. Mr. Chairman, let me say first of all I have enormous respect not only for the gentleman from North Dakota, but in particular, for what it is he is attempting to do.

I have a concern, on the other hand, Mr. Chairman, that we would, be doing it in this matter with respect to legislative procedure, encumber the work of the Committee on Appropriations and circumvent the work of several committees, including the Committee on Judiciary, the Committee on Banking, Finance and Urban Affairs, and his own Committee on Ways and Means.

It seems to me that this is a very bold suggestion, certainly one that I would applaud within a more appropriate legislative procedure, but not appropriate for this task.

The CHAIRMAN. The Chair would just like to state that the gentleman should speak rather narrowly to the point of order, not to the merits of the proposal.

Mr. ARMEY. Mr. Chairman, I appreciate the Chair's advice.

Mr. Chairman, very narrowly, let me say I hold a point of order that the gentleman from North Dakota [Mr. DORGAN], for all his good work, all his good intentions, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from North Dakota desire to be heard on the point of order?

Mr. DORGAN of North Dakota. Mr. Chairman, I indicated in my opening remarks that I understood a point of

order could lie on this provision. The gentleman from Texas fully understands the conditions under which this legislation is being discussed on the floor today.

Therefore, I understand the point he makes. I had urged in my comments that he not pursue a point of order, and we would renew that request, because while I understand the technical issue here, I would hate to see the technical issue impede the substance of what he, I think, would like to see the Congress do. What I would like to see the Congress do, and what the American people expect Members to do.

There is a way for Members, I think, to provide greater focus and greater clarity on the prosecution of S&L fraud. One way to do that is to pursue my amendment, and I would again sincerely urge the gentleman from Texas not to pursue a point of order.

The CHAIRMAN. The Chair is prepared to rule.

Does the gentleman from Kentucky wish to belabor the point?

Mr. ROGERS. Mr. Chairman, I wish to be heard on the point of order.

The question is, whether or not there is legislative procedure on an appropriations bill. That is the object of my discussion in these 5 minutes, or the time the Chair allows me.

Mr. Chairman, there is already established in the current law in the Department of Justice a financial institutions fraud unit. It is already there. It is in the law. We appropriate money to it in this bill.

Now, they want to call it a savings and loan criminal fraud unit.

The CHAIRMAN. Would the gentleman merely talk to the merits of the point of order?

Mr. ROGERS. Mr. Chairman, the gentleman from North Dakota spoke broadly about the merits.

The CHAIRMAN. He did, and the Chair is trying to discourage others from making his mistake.

Mr. ROGERS. I insist upon the privilege of doing so.

The CHAIRMAN. The Chair will recognize the gentleman to speak to the point of order.

Mr. ROGERS. The point of order is, whether or not there is legislation on an appropriations bill, and I am saying to the Chairman and to the Members that clearly it is legislation because there is legislation now in the Justice Department by act of this Congress, a financial institutions fraud unit.

How are they doing? In the Justice Department, there are 653 defendants charged by information or indictment. There are 77 of those were board chairman, chief operating officers, and presidents of 117 institutions. Sixty of the defendants convicted were board chairman, CEO's and presidents. Thirty-nine of the defendants were directors and other officers. So the Department of Justice is moving expedi-

tiously under an existing task force for financial fraud.

Now, it is more than S&L's. It is banks and thrifts, and it is credit unions. Some Members want to restrict it only to S&L's. I want them to prosecute anyone in any kind of financial institution, and that is what the Department is presently doing.

Right now, there are pending 7,916 individual fraud cases brought by this task force. Therefore, what the gentleman is proposing is redundant, and the gentleman knows it is in violation of the rule of the House.

The CHAIRMAN. Are there additional Members who desire to be heard on the point of order?

Mr. ECKART. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair would like to advise the gentleman to stick to the point of order.

Mr. ECKART. Mr. Chairman, I thank the Chair for the admonition. Very clearly, the gentleman from North Dakota proposes a narrow focus on existing legislation and existing law. The current task force on financial crimes, and under the rules of the House the gentleman is allowed to narrow the focus or limit the application of a current law provided for examination of financial institutions.

Now, it is distressing to this gentleman that my colleagues on the Republican side seek to avoid an airing of the issue of the savings and loan issue, and after having listened to their interest in a crime bill and moving it forward, they should fully understand that the biggest crime being perpetrated on the American taxpayer today is by the biggest bank heist going on.

The CHAIRMAN. Is the gentleman concluded?

Mr. ECKART. The gentleman is concluded.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, is there something in the rules of the House that I have not found that says that there is more latitude granted to Members who speak in opposition to a point of order than the person who makes the point of order?

□ 1400

The CHAIRMAN. There is nothing in the rules that states that.

Mr. ARMEY. Then, Mr. Chairman, may I be heard on the point of order with as much latitude to speak about the crime bill?

The CHAIRMAN. The gentleman has already been heard on the point of order. The Chair thinks enough Members have been heard.

Mr. ARMEY. Mr. Chairman, may I be heard to speak on the crime bill?

The CHAIRMAN (Mr. BROWN). The Chair is ready to rule.

A point of order has been raised by the gentleman from Texas [Mr. ARMEY] against the proposed amendment of the gentleman from North Dakota on the grounds that it violates clause 2 of rule XXI in that it constitutes legislation on an appropriation bill.

For the reasons stated by the gentleman from Texas and others, the Chair agrees with the point of order and rules that the amendment violates the rules of the House and is therefore not in order.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the Chair for the recognition.

I would like to point out to my friend, the gentleman from Texas, that the other speaker on the gentleman's side did make quite a strong case for what the Justice Department was now doing and went well afield of the narrow question of whether this was legislating on an appropriation bill.

I would like to respond to that. That is the reason I have asked for the 5 minutes.

I do not believe that I know of many in this Chamber who are completely satisfied with the progress and the pace and the record of the prosecution of fraud in the area of S&L's. I am certainly not well satisfied, and by that I am not standing up here beating the Justice Department over the head. It is just that I think we ought to see a kind of a missionary zeal to put in jail those people who have cheated the American people, and frankly, I do not see it.

Now, my friend said that there is in the Justice Department a task force. Yes, there is, a task force on financial institutions. I made that point in my opening remarks. I did it specifically because I believe there ought to be a task force of greater focus and greater clarity. When you start talking about fraud and the prosecution and investigation of fraud, you start getting all these shapeless answers about financial institutions, farm credit, credit unions, banks, savings and loans.

Well, we have not been talking about \$500 billion bailouts of any industry at the moment except savings and loans.

The GAO has not offered the studies that demonstrate that in 60 percent of the instances it is fraud in many areas other than savings and loans.

For that reason, I think when we spend \$260 million to establish in the Justice Department the muscle to prosecute fraud, what we ought to do is provide some focus and clarity to that kind of prosecution effort.

How do we do it? By establishing a task force on the prosecution of fraud in the S&L area. Now, that is what I proposed, and I regret that a point of order was raised. I understand it and I do not contest that we were attempt-

ing to legislate here, but I was hoping we could do that in a way that comports to what all of us believe are our responsibilities to our constituents.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on the savings and loan business, as I have said before, there is existing in the law today, the Congress passed it, a Financial Institutions Fraud Task Force in the Justice Department. That is what this is all about.

In fact, all of us want to get those people in the penitentiary. That is why in our bill we are increasing the money for the Financial Institutions Fraud Task Force. We are increasing the funding over last year and we are putting in a total of \$256,743,000 for the various agencies involved in that effort. That includes the Justice Department and all the other agencies that they cooperate with.

There is an overall task force. There is a task force then for different sections of the country. Then there are task forces for different cities in the country. The Dallas Task Force on Financial Fraud, for example, has been one of the most active. They have brought charges against 97 defendants, conducted 21 jury trials, convicted 77 defendants and had only four acquittals. There are several law enforcement efforts going on. There are tax prosecutions of savings and loan fraud. There are forfeiture actions against savings and loans. So there is a multitude of actions. It is costing us over a quarter of a billion dollars in this bill, if the gentleman would recognize that.

Does the gentleman want information about what they are doing? Get a copy of this publication here, "Attacking Financial Institutions Fraud," a report to the Congress published by the Justice Department. It tells you exactly what has been going on, what is going on now. It has intricate details and tables on what prosecutions are taking place and where and for what, so there is a plethora of information available to us. If the gentleman would like this, I will give him a copy, but we are trying to beef up that unit even as it is.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the chairman of the committee.

Mr. SMITH of Iowa. Mr. Chairman, I would just like to point out, we have spent 1 hour and 15 minutes out of 3 hours on this bill on things that are not in the bill.

It is interesting to me to note also that this matter, as well as the other matter that we talked about falls under function 750. We had an amendment on the floor on the Budget Resolution to take \$100 million out of function 750. That is the reason we do not

have enough money to do all the things everyone wants.

That was the time, if you wanted more done in the Justice area, to oppose that amendment, but not enough people did.

Mr. ROGERS. Well, Mr. Chairman, I thank the gentleman for his comments.

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

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding to me.

I certainly agree with the gentleman from Iowa that we spend an awful lot of time spinning our wheels on matters that are not really before us, except it is interesting that the gentleman directs his criticism at this side of the aisle when it is one of his colleagues who brought this matter up.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I did not direct my criticism at any side of the aisle.

Mr. HYDE. Well, Mr. Chairman, I just watched the way the gentleman was facing. Perhaps I drew too great a conclusion from that, but it was in response to the gentleman from Kentucky [Mr. ROGERS] that the gentleman said we were wasting a lot of time.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield again, the gentleman from Kentucky [Mr. ROGERS] voted against that amendment to take the \$100 million out.

Mr. HYDE. Well, Mr. Chairman, let me say what I would like to say, and that is in response to the obviously political thrust of this amendment.

First of all, the amendment is incoherent. It says:

The Attorney General shall establish within the Justice Department a national savings and loan criminal fraud task force.

Does "national" modify "savings and loan" or does it modify "task force"?

If it modifies "savings and loan," you are only hitting the federally chartered savings and loans and leaving the State-chartered institutions alone.

Then it says "to investigate in an aggressive manner." I thought the FBI investigated and the Department of Justice prosecuted; but in any event, I am sure the gentleman gave a lot of thought to this political gesture; but I think he did so in the context of not understanding the present law, because we have established within the Office of the Deputy Attorney General in the Department of Justice a Financial Institutions Fraud Unit. That was done some time ago.

It says: "The Attorney General shall establish such financial institutions fraud task forces as the Attorney General deems appropriate to ensure that adequate resources are made available

to investigate and prosecute crimes in or against financial institutions," et cetera, et cetera.

Now, the gentleman merely changes the title of an already existing office which in the existing law has many more details and duties in this field, and so I think to criticize us for raising a point of order on something that was obviously and patently and transparently political, not to say redundant, is a misapplication of logic.

The CHAIRMAN pro tempore (Mr. VALENTINE). The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. In closing, Mr. Chairman, I voted against taking the \$400 million out of things like the Justice Department and putting it somewhere else.

The gentleman from North Dakota voted to transfer those funds away from the Justice Department when it came up. Now he wants to politically, in my judgment, take advantage of this situation.

Mr. BROWN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize for doing this, but I have been looking for an opportunity to take about 1 minute for a colloquy on behalf of the Science Committee.

I want to ask the chairman if he would respond to a question.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, I will.

Mr. BROWN. Mr. Chairman, as the gentleman knows, the Committee on Science, Space, and Technology strongly supports increased funding for the advanced technology program under the National Institute for Standards and Technology. The authorization bill passed by the committee earlier this year would have authorized appropriations of \$100 million for 1992.

□ 1410

Mr. Chairman, I appreciate the chairman's efforts to increase funding for this important program.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I agree with the gentleman and with his committee on the importance of these programs. That is the reason we did increase the external program of NIST by \$12 million. I think we ought to increase them more if we have the money.

Mr. BROWN. Mr. Chairman, the report accompanying the bill indicates that several promising initiatives be considered for funding under the ATP program. While we do not oppose these initiatives, the report language may be

inconsistent with the provisions of the authorization for the ATP program. It is the gentleman's intent that any funding by ATP for those initiatives would be governed by the provisions in existing law?

Mr. SMITH of Iowa. The gentleman is correct, that is my understanding.

Mr. BROWN. I thank the gentleman very much for his explanation.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it has been alluded to that further discussion of a matter that is not in the bill is wasting time. Well, if wasting time is trying to protect the taxpayers from another \$50 billion being ripped off from the Treasury to finance the mismanagement of a cleanup by a rather inept Justice Department, then I think we are probably making a good investment of time today because the fact of the matter is that the biggest bank heist that this Nation has ever seen has taken place in the last several years in this country.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HYDE. Mr. Chairman, should not the debate, even though there is no amendment pending other than striking the last word, be germane to something within the four corners of the bill that is under consideration, or is the gentleman asking unanimous consent to speak out of turn?

The CHAIRMAN. In response to the gentleman's parliamentary inquiry, the Chair will state that based on the breadth of the bill, including Justice Department funding, the Members have rather broad latitude in exploring issues under the conditions that the gentleman is speaking under.

The Chair does not think it is necessary for him to ask to speak out of order at this point.

Mr. DORGAN of North Carolina. Mr. Chairman, I have a parliamentary inquiry: Would that latitude include the discussion about calling amendments patently political and so on?

The CHAIRMAN. The Chair does not regard that as a parliamentary inquiry.

Mr. HYDE. Mr. Chairman, I support the Chair in that ruling.

Mr. ECKART. And this gentleman from Ohio supports the Chair in his ruling.

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio to proceed as quickly as possible so we may get to the end of the bill.

Mr. ECKART. The gentleman from Ohio will do that with a mindful eye toward the 5-minute rule under which he speaks.

The fact of the matter is that this appropriation bill funds money for the Department of Justice and other related governmental offices. And the per-

formance of those governmental offices in the tasks assigned to them pursuant to both authorizations and appropriations is a legitimate subject for debate and discussion.

Mr. SMITH of Iowa. If the gentleman will yield, the gentleman is mistaken, we do not have the Treasury in this bill.

Mr. ECKART. Mr. Chairman, there are legitimate Government agencies in here whose performances are questions as part of the appropriations here.

The fact of the matter is that we have not at the Department of Justice witnessed the kind of appropriate and necessary enforcement needed to make sure that the people who are responsible for the savings-and-loan debacle are in fact cleaning it up the way we want them to.

Within a few months the taxpayers of the United States are going to be asked to send tens of billions of dollars, of more dollars out of their pockets, to an agency that has proven itself incapable of managing the current assets that they have seized from defunct S&L's in order to try to protect those same taxpayers.

Now, it seems to me that is an appropriate part of the discussion of an appropriation bill that is going to spend more taxpayers' dollars.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I would be pleased to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, let me just say my friend from Illinois, who has left the Chamber, I think deserves the debate on this issue by suggesting that the amendment is patently and transparently political. There is nothing political about this amendment. I fully understand the point he made that there is a Task Force on Financial Institutions and that is precisely why I think this kind of legislation is necessary. There is not adequate and proper when you talk about all financial institutions. We are not providing a \$500 billion bailout for all financial institutions. We are doing it for the S&L's. There is an enormous amount of fraud in the area of S&L's.

We are going to be getting a study shortly that describes what I think is some chaos in the Justice Department in the coordination between task forces and so on.

So I think it does not serve well the debate by suggesting this is transparently political. It was, I might say to my friend from Illinois, drafted by the legislative counsel; I suspect drafted well. It does precisely what I would like it to do, what maybe some in this Chamber do not want it to do; that is to provide focus so we can adequately investigate and prosecute those who committed fraud in the S&L's in this

country. If there is anybody in this Chamber who does not want to do that, then there is something wrong with their priorities. That is exactly what we ought to do, it is what our constituents expect us to do. It is why I offered this amendment, because if we do not get in on this bill, we will get it some place else. And I hope my friends would be willing to support that effort at an appropriate time.

Mr. ECKART. If I may briefly reclaim my time, I am sorry my colleague from Texas insisted on narrow procedural grounds to not allow the consideration of this amendment which would help protect the taxpayers' \$500 billion bailout of a number of financial institutions, the majority of which is in the gentleman's own home State of Texas. If he chooses not to focus on the crimes and wrong-doings of the savings and loan institutions in his home State, that is his business. But the fact of the matter is that taxpayers from my own State are paying for the banks that are being bailed out in his. And I am sorry that he chooses not to allow that amendment to go forward on what amounted to only a faint consideration of procedural grounds.

Frankly, my constituents are not the least bit impressed that procedural grounds or committee jurisdiction is going to allow more billions of dollars to go to folks who committed crimes for which they are not being held accountable.

AMENDMENT OFFERED BY MR. ARMEY

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

The Clerk read as follows:

Amendment offered by Mr. ARMEY: Page 80, insert after line 17 the following new section: SEC. 608. Notwithstanding any other provision of this act, each amount appropriated or otherwise made available by this act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 8.16 percent.

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

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

Mr. ECKART. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk concluded the reading of the amendment.

Mr. ARMEY. I thank the chairman. Mr. Chairman, without trying to be cute, let me get right to the business of this amendment. I have been here on the floor for 2 hours trying to get to this amendment.

I appreciate the indulgence of the Chair. I might say before I begin to discuss the amendment that I would like to pay my compliments to both the chairman of this subcommittee, to the ranking Republican of the subcommittee and to the entire committee. I

know they will feel somewhat unjustly assaulted by this amendment, since I know how hard they worked to appropriate these funds and allocate them within the section 302(b) allocations of the budget agreement.

I also know that they do not and should not be held responsible for the fact that those 302(b) allocations of the budget agreement were too high for what can be afforded by this country.

With those remarks, let me again say, Mr. Chairman, I respect the gentlemen for their fine workmanship and that of their committee.

Nevertheless, Mr. Chairman, we cannot continue to spend as we continue to spend within the guidelines of the 302(b) allocations of the budget agreement if we hope to have, at any time within our lifetimes, a balanced budget for this Government.

Consequently, Mr. Chairman, I have offered an amendment that complies with the research that was done under the direction of the gentleman from Pennsylvania [Mr. WALKER], by the Republican Study Committee, that suggests that if in fact we take the economic forecast projections of the President's budget, we will be able to achieve a balanced budget in this country by the fiscal year 1995 without either raising taxes on the American people or cutting spending by the Government.

The great debate that we have had in this country for the past several years is: Is it necessary to raise taxes more or to cut spending more in order to achieve a balanced budget? The good news, Mr. Chairman, is that it is not necessary to inflict either kind of pain, not on the American people in the form of tax increases or the American Government in the form of spending cuts.

No, Mr. Chairman, all we have to do on this bill and each of the 13 separate appropriations bills is see to it that we have an increase in spending from fiscal year 1991 to fiscal year 1992 of only 2.4 percent. That is to say, for every dollar spent in this appropriations bill in 1991 we would spend \$1.024 in 1992.

We get to spend more money; there is not cut here. What we do is cut the rate of increase in spending. That is to say, instead of increasing spending by 10.5 percent, we will increase spending by 2.4 percent.

□ 1420

We will not raise taxes; we will simply cut spending, ask the agencies in each line item appropriation in this bill, in each corner of the bill, to tighten their belt just a little bit, spend more of the taxpayers' money, spend it more wisely. I know that will be difficult for the committee, but I think the agencies can do so, and we will be able to achieve a balanced budget.

I would suggest for those of my colleagues who are on the Committee on Appropriations that we ought to bal-

ance the budget, and to those of my colleagues who are committed to the hope that we can do so in a relatively painless fashion I suggest voting for this amendment. That allows us to move in the direction steadily toward a balanced budget by 1995 without raising taxes on the American people and without cutting the spending of the U.S. Government, indeed on the contrary by allowing the spending to go up by a more than generous 2.4 percent.

Mr. SMITH of Florida. Mr. Chairman, I rise against the amendment of the gentleman from Texas [Mr. ARMEY].

Mr. Chairman, just let me say to all of my colleagues who listened to the argument that was just made by the gentleman from Texas [Mr. ARMEY] that it is kind of a siren song that he would like to weave for us. The reality is simple, and it is something that a lot of people overlook in these times when there is not an attempt to keep, and somewhat of a successful attempt to keep, inflation at a lower level, and that is that even last year, and for this year, the inflation rate will be more than 2.4 percent.

In an economy like ours where we have basically an economy limping along at this moment, gaining maybe 1 percent or so in growth rate, and when we have 3, or 4, or 5 percent in inflation, what happens is that there is no corresponding capability of people in general to make more money to keep up even with the low inflation rate.

What happens is that, therefore, with their declining incomes based against inflation, the tax collected on their incomes falls short of what it would have been. Therefore the Government itself is forced into a situation where they have to spend money to buy items to pay salaries, to procure all the things that the Government procures, to do all of the entitlement programs. They have to either raise taxes or they have to look for ways to cut spending.

So, Mr. Chairman, the gentleman from Texas [Mr. ARMEY] says;

Oh, folks, you don't have to raise taxes, and you don't have to cut spending. Just adopt my amendment which is only a 2.4 percent increase in spending.

However, Mr. Chairman, the bottom line is that, when we do the very thing he wants us to do, he is forcing us to cut programs because the revenue generated is not enough to even take care of that, and the reality is that there is going to be shortfalls when we do what the gentleman wants us to do in programs that are going to be authorized.

This bill, after all, tracks an authorization bill that has passed the House, passed the Senate, been in conference apparently waiting for the signature of the President, so at this point what we are doing is just funding what we have already spoken to in both Chambers and in conference.

This is the same kind of approach that has been taken on many bills, and

maybe it is good, maybe we have to be reminded constantly that there are people in this Chamber, in this House, who do not want to keep up with inflation, who want the Government to fall back, who want the ability to spend money to be lower than the demand and the necessity, the sheer, absolute necessity.

The gentleman from Texas [Mr. ARMEY] was up before arguing against and positioning a point of order against the amendment of the gentleman from North Dakota [Mr. DORGAN] on the task force. Whatever the situation regarding the task force, whatever the point of order, the point the gentleman was making was that there needs to be a more dedicated attempt to root out all of the bank fraud, to go faster than they are going on punishing people. The gentleman obviously does not feel that way, but if, in fact, his amendment were adopted, this gentleman then says;

Well, I'm interested in a crime bill, but not the crime you're interested in, only the crime I'm interested in. But in any event, no matter what I'm interested in, I'm going to have an amendment that cuts money for everybody.

Mr. Chairman, if we cut money, we cannot have a crime bill because, no matter what legislation we pass, it costs money to implement it, and, if the gentleman from Texas [Mr. ARMEY] is going to be here giving us amendments to cut the capability to, first, keep up with inflation, which makes us fall further behind in crime fighting, and then, second, saying, "I want more crime fighting," and then, "I'm going to cut so you'll have less capability to even implement the new legislation," then this country is going to be in a very bad fix.

The bottom line is that this 302(b) allocation to all of the committees hurt across the board already. The gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, is here; he adopted a budget that cuts significant dollars in many programs, and we have agreed to that. The budget was passed, and we have kept within that budget, and I say to my colleagues, "It's time to stop these kinds of frivolous attempts to keep the Government from doing its necessary business."

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding, and I am sorry the gentleman from Florida [Mr. SMITH] fled the floor so quickly. I just wanted to correct the record. I found his statement both very entertaining

and complimentary, but it was somewhat inaccurate.

This gentleman in the earlier debate regarding the point of order raised against the amendment of the gentleman from North Dakota [Mr. DORGAN] had no discussion of the crime bill because the Chair ruled that this gentleman had no latitude to discuss the crime bill. So, any characterizations of this gentleman's discussion of the crime bill in the earlier debate are totally without foundation other than that, as I said, I found the gentleman from Miami very entertaining and very complimentary, and I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Texas [Mr. ARMEY] for clarifying that. There are just a couple of things that I think would be useful to clarify with regard to the remarks of the gentleman from Florida [Mr. SMITH].

First, Mr. Chairman, the gentleman from Florida [Mr. SMITH] argues that somehow the Government has not been keeping up with inflation and the gentleman from Texas [Mr. ARMEY] would keep us from doing so. Under the budget agreement, that budget agreement which really caused major heartache for all of us, let us understand that between fiscal years 1990 and 1991 we had a 12-percent increase allocated. That is about three times the rate of inflation. So, we have not only been keeping up with inflation, we have been going well beyond the rates of inflation, and that is the reason why we have massive deficits, or one of the reasons why we have massive deficits.

Second, I would point out to the gentleman from Florida [Mr. SMITH] that we have not offered the amendment that the gentleman from Texas [Mr. ARMEY] is offering to this bill on each and every bill. In fact, there have been several bills that have come through here where the amendment has not been offered, and is the issue that we forgot? No. It is that those bills fell within the guidelines. We have at least three appropriations bills before us so far in this Congress where they fell within the guidelines of the 2.4 percent.

Now, if the gentleman from Florida [Mr. SMITH] is right, then we have created a real problem. I do not see the problem. I think we have some appropriations subcommittees that have found a way to live within balanced budget guidelines, and we have recognized that and not offered this amendment.

□ 1430

But where they go above the 2.4 percent, which is necessary to balance the budget, the gentlemen, like the gentleman from Texas [Mr. ARMEY] have come to the floor and have offered an amendment to hold us within that kind

of criteria. That is the issue before us here today.

There are a lot of very valuable spending items within this bill. No one would doubt that. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from Iowa [Mr. SMITH] have worked very hard on the bill and they have covered a lot of very important areas. I would not argue that there are not reasons for every bit of the spending they have in there. I may not agree that it is priority spending, but there are reasons for it. But here is the point: If you really believe what you have been saying, that a balanced budget is the number one thing we have to achieve as a Nation—and there are a lot of Members of Congress who say that—then these are your opportunities to put your mouths on the line. I do not know whether that is a good way of saying it, but it is a good way to figure out whether or not what you have been saying is in fact real, because all we are saying in making the point is that there is a way to get to a balanced budget, and that is to limit the amount of Federal spending to 2.4 percent a year for about a 3-year period. There is a way to get there. We do not have to raise taxes, or we do not have to cut social security payments. There is a way there. We can either do it one way or we can listen to all the siren songs of various other Members who will come out here for a long period of time and suggest other ways of doing it, including raising taxes. I think if we prioritize a balanced budget, then what we have to do is vote with the gentleman from Texas [Mr. ARMEY]. If that is not a priority for Members, fine, then they do not vote with the gentleman from Texas, but they vote for other priorities.

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

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, will my good friend, the gentleman from Pennsylvania [Mr. WALKER], concur that if we were to follow his proposal, we would not have a space station?

Mr. WALKER. No. I would say to the gentleman from Michigan that he should notice that we did not offer this amendment to his bill. His bill fell within the guidelines. So we have a space station. We prioritized the space station within his bill, and so we did not offer this amendment because he fell within the guidelines. I congratulate the gentleman from Michigan for that. I thank him for his hard work to move us a little closer to a balanced budget. We are very grateful to the gentleman from Michigan that we were able to have a space station within his appropriation bill.

Mr. TRAXLER. Mr. Chairman, will the gentleman continue to yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I appreciate the gentleman's kindness. It seems to me that this bill is also within the 602(b) guidelines.

Mr. WALKER. The gentleman is right, but 602(b) does not get us to a balanced budget. The 602(b) ends up with massive deficits still on the books.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for three additional minutes.)

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further, I think we are getting close now to what the real problem is with the amendment and where we are separated by a philosophical gulf here.

Let me suggest to my friends that this bill that the two gentlemen have brought forth from the subcommittee complies and comports with the budget agreement that was reached. The bill, like others that have come before us, is in agreement with the budget agreement of last year. The President and the Congress reached that understanding, and we agreed to certain spending limitations. We built walls for defense, and I am sure the gentleman well appreciates those points.

What has happened, of course, is that in the process of developing the 13 spending bills, each of the bills within the limitations assigned to us within the total budget agreement, there are variations between the Congress and the President in minor areas as to where the spending ought to occur, as to what ought to get funded, or at what level it ought to be funded at.

Again, Mr. Chairman, I appreciate the gentleman giving me a minute of his time, and let me conclude by saying that these variations do not violate the budget agreement. They are the choices in prioritizing where the spending should go.

This bill is well within the budget agreement. It is well within the 602(b) allocation. I commend the gentleman for their efforts on fiscal restraint. The quarrel, it seems to me, that these gentlemen have in offering this amendment to the bill is with the process in which Congress makes determinations, as well as the President.

Mr. WALKER. Mr. Chairman, I want to point out to the gentleman that he is absolutely right. But our quarrel is probably with the administration, too. The administration signed onto the budget deal, so we probably have a quarrel with them as well because they are not really aggressively moving toward a balanced budget. This process is aimed at getting to a balanced budget. Nothing within the budget process is going to get us to a balanced budget. This effort says that if we do more than what the budget process suggested, we might get to a balanced

budget, and the gentleman from Texas is offering a figure that will lead us closer to a balanced budget.

I think that is a responsible approach. As I say, the gentleman from Michigan may not want to vote for this amendment. He may feel that there are priorities that include spending deficit money in order to get to those priorities. That is fine, but if we want to get to a balanced budget, we must support the amendment offered by the gentleman from Texas.

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further for about 30 seconds, I would just point out to the membership and to the offerors and supporters of the amendment that through the points of order that have been offered here on the floor, the full committee here has already taken out 2.8 percent of the bill. So 2.8 percent of the bill has come down as a consequence of points of order, so we are not operating with real new money.

Mr. WALKER. Sure, but the gentleman realizes that in terms of last year's spending, the committee when it came to the floor was at 10.5 percent above last year's spending. So with the fact that they have taken out 2.8 percent, that does not get them down to the 2.4-percent level. It gets a little closer, but it does not get them there.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that not all programs are the same and that not all bills are the same. For example, the science programs the gentleman from Pennsylvania supports and I support are in this bill at more than 2.4 percent over last year's level, and they should be. So not all programs are equal. Also, not all bills are equal.

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

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Yes, but you cut the science programs. One of the problems I have is that the sense of priority shown by the committee was that they put money in other areas and cut the science programs.

Mr. SMITH of Iowa. I am sorry, but I could not hear the gentleman.

Mr. WALKER. I say that you put money into other areas and you cut the science programs.

Mr. SMITH of Iowa. Mr. Chairman, the science program is in this bill at more than 2.4 percent over last year. It is quite a bit more than that over last year's level.

Mr. WALKER. Well, no, in several instances you are below last year.

Mr. SMITH of Iowa. Mr. Chairman, what we have in this bill as a whole is a lot more, and I support it because I think it is important.

Also, all bills are not the same. In this bill we had to annualize a number of the crime, drug law enforcement, and prison programs where program increases were initiated last year. Five new prisons are to be opened. We have to have staff for those prisons. We funded a number of additional agents and support personnel in the FBI and the DEA. We also have five or six drug task force programs that were funded for 2 or 3 months in this fiscal year, that have to be annualized and funded for 12 months in the next fiscal year.

That is the reason it was important when the budget resolution was on the floor that Members should not have voted to reduce function 750 another \$100 million. I notice that most of the Members who have been here on the floor this afternoon arguing for more money for S&L fraud investigations and prosecutions voted for cutting function 750 by \$100 million. It is inconsistent to be voting on the budget resolution to cut function 750 and then come out here and spend 1½ hours this afternoon complaining because there is not enough money in function 750. We have done the best we could, and we are within our 602(b) allocation.

I will have to say that the pending amendment is consistent. It is across the board. But it is 8.1 percent. It will cut some of the programs in the bill that we need very desperately including drug law enforcement, S&L investigations, and everything else at 8 percent along with everything else. We just should not pass this amendment, and I hope we can get to a vote soon on this amendment because now I feel that everybody knows what it is all about.

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

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, let me say to the gentleman that I appreciate his point of view. I opened my remarks by saying that the committee has done a good job.

There are hard cuts that come with these things that are painful. There are things that are very important to me that would be cut with this amendment, but in the final analysis, if we are going to ever get to a balanced budget, we have got to accept increases in spending that are smaller than we planned on, smaller than we hoped for, and smaller than what is in the bill. Everything gets a 2.4-percent increase in spending instead of an average a 10.5 increase in spending, and really if we can have the discipline to accept these painful cuts, then maybe we can find in the agencies the discipline to tighten their belts and become more efficient.

Again, Mr. Chairman, let me thank the gentleman and say that I personally appreciate the hard work of the subcommittee chairman, and certainly

I want to say this amendment is in no way a criticism of the chairman, the ranking member, the committee, or the quality of their work.

□ 1440

Mr. SMITH of Iowa. Mr. Chairman, reclaiming my time, I appreciate that. But as I said before, the gentleman from Texas [Mr. ARMEY] is consistent. It is across the board. He is not pretending you can cut some programs and increase others. But we should not pass this amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. My good friend, the gentleman from Texas [Mr. ARMEY], and he is my good friend, comes to this, I am sure, with a clear head and a pure heart, and I admire him very, very much. I rise just to oppose him on this amendment.

If I might engage the gentleman from Texas [Mr. ARMEY] in a colloquy, the amendment of the gentleman, in order to achieve this desired 2.4 percent increase in our overall budget, had to cut every program by 8.16 percent. Is that correct?

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

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, the increase in spending of 10.5 percent would be reduced by 8.16 percent, leaving a net increase in spending of 2.39 percent.

Mr. ROGERS. Mr. Chairman, reclaiming my time, that was before we cut away EDA, the LSC, the NED, and various other spending totals today. As a matter of fact, on points of order we have stricken \$577.7 million from the bill. My calculations are now that in order to get to the 2.4-percent increase in overall spending, all we need to do is cut 5.1 percent off each item.

Mr. ARMEY. Mr. Chairman, if the gentleman will yield further, the calculations of the gentleman from Kentucky [Mr. ROGERS] I am sure are correct, having great admiration for the gentleman's workmanship. The point of the gentleman that this amendment was drafted before the other adjustments in the bill were made is also correct.

But I might further make the observation that this bill will be concluded before the conference, and we all know what that means. You will have an opportunity to repair any serious damage done by this amendment.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I just want to point out to Members and friends who will be voting shortly that if we cut every program 8.16 percent, as the amendment of the gentleman from Texas [Mr. ARMEY] would dictate, we would be cutting even more into the bone of this bill

than even the 2.4-percent increase would require.

Mr. ARMEY. Mr. Chairman, if the gentleman will yield further, I believe, the way the amendment is worded, that would not necessarily have to be the case. We would confine the increase in spending to 2.4 percent to every item in the bill, except those which by the actions announced today were considered to be stricken from the bill.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I am reading the amendment. The last line is, "A provision of law is reduced by 8.16 percent." Is that not the wording of the amendment on the table?

Mr. ARMEY. Mr. Chairman, that is correct.

Mr. ROGERS. If we cut 8.16 percent, we are cutting more than would be required to keep the overall increase to 2.4 percent.

Mr. ARMEY. Mr. Chairman, if the gentleman will yield further, given that some articles were stricken from the bill by point of order today, and assuming they will not be reintroduced in the bill when it comes back from conference, the gentleman is correct.

Mr. ROGERS. Mr. Chairman, reclaiming my time, the gentleman from Texas [Mr. ARMEY] has also calculated his amendment using 1991 totals and 1992 totals, which include both discretionary and mandatory items in our bill. But the amendment exempts the mandatory items from the cut. The effect of that is we have to cut more from the discretionary programs than the 8.16 percent. That means that some of the programs are cut very, very severely.

Mr. Chairman, I might point out to Members that before this bill was brought to the floor, the subcommittee cut 1.5 percent from current services on average. We have already cut 1.5 percent off the current services, before the bill was brought to the floor. Why? Because we did not get enough from the 602(b) budget allocation. Why? Because \$400 million was taken from this and other accounts earlier on, that the chairman has referred to. So we had to cut it before it came to the floor.

Mr. Chairman, we have already sustained deep cuts. As the chairman said, we are having to open up five new prisons this year. Those are new employees, new spending, that we do not have any control over. We have got to fund it. We cannot control it. There is the annualized pay in the Justice Department that the Congress voted last year and 2 years ago. We have got to fund it. We have no choice. That is new money, and we have to find it somewhere.

Mr. Chairman, we are \$500 million below the administration's request for domestic programs. So I think we have already been overly fair.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, we are having to cut, and this amendment would further cut, agents we need to infiltrate organized crime, for example, the savings and loan investigations, funds to deport criminal aliens swiftly, weather and disaster forecasts, upon which millions of our constituents rely, research and development work to move our greatest technological breakthroughs to the marketplace, enforcement of rights in the workplace, watchdogging over the ever evolving security markets, and so forth.

Mr. Chairman, that is the kind of moneys that would be coming out of the bill if this amendment is passed.

Mr. Chairman, in closing, we operate under the Budget Enforcement Act. Not everyone likes it, but, like it or not, it is our flight plan for this year and beyond. This bill sticks to the Budget Enforcement Act that passed this body. We stick to it to the letter, and then some.

Mr. Chairman, this amendment would do a great injustice to what is already a fairly treated bill.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to observe that if my calculations are correct, the gentleman from Texas [Mr. ARMEY], who objected to my attempt to provide some greater clarity in the prosecution of S&L frauds, is now proposing an amendment that would cut about \$20 million from the amount of money available over in the Justice Department to prosecute fraud.

I know my friend, the gentleman from Illinois [Mr. HYDE] said, well, that is just politics, that the shoes get tight and you start squirming, and so on.

The fact is, it is not politics. We are trying to investigate and prosecute S&L fraud. We need money to do that. We need manpower, and we need a mission to get it done. Our constituents expect it to get done.

The import of the amendment of the gentleman from Texas [Mr. ARMEY] is rather wide. But at least one part of it is to say, at least as I calculate it, that we will take \$20 million back from the amount of money now available to prosecute S&L fraud.

Mr. Chairman, does that make a lot of sense? It does not to me.

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

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to say, still bleeding from the gentleman's spear in my chest, I do not intend to support the amendment of my dear friend from Texas, Mr. ARMEY. If the gentleman from North Dakota [Mr. DORGAN] would check with me before

you throw another spear, I would appreciate it.

Mr. DORGAN of North Dakota. Mr. Chairman, reclaiming my time, I frankly did not care whether the gentleman from Illinois [Mr. HYDE] was going to support the amendment of the gentleman from Texas [Mr. ARMEY], nor did I expect him to.

Mr. HYDE. Why did the gentleman talk about me?

Mr. DORGAN of North Dakota. Because I was talking about the gentleman's comments previously with respect to the politics of an amendment proposed by those of us who want greater clarity on the question of who is prosecuting S&L fraud, and are we doing it aggressively enough.

We raised that question. People say, "oh, that is politics." That is not politics, it is policy. One of the most important policies we are pursuing around here is dealing with massive fraud in the S&L area, and there is no task force in the Justice Department to focus on S&L fraud. Yes, financial institutions, there is a task force entitled that, and we had hearings on it. They had the most shapeless answers in the world. You ask what are you doing in this area? They say in the area of financial institutions. I am interested in the area of S&L fraud. What are we doing to deal with S&L fraud?

Mr. Chairman, I would make the point I observe the amendment of the gentleman from Texas [Mr. ARMEY] in this instance will cut \$20 million out of the money available, not only to prosecute S&L fraud, but to prosecute fraud in all financial institutions.

Mr. ROHRBACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. Let me just note, as we wind this debate up, the national indebtedness of the United States is going up by perhaps \$400 billion this year. It is projected at \$426 billion next year.

Put that in perspective, and you will see that for the rest of my career and the rest of the lives of the people who are listening today, there will be \$70 billion in the budget every single year simply to pay for the interest in this 24-month period increase in the indebtedness of the United States of America.

□ 1450

It costs us \$70 billion a year simply to pay for the interest on a 24-month period of increase in the debt. This fact is so overwhelming it screams to be looked at.

There is an honest attempt here by some Members of this House to come to grips with this deficit problem. Limiting the growth in Federal programs to 2.4 percent certainly is something. There are things I would love to spend money on, many different items, but there are certainly things we can cut

down, and there are some sacrifices that have to be made. Limiting the increase in our budget to 2.4 percent is not a major sacrifice, and we are making that sacrifice for future generations. If we do not get a hold of this deficit, there is not going to be any money left because our economy is going to go right down the tubes. Then next year our economic situation is going to be a lot worse and the problems we are talking about are going to be a lot heavier burden on our shoulders.

So with that, I say I support the amendment. I think it is a responsible thing to do, to keep the increase in the budget to 2.4 percent in the various Federal programs we are looking at.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have sat here patiently trying to suppress the urge to enter this debate, but after what has just been said I would like to have an opportunity to lend a few words to the dialog which has taken place on the floor. It is nothing short of amazing to hear the gentlemen on the other side of the aisle, to a Member, get up before this body and defend the super collider which originally was supposed to cost \$5 billion, and then reached \$12 billion in cost, and they still believe it is something we should continue to invest in; and then last week come before us to defend the space station, which was supposed to cost \$40 billion but now may cost over \$100 billion, and yet they blithely vote for these projects because they point to the future; while at the same time, the gentlemen on the other side of the aisle engage daily in this debate on who is tougher on crime in America.

Let me tell Members who is tougher on crime. The people are tougher on crime who are willing to fund the Department of Justice, who are willing to fund the U.S. attorney's office, who are willing to fund the drug task forces who are trying to rid our streets, our neighborhoods and our schools of drugs.

The amendment offered by the gentleman from Texas takes money away from these agencies which are fighting crime, and instead he is going to now dedicate himself to deficit reduction. I hope the gentleman from Texas [Mr. ARMEY] remembers that debate when we engage ourselves in future Texas projects, way over budget, and when we engage in this debate on who is tougher when it comes to crime and law and order.

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

Mr. DUBIN. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my dear friend from Illinois for yielding. I just want to say that I was lukewarm about the superconducting super

collider when Illinois was in the running, but then the gentleman persuaded me that it was the greatest thing since indoor plumbing. The gentleman has reversed himself, I see, now that Texas is going to get it.

Mr. DURBIN. Reclaiming my time, my esteemed colleague and beloved colleague from Illinois may remember that when we were competing for the project it was at \$5 billion, and a third of the cost was supposed to come from overseas. Frankly, let me tell the gentleman that it has run in cost now into the \$12 billion range, and there is no contribution coming from overseas.

If the gentleman thinks we are going to give a blank check to this administration for this project or others, he is wrong.

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

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I appreciate the gentleman yielding to me, and I would like to say to so many of my colleagues, gee, fellows, I really did not mean anything personal by it.

Again I thank the gentleman for yielding.

Mr. DURBIN. I yield back the balance of my time.

Mr. BUSTAMANTE. Mr. Chairman, I rise today to speak in opposition to the proposed amendment by my good friend and fellow Texan, Mr. ARMEY. Let me say, that we all recognize the importance of spending cuts, especially in these difficult economic times. We also recognize that no Federal agency should be spared a critical review of its programs with an eye on the need to find present as well as future savings.

Having said that, however, I believe that it is important to keep in mind that across-the-board cuts do not critically assess present or future needs. For instance, if we vote today to eliminate over 8 percent of the State Department budget using this blindfold technique, many important projects which are vital to the future health and well-being of millions of American citizens will be lost.

For example, since my election to Congress, I have worked tirelessly to clean up the Rio Grande River. Two years ago, our Government entered into an agreement with the Government of Mexico to share in the cost of cleaning up the Rio Grande. If we lost our share of the funding for a water treatment facility which is under construction in Nuevo Laredo, Mexico, we may lose the chance to finally make major improvements in the water quality along the border.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 295, not voting 14, as follows:

[Roll No. 152]

AYES—122

Allard	Goss	Petri
Archer	Gradison	Porter
Armev	Hamilton	Pursell
Baker	Hammerschmidt	Ramstad
Ballengier	Hancock	Ravenel
Barrett	Hansen	Rhodes
Barton	Hastert	Riggs
Bennett	Hefley	Roberts
Bentley	Henry	Rohrabacher
Bilirakis	Hergert	Roth
Bhley	Hobson	Santorum
Boehner	Holloway	Santorum
Bunning	Hubbard	Saxton
Burton	Hunter	Schaefer
Callahan	Inhofe	Schroeder
Camp	Jacobs	Schulze
Campbell (CA)	James	Sensenbrenner
Coble	Johnson (TX)	Shays
Coleman (MO)	Kasich	Shuster
Combest	Klug	Slatery
Condit	Kyl	Slaughter (VA)
Cooper	Lagomarsino	Smith (OR)
Cox (CA)	Leach	Snowe
Crane	Lewis (FL)	Solomon
Cunningham	Lukens	Spence
Dannemeyer	Marlenee	Stearns
DeLay	McCandless	Stump
Dickinson	McEwen	Sundquist
Doolittle	McMillan (NC)	Sweet
Dornan (CA)	Meyers	Taylor (NC)
Dreier	Miller (OH)	Thomas (CA)
Duncan	Moorhead	Thomas (WY)
Edwards (OK)	Neal (NC)	Upton
Erdreich	Nichols	Vander Jagt
Fawell	Nussle	Vucanovich
Fields	Oxley	Walker
Franks (CT)	Packard	Weber
Galleghy	Pallone	Weldon
Gekas	Parker	Wylie
Gilchrist	Paxon	Zeliff
Glickman	Penny	Zimmer

NOES—295

Abercrombie	Collins (MI)	Geren
Ackerman	Conyers	Gibbons
Alexander	Costello	Gillmor
Anderson	Coughlin	Gilman
Andrews (ME)	Cox (IL)	Gingrich
Andrews (NJ)	Coyne	Gonzalez
Andrews (TX)	Cramer	Goodling
Annunzio	Darden	Gordon
Anthony	de la Garza	Grandy
Applegate	DeFazio	Gray
Aspin	DeLauro	Green
Atkins	Dellums	Guarini
AuCoin	Derrick	Gunderson
Bacchus	Dicks	Hall (OH)
Barnard	Dingell	Hall (TX)
Bateman	Dixon	Harris
Beilenson	Donnelly	Hatcher
Bereuter	Dooley	Hayes (IL)
Berman	Dorgan (ND)	Hayes (LA)
Bevill	Downey	Hefner
Bilbray	Durbin	Hertel
Boehlert	Dwyer	Hoagland
Bonior	Dymally	Hochbrueckner
Borski	Early	Horn
Boucher	Eckart	Horton
Boxer	Edwards (CA)	Houghton
Brewster	Edwards (TX)	Hoyer
Brooks	Emerson	Huckaby
Broomfield	Engel	Hughes
Browder	English	Hutto
Brown	Espy	Hyde
Bruce	Evans	Ireland
Bryant	Fascell	Jefferson
Bustamante	Fazio	Jenkins
Byron	Feighan	Johnson (CT)
Campbell (CO)	Fish	Johnson (SD)
Cardin	Flake	Johnston
Carper	Foglietta	Jones (GA)
Carr	Ford (MI)	Jones (NC)
Chandler	Ford (TN)	Jontz
Chapman	Frank (MA)	Kanjorski
Clay	Frost	Kaptur
Clement	Gallo	Kennedy
Clinger	Gejdenson	Kennelly
Collins (IL)	Gephardt	Kildee

NOT VOTING—14

Coleman (TX)	Lehman (CA)	Savage
Davis	Moakley	Washington
Gaydos	Quillen	Waters
Hopkins	Rostenkowski	Yates
Klecicka	Roukema	

□ 1513

The Clerk announced the following pairs:

On the vote:

Mr. Quillen for, with Mr. Kleczka against.
Mrs. Roukema for, with Mr. Moakley against.

Messrs. FORD of Michigan, DOWNEY, FAZIO, MRAZEK, and TAYLOR of Mississippi changed their vote from "aye" to "no."

Mr. DORNAN of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992".

Mr. SMITH of Iowa. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the rec-

ommendation 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. PARNETTA) having assumed the chair, Mr. BROWN, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies 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.

The question is on the passage of the bill.

MOTION TO RECOMMIT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BURTON of Indiana. I am in its present form, Mr. Speaker.

Mr. SMITH of Iowa. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from Iowa reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BURTON of Indiana moves to recommit the bill, H.R. 2608 to the Committee on Appropriations with instructions to report it back forthwith with the following amendment:

Page 34, beginning line 15, strike "\$1,381,550,000" and all that follows through "Florida" and insert the following: "\$1,380,614,000 to remain available until expended".

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] still reserve his point of order?

Mr. SMITH of Iowa. At this point I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

□ 1520

Mr. BURTON of Indiana. Mr. Speaker, in this legislation there were two

what I would consider to be pork barrel projects that should be removed, and the language that I put in my recommittal motion would remove these projects.

Mr. Chairman, one of these projects is a fish farming experimental laboratory at Stuttgart, AR. The purpose is supposed to be "to enhance and develop commercial aquaculture for catfish."

For this project, Mr. Speaker, there was \$542,000 earmarked to be funded by the National Oceanic and Atmospheric Administration in the bill for operating expenses for this catfish farm. This earmark was not requested by the administration, and were it not for this earmark the fish farm would receive no NOAA money in 1992. It should not be in this bill.

In addition to that, there is a semi-tropical research facility in Key Largo, FL, that is going to cost the taxpayers \$394,000. This was to be funded by the NOAA. This has not been requested by the administration. Both of these projects totaling almost \$1 million were not requested by the administration. They are earmarked. They should not have been in there. It is legislating on an appropriation bill.

Finally, it is pure pork.

Mr. Speaker, I would urge my colleagues who are concerned about fiscal responsibility to vote for this recommittal motion and to strike this unnecessary spending.

Mr. Speaker, while striking only \$1 million by eliminating these two unnecessary projects, we are certainly not going to make a big dent in the deficit this year, but we are facing a \$350 billion to \$400 billion total deficit before the year is out. At least this is a step in the right direction.

So if my colleagues are concerned about fiscal responsibility and accountability in Government, they really ought to vote for this recommittal motion.

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

The SPEAKER pro tempore (Mr. PARNETTA). Does the gentleman from Iowa withdraw his point of order?

Mr. SMITH of Iowa. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I just want to point out that these two projects, one in Florida and one in Arkansas, have been carried in the bill for many years. They are continuing projects. They, like almost every other program in the domestic functions were cut to 98.5 percent of current services. They were treated just like everything else in the bill. We continued them because we continued virtually all ongoing projects that have been carried in the bill in previous years.

Mr. Speaker, I ask to vote down the motion.

Mr. ALEXANDER. Mr. Speaker, I rise to lead my colleague from Indiana [Mr. BURTON], to a greater understanding of the aquaculture industry in general and of the Fish Farming Experimental Laboratory in Stuttgart, AR, in particular.

The attempt today to eliminate \$2.7 million in this bill to build a new laboratory facility to replace one which has become outdated—particularly in light of the enormous growth in the aquaculture industry—is very ill advised.

The Stuttgart Laboratory has been instrumental in building and sustaining an industry providing thousands of jobs and millions of dollars in income.

This industry has expanded to the point where it is a major economic boon to the economy of the lower Mississippi Delta region—an area which desperately needs the jobs and income the industry provides.

Some time ago, this vital facility was lumped in with a list of items which were branded pork barrel spending.

Unfortunately, there apparently was never any investigation done to determine if the laboratory really deserved to be on this list.

It is easily determined that there was no investigation since those who bring this matter up refer to this serious research facility as a catfish farm.

It isn't.

It never has been.

It won't be.

It is a research laboratory where scientists work to increase yields, attain speedier weight gains and control diseases.

All of this research helps the aquaculture industry grow and allows it to remain competitive.

It also means more money for producers and lower cost for consumers.

In Arkansas alone, the aquaculture industry contributes \$79 million to the economy.

My opinion is that there is no better expenditure of Federal funds than helping to create jobs, especially in one of the poorest areas of the United States.

The return to the Treasury in taxes paid by the aquaculture industry and those who work in it will far outweigh any cost to the Treasury.

If all Federal expenditures returned as much to the economy as this project does, we would not have a budget deficit, we would have a surplus.

And, the work of the laboratory is utilized in almost every State in the Nation. To be precise, 14,878 producers in 35 States contacted the laboratory for technical assistance last year.

Now, that is much more than a catfish farm—and I hope that those who keep bringing this issue up will take note of these facts.

Are they against job creation?

I would certainly hope not.

If the people who have branded this project as pork barrel would visit it and would take the time to talk with those in the aquaculture industry, they would soon discover the error of their ways.

They have certainly not let facts stand in their way to this point—but that is really not any way to do business.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of final passage. So this is a 15-minute vote to be followed by a 5-minute vote on final passage.

The vote was taken by electronic device, and there were—ayes 151, noes 267, not voting 13, as follows:

[Roll No. 153]

AYES—151

Allard	Gradison	Ravenel
Andrews (TX)	Grandy	Regula
Archer	Gunderson	Rhodes
Armey	Hamilton	Rinaldo
Baker	Hancock	Ritter
Ballenger	Hansen	Roberts
Barrett	Hastert	Rogers
Barton	Hefley	Rohrabacher
Bateman	Henry	Roth
Bentley	Herger	Santorum
Bereuter	Hobson	Saxton
Billie	Holloway	Schaefter
Boehner	Hunter	Schiff
Broomfield	Hyde	Schulze
Bunning	Inhofe	Sensenbrenner
Burton	Jacobs	Sharp
Callahan	James	Shays
Camp	Johnson (CT)	Shuster
Campbell (CA)	Johnson (TX)	Skeen
Carper	Kasich	Slaughter (NY)
Chandler	Klug	Slaughter (VA)
Clinger	Kolbe	Smith (NJ)
Coble	Kyl	Smith (OR)
Coleman (MO)	Lagomarsino	Smith (TX)
Combust	Leach	Snowe
Coughlin	Lent	Solomon
Cox (CA)	Lewis (CA)	Spence
Crane	Lowery (CA)	Stearns
Cunningham	Machtley	Stump
Dannemeyer	Marlenee	Sundquist
Davis	Martin	Swett
DeLay	McCandless	Tallon
Doollittle	McEwen	Taylor (MS)
Dorgan (ND)	McGrath	Taylor (NC)
Dornan (CA)	McMillan (NC)	Thomas (CA)
Dreier	Meyers	Thomas (WY)
Duncan	Michel	Upton
Edwards (OK)	Miller (OH)	Valentine
Fawell	Miller (WA)	Vander Jagt
Fields	Molinari	Vucanovich
Fish	Moorhead	Walker
Franks (CT)	Nichols	Walsh
Galleghy	Nussle	Weber
Gallo	Oxley	Weldon
Gekas	Packard	Wolf
Gilchrest	Paxon	Wylie
Gillmor	Penny	Zeliff
Gilman	Petri	Zimmer
Gingrich	Porter	
Glickman	Pursell	
Goss	Ramstad	

NOES—267

Abercrombie	Bacchus	Boxer
Ackerman	Barnard	Brewster
Alexander	Beilenson	Brooks
Anderson	Bennett	Browder
Andrews (ME)	Berman	Brown
Andrews (NJ)	Bevill	Bruce
Annuozio	Bilbray	Bryant
Anthony	Bilirakis	Bustamante
Applegate	Boehlert	Byron
Aspin	Bonior	Campbell (CO)
Atkins	Borski	Cardin
AuCoin	Boucher	Carr

Chapman	Jenkins	Payne (NJ)
Clay	Johnson (SD)	Payne (VA)
Clement	Johnston	Pease
Collins (IL)	Jones (GA)	Pelosi
Collins (MI)	Jones (NC)	Perkins
Condit	Jontz	Peterson (FL)
Conyers	Kanjorski	Peterson (MN)
Cooper	Kaptur	Pickett
Costello	Kennedy	Pickle
Cox (IL)	Kennelly	Poshard
Coyne	Kildee	Price
Cramer	Kolter	Rahall
Darden	Kopetski	Rangel
de la Garza	Kostmayer	Ray
DeFazio	LaFalce	Reed
DeLauro	Lancaster	Richardson
Dellums	Lantos	Ridge
Derrick	LaRocco	Roe
Dickinson	Laughlin	Roemer
Dicks	Lehman (CA)	Ros-Lehtinen
Dingell	Lehman (FL)	Rose
Dixon	Levin (MI)	Rowland
Donnelly	Levine (CA)	Roybal
Dooley	Lewis (FL)	Russo
Downey	Lewis (GA)	Sabo
Durbin	Lightfoot	Sanders
Dwyer	Lipinski	Sangmeister
Dymally	Livingston	Sarpalius
Early	Lloyd	Savage
Eckart	Long	Sawyer
Edwards (CA)	Lowey (NY)	Scheuer
Edwards (TX)	Luken	Schroeder
Emerson	Manton	Schumer
Engel	Markey	Shaw
English	Martinez	Sikorski
Erdreich	Matsui	Sisisky
Espy	Mavroules	Skaggs
Evans	Mazzoli	Skelton
Fascell	McCloskey	Slattery
Fazio	McCollum	Smith (FL)
Feighan	McCreery	Smith (IA)
Flake	McCurdy	Solarz
Foglietta	McDade	Spratt
Ford (MI)	McDermott	Staggers
Ford (TN)	McHugh	Stallings
Frank (MA)	McMillen (MD)	Stark
Frost	McNulty	Stenholm
Gejdenson	Mfume	Stokes
Gephardt	Miller (CA)	Studds
Geren	Mineta	Swift
Gibbons	Mink	Tanner
Gonzalez	Mollohan	Tauzin
Goodling	Montgomery	Thomas (GA)
Gordon	Moody	Thornton
Gray	Moran	Torres
Green	Morella	Boxer
Guarini	Morrison	Brewster
Hall (OH)	Mrazek	Brooks
Hall (TX)	Murphy	Boxer
Hammerschmidt	Murtha	Brewster
Harris	Myers	Browder
Hatcher	Nagle	Brown
Hayes (IL)	Natcher	Bruce
Hayes (LA)	Neal (MA)	Bryant
Hefner	Nowak	Bustamante
Hertel	Oakar	Byron
Hoagland	Oberstar	Gordon
Hochbrueckner	Obey	Goss
Horn	Olin	Gradison
Horton	Ortiz	Grandy
Hoyer	Orton	Gray
Hubbard	Owens (NY)	Guarini
Huckaby	Owens (UT)	Gunderson
Hughes	Pallone	Hall (OH)
Hutto	Panetta	Hall (TX)
Ireland	Parker	Hamilton
Jefferson	Patterson	McDade

NOT VOTING—13

Coleman (TX)	Moakley	Serrano
Coughlin	Neal (NC)	Synar
Hopkins	Quillen	Yates
Houghton	Rostenkowski	
Kleccka	Roukema	

□ 1542

Ms. WATERS changed her vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PANNETTA). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will remind the Members this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 338, noes 80, not voting 13, as follows:

[Roll No. 154]

AYES—338

Abercrombie	Dixon	Johnson (CT)
Ackerman	Donnelly	Johnson (SD)
Alexander	Dooley	Johnston
Anderson	Downey	Jones (GA)
Andrews (ME)	Durbin	Jones (NC)
Andrews (NJ)	Dwyer	Jontz
Andrews (TX)	Dymally	Kanjorski
Annuozio	Early	Kaptur
Anthony	Eckart	Kennedy
Applegate	Edwards (CA)	Kennelly
Aspin	Edwards (OK)	Kildee
Atkins	Edwards (TX)	Kleccka
AuCoin	Emerson	Kolbe
Bacchus	Engel	Kolter
Barnard	English	Kopetski
Barrett	Erdreich	Kostmayer
Bateman	Espy	LaFalce
Beilenson	Evans	Lancaster
Bennett	Fascell	Lantos
Bereuter	Fazio	LaRocco
Berman	Feighan	Laughlin
Bevill	Fish	Leach
Bilbray	Flake	Lehman (CA)
Bilirakis	Foglietta	Lehman (FL)
Billey	Ford (MI)	Lent
Boehlert	Ford (TN)	Levin (MI)
Boehner	Frank (MA)	Levine (CA)
Bonior	Frost	Lewis (CA)
Borski	Gallo	Lewis (GA)
Boucher	Gejdenson	Lightfoot
Boxer	Gekas	Lipinski
Brewster	Gephardt	Livingston
Brooks	Geren	Lloyd
Browder	Gibbons	Long
Brown	Gillmor	Lowery (CA)
Bruce	Gilman	Lowey (NY)
Bryant	Gingrich	Machtley
Bustamante	Gonzalez	Manton
Byron	Goodling	Markey
Callahan	Gordon	Martin
Camp	Goss	Martinez
Campbell (CO)	Gradison	Matsui
Cardin	Grandy	Mavroules
Carper	Gray	Mazzoli
Carr	Guarini	McCloskey
Chandler	Gunderson	McCollum
Chapman	Hall (OH)	McCreery
Clement	Hall (TX)	McCurdy
Coleman (MO)	Hamilton	McDade
Collins (IL)	Hammerschmidt	McDermott
Collins (MI)	Harris	McGrath
Condit	Hastert	McHugh
Conyers	Hatcher	McMillan (NC)
Cooper	Hayes (IL)	McMillen (MD)
Costello	Hayes (LA)	McNulty
Coughlin	Hefner	Mfume
Cox (IL)	Hertel	Michel
Coyne	Hoagland	Miller (CA)
Cramer	Hobson	Miller (WA)
Cunningham	Hochbrueckner	Mineta
Darden	Horn	Mink
Davis	Horton	Molinari
de la Garza	Hoyer	Mollohan
DeFazio	Huckaby	Montgomery
DeLauro	Hughes	Moody
DeLay	Hutto	Moran
Dellums	Hyde	Morella
Derrick	Ireland	Morrison
Dicks	James	Mrazek
Dingell	Jefferson	Murphy
	Jenkins	Murtha

Myers	Roemer	Studds
Nagle	Rogers	Swift
Natcher	Ros-Lehtinen	Tallon
Neal (MA)	Rose	Tanner
Neal (NC)	Rowland	Tauzin
Nowak	Roybal	Taylor (MS)
Oakar	Russo	Thomas (CA)
Oberstar	Sabo	Thomas (GA)
Obey	Sanders	Thornton
Olin	Sangmeister	Torres
Ortiz	Sarpalius	Torricelli
Orton	Savage	Towns
Owens (NY)	Sawyer	Trafcant
Owens (UT)	Saxton	Traxler
Panetta	Scheuer	Unsoeld
Parker	Schiff	Upton
Patterson	Schulze	Valentine
Paxon	Schumer	Vander Jagt
Payne (NJ)	Sharp	Vento
Payne (VA)	Shaw	Visclosky
Pease	Sikorski	Volkmer
Pelosi	Sisisky	Vucanovich
Perkins	Skaggs	Walsh
Peterson (FL)	Skeen	Washington
Peterson (MN)	Skelton	Waters
Pickett	Slaughter (NY)	Waxman
Pickle	Slaughter (VA)	Weber
Porter	Smith (FL)	Weiss
Poshard	Smith (IA)	Weldon
Price	Smith (NJ)	Wheat
Pursell	Smith (OR)	Whitten
Rahall	Smith (TX)	Williams
Rangel	Snowe	Wilson
Ravenel	Solarz	Wise
Ray	Spence	Wolf
Reed	Spratt	Wolpe
Regula	Staggers	Wyden
Richardson	Stallings	Wyllie
Ridge	Stark	Yatron
Rinaldo	Stearns	Young (AK)
Ritter	Stenholm	Young (FL)
Roe	Stokes	

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1992

Mr. BEILENSEN, from the Committee on Rules, submitted a privileged report (Rept. No. 102-112) on the resolution (H. Res. 176) waiving certain points of order during consideration of the bill (H.R. 2622) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore (Mr. PANETTA). Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2508.

□ 1552

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, with Mr. McDERMOTT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 12, 1991, the amendment offered by the gentleman from Illinois [Mr. HYDE] had been disposed of and title V was open for amendment at any point.

There are 2 hours and 3 minutes remaining in debate on all amendments.

Pursuant to the order of the House of Wednesday, June 12, the Chairman of the Committee of the Whole may postpone until later that legislative day recorded votes, if ordered, on any amendment to the bill and may reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on all amendments following the first vote in the series.

Pursuant to the order of the House of Wednesday, June 12, only those amend-

ments printed in the CONGRESSIONAL RECORD on or before June 12 are in order.

Are there further amendments to title V?

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

Mr. Chairman, I take this time to advise the House that it is our intention to continue our work until 6 o'clock tonight and then rise. We will seek to cluster votes as requested, as permitted under the unanimous consent request, and the gentleman from Michigan [Mr. BROOMFIELD] and I request that any vote called for after 5 o'clock tonight be postponed until Tuesday.

The leadership informs us that we cannot finish this bill tonight. I agree, much as I would like to finish it. The leadership informs us that we will be back on the floor on Tuesday, and that we will continue as long as it takes to finish the bill.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I have a concern that if we debate an issue tonight of significance and it is held over until next week, the body may not recall all the nuances of an amendment and we may end up voting blindly. I just wonder if there might be some latitude allowed, especially on the more important amendments?

Mr. FASCELL. Mr. Chairman, I have not made the request yet. I did that because the ranking Republican of my committee asked me if I would consider making the request that any vote after 5 o'clock called for today would be put over until Tuesday. That is fine with me, but I am going to have to leave it up to the wisdom of my colleague over there.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

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

Mr. FASCELL. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, as I counted the amendments to title VIII relative to the question of aid to the Soviet Union, there are seven Republican amendments filed and at least two Democratic amendments filed, and I am concerned that on this very important subject, which we probably would not get to until after the end of the 8-hour period and when we would then be in the 5-minute period, that on a question of this importance we ought to have a more thorough debate and an opportunity to consider these amendments in context.

Let me provide one other bit of information here. Those seven amendments, if we took the entire amount of time and had recorded votes on all of them, would consume the entire period of 3

NOES—80

Allard	Glickman	Packard
Archer	Hancock	Pallone
Army	Hansen	Penny
Baker	Hefley	Petri
Ballenger	Henry	Ramstad
Barton	Herger	Rhodes
Bentley	Holloway	Riggs
Bunning	Hubbard	Roberts
Burton	Hunter	Rohrabacher
Campbell (CA)	Inhofe	Roth
Clinger	Jacobs	Santorum
Coble	Johnson (TX)	Schaefer
Combest	Kasich	Schroeder
Cox (CA)	Klug	Sensenbrenner
Crane	Kyl	Shays
Dannemeyer	Lagomarsino	Shuster
Dickinson	Lewis (FL)	Slattery
Doolittle	Luken	Solomon
Dorgan (ND)	Marlenee	Stump
Dornan (CA)	McCandless	Sundquist
Dreier	McEwen	Swett
Duncan	Meyers	Taylor (NC)
Fawell	Miller (OH)	Thomas (WY)
Fields	Moorhead	Walker
Franks (CT)	Nichols	Zeliff
Galleghy	Nussle	Zimmer
Gilchrest	Oxley	

NOT VOTING—13

Clay	Houghton	Serrano
Coleman (TX)	Moakley	Synar
Gaydos	Quillen	Yatesse
Green	Rostenkowski	
Hopkins	Roukema	

□ 1550

The Clerk announced the following pair:

On this vote:

Mr. Houghton for, with Mr. Quillen against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

hours and 45 minutes. If we were able to reduce the number of those amendments to no more than two on our side and two on your side and have a period of 20 minutes of general debate per side, we could probably complete those in far less time and still have a good thorough debate and have them all considered at the same time. As a matter of fact, on the Republican side we can reduce the seven proposed amendments down to two, and if one of them would pass, the other would not even be offered.

Therefore, I would ask the chairman of the committee if he would be amenable to a unanimous consent request when we get to that part of title VIII, perhaps next week, that we have a period of 40 minutes of general debate, 20 minutes per side, and limit the amendments to two per side, with 5 minutes for each on each side.

Mr. FASCELL. Mr. Chairman, I just wanted to be sure the gentleman had finished his question before I answered. It is a rather lengthy one.

First of all, as far as modifying the rule is concerned, that would have to be done in the House.

Second, the gentleman is talking about title VIII. That is a long way from where we are now. We have made good progress, and I want to compliment my colleagues on both sides of the aisle because we have been able to consider many amendments. So I am very receptive to the suggestion that nine amendments could be reduced to one. I think that is possible. It would take agreement to determine the length of time for debate.

But the gentleman must remember that he is not the only one with an important amendment. Many Members do not think that amendment is very important, but I know the gentleman does. So we will have to do the best we can when we get there.

Let me suggest that we continue to work, with the idea that we would focus on reducing the number of amendments and getting the principal ideas debated, and then we can see what we can work out on time. But if we do that for the gentleman, we should do the same thing for other Members who have equally important amendments.

Mr. Chairman, I have taken this time because I wanted to bring everybody up to date on how we are proceeding.

□ 1600

AMENDMENT OFFERED BY MR. LAGOMARSINO

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

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: On page 384, line 15 insert the following new section and renumber the following sections accordingly:

*SEC. 5505. ASSISTANCE FOR INDIA

“(a) ANNUAL CERTIFICATION.—No assistance shall be furnished to India and no military

equipment or technology shall be sold or transferred to India, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology sold or transferred, that India does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that India will possess a nuclear explosive device.

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

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

There was no objection.

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

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I wanted to see if we could get a unanimous consent agreement on the consideration of this amendment and all amendments thereto. Is the gentleman from California [Mr. LAGOMARSINO] inclined to consider 10 minutes on that side and 10 minutes on this side on this amendment?

Mr. LAGOMARSINO. Mr. Chairman, reclaiming my time, before we started this debate I was advised that the gentleman from Pennsylvania [Mr. KOSTMAYER] does have an amendment to my amendment. Could we extend that another 5 minutes, say 12½ minutes on each side, just to accommodate his amendment?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, in the past couple of days we have spent 6 hours of the 8 hours total that we were supposed to use for debate on the foreign aid bill on about 15 or 20 amendments. We have about 60 amendments left to go.

I would just like to say to Members we ought to be concerned about the amendments of other Members, because if we drag this thing on, we are going to have amendments at the end that are not going to get the time they should have. Some of these amendments are very, very important.

Mr. Chairman, I hope that next year the chairman and ranking member will go to the Committee on Rules and try to constrain some of these very time-consuming amendments, so that we do not get to the point where we are today, where we only have 2 hours to debate 60 amendments.

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

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, the gentleman from Indiana [Mr. BURTON] raised a very important point. I agree with the gentleman. We tried to get that kind of rule. Maybe with some help, we will get it next year.

Mr. Chairman, on this particular request, let me just point out that it is better to get an agreement on the limitation of time. That at least gives us a chance.

Mr. LAGOMARSINO. Mr. Chairman, reclaiming my time, I would make the same point.

Mr. KYL. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. The Chair would announce that no request has been made.

Mr. FASCELL. Mr. Chairman, if the gentleman will yield further, I have not put the unanimous-consent request yet because there is no point in making it if someone is going to object.

Mr. Chairman, I will now ask unanimous consent that on this amendment and all amendments thereto, the time be limited to 15 minutes on each side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. KYL. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. The Chair notes the reservation.

Mr. KYL. Mr. Chairman, the point I was trying to make before, that I would now make to the distinguished chairman of the committee, the gentleman from Florida [Mr. FASCELL], is that with this kind of an agreement, which I support in principle because it will limit the debate time, by the time we get to the question of providing aid to the Soviet Union, which I think is an important subject and on which there are seven separate amendments, not just my amendment, I think we are going to be out of time.

Mr. Chairman, those amendments are going to be propounded seriatim, 5 minutes of debate time on each. There will not be a coherent debate on the question at large. By each of us taking all the time that we would be permitted under the rule, we could actually consume more time if 15-minute votes were called upon each.

Mr. Chairman, I do not think that is a good idea. I wish if we were going to consider this unanimous consent, which makes sense to me, we could get together with another unanimous consent that would deal with the entire subject of providing aid to the Soviet Union and the conditions that would be attached thereto.

Mr. Chairman, I would ask the gentleman from Florida [Mr. FASCELL] if in the course of the next hour or so we might discuss this so that perhaps when we come back Tuesday, or perhaps before even then, consulting with

all of the Members who have filed amendments, we could reach some conclusion on this, and if the chairman would try to work with us to achieve that objective.

The CHAIRMAN pro tempore. The Chair would announce that he would intend not to include the time which has already been taken by the gentleman from California [Mr. LAGOMARSINO]; that the 15 minutes on each side would be additional time.

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

Mr. KYL. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I would like to say to the gentleman from Arizona [Mr. KYL] one more time, there is no way to make that motion in committee. You have to do that in the House. We are in title V, and the gentleman from Arizona is talking about title VIII; the gentleman is talking about Tuesday, and this is Thursday. I have demonstrated in every way I know how my willingness to cooperate, but I am not about to give the gentleman from Arizona [Mr. KYL] a commitment right now, because I cannot.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida [Mr. FASCELL]?

Mr. BROOMFIELD. Mr. Chairman, reserving the right to object, I want to assure the gentleman from Florida [Mr. FASCELL] that I do agree with his statement that at 5 o'clock there will be no further votes on the bill. Several Members have come over and said the Chairman was not clear whether I accepted his request. I want Members to know that I do accept the request.

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

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I ask unanimous consent that any vote called for after 5 o'clock today be postponed until Tuesday.

The CHAIRMAN pro tempore. The Chair cannot entertain that request in the Committee of the Whole.

There is an existing request for unanimous consent before the Committee. Does the gentleman from Arizona [Mr. KYL] continue with his reservation?

Mr. KYL. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The gentleman from California [Mr. LAGOMARSINO] has 1 minute remaining.

Mr. LAGOMARSINO. Mr. Chairman, yesterday we considered the Hyde amendment to repeal the discriminatory Pressler certification on Pakistan. During the course of debate, it seemed to me that the majority believes that Pressler is an important and effective means to halt nuclear proliferation in south Asia.

It is also quite clear that the issue of nuclear proliferation in the region extends beyond Pakistan. The real reason

Pakistan has pursued a nuclear program—even at the expense of substantial American aid—is because of India's far more advanced nuclear program. Pakistan is further pushed by India's repeated refusal to concurrently sign the Nuclear Non-Proliferation Treaty and its arrogant rejection of Pakistani Prime Minister Sharif's recent initiative to convene a regional non-proliferation conference. Clearly, India's intransigence and refusal to seriously cooperate on nuclear non-proliferation is a major problem. Pakistan will take the steps we encourage, India will not.

Because the majority believes the Pressler certification is such a powerful means to influence a country's cooperation on nuclear nonproliferation, the bipartisan amendment CHARLIE WILSON and I are offering would extend—not repeal, not rollback, not modify—but expand the Pressler to include India. This amendment does not change Pressler with regard to Pakistan one bit.

We will be passing a provision in the next en bloc amendment—with the support of Congressman STEVE SOLARZ—stating that Congress recognizes that a successful nuclear nonproliferation policy in south Asia can best be achieved through a regional U.S. policy. Further, during yesterday's debate, Chairman FASCELL speaking in favor of keeping the Pressler certification stated, "It might be wise to consider some regional arrangement." That's exactly what the Lagomarsino-Wilson amendment does. Incidentally, both India and Pakistan consider this a regional issue—why shouldn't we?

Because the nuclear arms race in south Asia is between India and Pakistan, it makes sense for us to treat them equally. This amendment is not anti-India. We will be treating India no differently than we treat Pakistan.

Unilateral arms control does not work. Pakistan has pursued a nuclear weapons program because it wants to keep up with India. India back in 1974 exploded a so-called peaceful nuclear device. Can we blame them? India will not agree to any nuclear safeguards. India's conventional military force is many times larger than Pakistan's. The Indians even leased a nuclear submarine from the Soviets. India has developed ballistic missiles. India supported and continues to support the Soviet Red Army installed Najibullah regime in Afghanistan.

Congressman STEVEN SOLARZ himself stated back in 1987 in a Washington Post op-ed piece:

No one knowledgeable about Pakistan thinks there is the slightest chance that Islamabad, if forced to choose between United States aid and moving ahead on its nuclear program would accept safeguards in order to retain American assistance.

It was the democratically elected government of Benazir Bhutto that

crossed our nuclear red-line invoking Pressler sanctions. Obviously, India's continued nuclear program is fueling the regional arms race.

Some have unjustly criticized my amendment stating that we can't turn back history—India's nuclear genie is already out of the bottle and can't be put back in. That is true. However, India claims its nuclear program is totally peaceful. Pakistan shouldn't worry and has no real justification for a nuclear program. If this is so, then the President should have no problem certifying India.

What troubles me—and ought to trouble anyone seriously concerned about nuclear proliferation—is India's continued nuclear program. Experts estimate that if left unchecked, India could have produced as many as 40 to 60 nuclear weapons by the mid-1990's. Further, India feels it can use uranium fuel, which we supplied under International Atomic Energy Agency safeguards for weapons production when their agreement with us on this fuel expires in 1993. India has already used this fuel and produced plutonium—the stuff bombs are made of. India claims it will have unrestricted use of 1,800 kilos of plutonium, enough for 36 bombs. If pursued, this would be the first time a nonnuclear state has taken material supplied for a peaceful program and "legally"—that's in quotes—diverted it to weapons production.

Further, the leader of the Hindu Nationalist BJP, one of India's largest political parties stated in a Newsweek interview that, "India has no other option but to develop a nuclear deterrent of its own." We cannot ignore—or worse, reward as we are going with \$100 million in aid—such bellicose calls. With the growing chaos and violence in India, shouldn't we try to lower nuclear tensions rather than let them run the course of violent Indian politics?

Today, even if we were to determine without any doubt that India had several nuclear weapons, there is no unwaivable requirement for us to terminate our aid. What incentive, what pressure is there on India today to halt nuclear proliferation? Absolutely none. Placing India under the Pressler certification and conditioning our \$100 million aid on Indian cooperation on nonproliferation is very fair and reasonable. Just like we say to Pakistan, if India wants to make nuclear bombs and ignore nonproliferation overtures, we won't finance it.

It's time to treat India and Pakistan equally, not favor one and discriminate against the other, which is what we've been doing. Obviously this discriminatory policy has failed. If Pressler is so good for Pakistan, it ought to be just as good for India. Now is the time for the House to declare its opposition to nuclear proliferation in all of South Asia in a nondiscriminatory manner.

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

Mr. Chairman, yesterday, during the course of the debate on nuclear inspection and Pakistan, the gentleman from Illinois [Mr. HYDE] raised a question about the involvement of African nations in the Persian Gulf effort.

Notwithstanding the less than diplomatic style in which the comments were made, time did not permit me to present a response. Today, Mr. Chairman, I am pleased to take the time to answer the gentleman's inquiry.

Mr. Chairman, aside from the very visible and well compensated contribution, of men and materiel, made by the North African nation of Egypt, the Republic of Senegal sent the largest number of military personnel from sub-Saharan Africa to the Persian Gulf.

On December 15, 1990 President Abdou Diouf dispatched approximately 500 troops to the gulf, consisting of one headquarters and service company, one squadron of troops to man 12 American missile launchers and one infantry company. My colleague should note that Senegal is a predominantly Islamic nation.

On November 15, 1990, a 481 man contingent left Niger to participate in the gulf effort. Working closely with the Saudi Arabians during the early planning phases of Operation Desert Storm. It is important to note Mr. Chairman, that Niger was the first country to send its troops to the theater of hostilities. Again, my distinguished colleague should note that Niger is a predominantly Islamic nation.

The Republic of Sierra Leone responded by sending a military medical unit to the Persian Gulf to assist in the effort. That unit of medical personnel remains, as we speak, to see the Persian Gulf operation through completion. This very significant contribution came on the heels of their commitment and contribution to the peacekeeping efforts in Liberia.

Mr. Chairman, not only have these leaders acted with bravery and integrity, but it is critical to note that those leaders, actively participating in the military operations, took bold and courageous steps—considering their populations are predominantly Islamic. That participation takes on particular significance for Senegal which suffered the highest number of casualties in a single gulf related incident—over 90 soldiers and approximately 12 civilians.

While not every sub-Saharan nation was capable of or equipped to send military personnel to the region, a close scrutiny of the U.N. voting records on the United States led Persian Gulf resolutions will support their dedication to territorial integrity and their commitment to global peace and stability.

It is unfortunate, Mr. Chairman, that we cannot say the same thing about other coalition partners and supporters

of the gulf effort when it comes to working together for territorial integrity and regional peace and stability.

Mr. Chairman, in the Committee on Foreign Affairs recommendations to the full House on bilateral aid to Africa, the subcommittee unanimously supported a provision applauding the sub-Saharan nations for their brave and unwaivering support of the United States during this difficult time.

My distinguished colleague might be interested to know that there were more anti-Persian gulf protests and demonstrations in this country—the leader of the coalition forces, than in Senegal, Niger, and Sierra Leone—coalition participants—combined.

Mr. Chairman, the Congress should join calls for commendation of the President, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, the Secretary of State, and the American People in thanking those nations who sacrificed dearly to support our efforts in the Persian Gulf. It is because of the actions of leader willing to brave the threat of unpopular public sentiment, that the world has confidence in the international community's unequivocal commitment to peace, justice, and territorial integrity.

They deserve our gratitude, appreciation, and commendation.

□ 1610

In my judgment, the gentleman from Illinois may have done a disservice not only to Africa as a whole, but to those countries which participated in the Persian Gulf crisis.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The time of the gentleman from California [Mr. DYMALLY] has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. DYMALLY was allowed to proceed for 1 additional minute.)

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

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

Mr. LAGOMARSINO. Mr. Chairman, my colleague, the gentleman from California, is exactly right with regard to the tragic loss of Senegalese in the airplane crash. They lost at a higher percentage of their armed forces than any other nation in the Gulf did.

Yesterday the gentleman from California justified cutting Pakistan's aid partly on the basis that the money would be better used in Africa. I would point out to him that if he feels that way he should support this amendment because there would be another \$100 million that would not go to India.

Mr. DYMALLY. What the gentleman is doing is through legislative fiat making a criminal out of India. In other words, Pakistan has violated the law, and the gentleman is using legislation to put India in that category, and

it is very unusual. It is more. It is unique, very creative, a very innovative type of legislation where a body of legislators would make a country a violator when that country is not a violator. I find it most interesting, unprecedented and probably historical.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is really not a lot of point in going into who has been our friend and who has not, because we did a lot of that yesterday. But I would remind the House that Pakistan was a founding member of the Southeast Asia Treaty Organization. They were the base for the U-2 flights during the height of the cold war. They furnished us absolutely essential staging areas to enable the grave and courageous Mujaheddin to wage their heroic war of liberation against the Red army.

There were 30,000, although they were not in combat, there were 30,000 Pakistanis garrisoned in Saudi Arabia to protect their Yemen border during the gulf war, and when we balance that against the actions of India, it is pretty one sided.

India sided with the Soviet Union throughout the cold war. They maintained a military alliance. They produced T-72's and Mig 29's in New Delhi. They bullied their neighbors, Nepal, Pakistan, and Sri Lanka.

All we are asking here is for a matter of very simple equity. We are asking that the same non-nuclear proliferation language that we enforce on Pakistan that we also enforce on India, the same language.

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

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

Mr. DREIER of California. Mr. Chairman, I would just like to ask my friend from Texas to repeat that once again, because I can remember in the past we have constantly heard representatives from Pakistan say, "We will sign the 1968 Nuclear Non-Proliferation Treaty if India does the same." Am I correct in assuming that?

Mr. WILSON. The gentleman is absolutely correct. Pakistan will sign at the same time they sign. They will sign earlier if India promises to sign. And just this week the Prime Minister of Pakistan proposed a nuclear-free subcontinent where they just agreed bilaterally.

Mr. DREIER of California. If the gentleman will further yield, what kind of monitoring do we have of the development of nuclear capability in India today?

Mr. WILSON. None.

Mr. DREIER of California. I thank my friend for yielding.

AMENDMENT OFFERED BY MR. KOSTMAYER TO THE AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. KOSTMAYER to the amendment offered by Mr. LAGOMARSINO: On line 11 of the matter proposed to be inserted, strike out "does not possess a" and insert "has not developed additional" and on line 11 strike out "device" and insert "devices during fiscal years 1992 and 1993".

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

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

There was no objection.

Mr. KOSTMAYER. Mr. Chairman, this is a very simple amendment.

Mr. Chairman, on line 11 delete the words "does not possess a" and substitute the words "has not developed additional". Furthermore, Mr. Chairman, on line 11 make the word "device" plural and add the words "during fiscal years 1992 and 1993".

The purpose of the amendment, Mr. Chairman, is simply to give India an opportunity to comply.

Under the provisions of the amendment offered by my friend from Texas, Mr. WILSON, India would have all of their assistance cut off instantly because in fact they have already developed a bomb. They developed a bomb 10 years ago. This gives them the opportunity not to develop additional nuclear devices. It gives the Government of India the opportunity to comply and places them I think in a position with Pakistan which is genuinely equal and gives both countries the opportunity to demonstrate compliance with our wishes.

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

Mr. KOSTMAYER. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, reading the amendment and reading the gentleman's amendment to the amendment, we are not talking about humanitarian aid here, we are talking about military equipment and technology. So by accepting the gentleman's amendment we are then saying that there will be no military technology transfer if India continues to build nuclear warheads?

Mr. KOSTMAYER. The gentleman from Texas is precisely correct. We are not talking about humanitarian assistance. Public Law 480 Food for Peace is already exempt under the law, and this affects only a relatively modest amount, in fact, of military assistance.

Mr. WILSON. Military technology transfers I think is the key thing.

But I would also like to ask the gentleman, he is not saying that India has to destroy their nuclear arsenal, he is simply saying they cannot continue

building warheads and receive additional military technology transfers?

Mr. KOSTMAYER. The gentleman from Pennsylvania is saying India should not be penalized for something that happened 10 years ago, but she should cease and desist from developing additional nuclear devices. That is something she can comply with. That is something she should comply with.

Mr. WILSON. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word and to respond to the amendment.

Mr. Chairman, I accept the amendment as well, although I must point out that with the amendment India will be treated much more kindly than Pakistan. There is no such grandfather clause with respect to Pakistan.

But nevertheless, it does put them at least in the future on an equal footing, and I think that is what this should be all about. We should be talking about a regional approach.

We will be passing a provision in the next en bloc amendment, with the support of the gentleman from New York, Mr. SOLARZ, stating that Congress recognizes that a successful nuclear non-proliferation policy in Southeast Asia can best be achieved through a regional United States policy.

□ 1620

I think that is what we should do.

When we were discussing the Hyde amendment yesterday, the gentleman from Florida [Mr. FASCELL], speaking in favor of keeping the Pressler certification which is the view that prevails, stated, "It might be wise to consider some regional arrangement," and that is exactly what the Lagomarsino-Wilson amendment does.

Incidentally, my colleagues, both India and Pakistan consider this a regional issue. Why should we not? Because the nuclear arms race in South Asia, and yesterday my colleague, the gentleman from New York [Mr. SOLARZ], said, "We do not want to start a nuclear arms race," and I submit we already have, or they already have started one, but it does make sense for us to treat them equally.

As I said before, the amendment is not anti-India. We will be treating India no differently than we treat Pakistan, although with the adoption of the Kostmayer amendment, we will be treating India a little bit better, because we will not be looking back, we will be looking forward, which is more than we do with Pakistan.

Unilateral arms control does not work, as the chairman, the gentleman from New York [Mr. SOLARZ], pointed out in a Washington Post piece back in 1987:

No one knowledgeable about Pakistan thinks there is the slightest chance that Islamabad, if forced to choose between U.S. aid and moving ahead on its nuclear program, would accept safeguards in order to retain American assistance.

And that is exactly the case.

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

Mr. LAGOMARSINO. I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman and the gentleman from Texas and the gentleman from Pennsylvania for their leadership on this issue.

I spent many years in this House working with the Afghan resistance over the decade of the 1980's, and I must say that they had a tremendous impact on the way the Soviet Union ended up seeking to decentralize, seeking an exist from, to some extent, from communism; glasnost and perestroika.

The Afghan resistance was, in many ways, the Achilles' heel of Soviet Communist power in the decade of the 1980's, and they sacrificed themselves. They sacrificed their homes.

There are 3½ million Afghan refugees in Pakistan. They never gave up. They are fighting to this day. The Soviets poured in 1,500 Scud missiles over Afghan villages in the past year.

My colleagues, this successful resistance which ended in the Soviet withdrawal from Afghanistan and some degree of unhooking of Soviet Communist power at home could never have happened without the cooperation of Pakistan.

Pakistan was on the front lines as early as 1980 in helping us and helping the transfer of material assistance into landlocked Afghanistan.

The Members will recall in the early 1980's, and this is after the invasion by the Soviets of Afghanistan, the Soviets were on a roll. Basically their clients had won in Southeast Asia; their clients had won in Angola; their clients had won in Ethiopia; their clients had won in Nicaragua. The Soviets were on the move.

Who was right there facing Soviet power at that point in history? It was Pakistan.

The CHAIRMAN pro tempore. (Mr. MCDERMOTT). The time of the gentleman from California [Mr. LAGOMARSINO] has expired.

(At the request of Mr. DREIER of California and by unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 2 additional minutes.)

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

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

Mr. DREIER of California. Mr. Chairman, I would simply like to ask my friend, the gentleman from Pennsylvania, in light of the statement he just made so eloquently, it seems to me, can we not then treat India and Pakistan equally as we consider this issue?

Mr. RITTER. If the gentleman will yield further, I would think so. Frank-

ly, I have no real argument with India in this case, but it seems that we are discriminating against Pakistan, an ally with us through the most difficult of times, an ally in a great venture to support the Afghan resistance which ended up as a crucial, historic pressure to encourage change in the Soviet Union.

How can we treat Pakistan so shabbily? I just want to say that it is time that we considered this last decade a little more seriously here in the House and ceased and desisted from picking out Pakistan from amongst so many countries that have nuclear weapons and discriminating against her and her alone.

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Lagomarsino amendment, even as amended by the amendment offered by the gentleman from Pennsylvania, is entirely unhelpful, and, I regret to say, completely counterproductive. It is offered on the grounds that it would be unfair to discriminate in favor of India against Pakistan by holding Pakistan to a nuclear standard to which we do not hold India.

But I would like to argue that if symmetry is the purpose of this amendment, if the objective of my good friend from California is to apply to others the same standard we apply to Pakistan, why limit it to India? Why not include China?

We all know, for example, that the driving force behind India's nuclear program, such as it may be, is its concern about China, which has already gone to war once against India and which has nuclear weapons, some presumably targeted on India. If we add India to the list, and I see some heads shaking on the other side of the aisle, so there may be an amendment at any moment to add China to the list—supposing we add China to the list, why stop there?

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

Mr. SOLARZ. I am happy to yield to the gentleman from Texas [Mr. WILSON], my close friend, my good friend, my colleague from Texas, who single-handedly is responsible for driving the Red Army out of Afghanistan and whom history will record as the liberator of that troubled land.

Mr. WILSON. Thank you very much. I hope that all of my constituents saw all of that. If they did not, they will see it during the campaign.

But the gentleman is an expert in the field of nuclear nonproliferation and I am not.

But the gentleman brings China to the forefront here. But is it not true that China is one of the five nuclear powers recognized in the nonproliferation act or nonproliferation treaty that was signed, China, the United States,

the Soviet Union, Great Britain, and France?

Mr. SOLARZ. The United States, Great Britain, and the Soviet Union are all signatories of NPT. France just agreed to sign it.

China, in fact, is the only one of the countries that acknowledged they have nuclear weapons, that are proud of the fact that they have nuclear weapons, that has not signed the NPT.

Mr. WILSON. There is some list. The gentleman and I explored this one time. The State Department has five countries that are certified as being nuclear powers.

Mr. SOLARZ. I think the gentleman would probably agree that there is a widespread view that, in fact, there are more than five countries that have nuclear weapons. Most people refer to the five members of the nuclear club, but with respect to the Nuclear Nonproliferation Treaty, China is the only country which openly acknowledges and proclaims and boasts of the fact that it has nuclear weapons that has not signed the NPT.

Mr. WILSON. I thank the gentleman.

Mr. SOLARZ. What I wanted to say to my friends on the other side of the aisle who have sponsored this amendment is that if we are going to do this in the name of symmetry, why stop at the Subcontinent? Let us make it global. You know, as I know, that the Pakistanis complain not just that India is not included in the Pressler amendment. They complain bitterly that the so-called Zionist entity, as they put it, the one the United Nations said was guilty of racism, is not included. They want Israel included.

I will be interested to see if anybody offers an amendment to the amendment adding Israel to the list in the name of symmetry.

□ 1630

If this is good not only for Pakistan and India, why should it not be good enough for Israel? Why should it not be good enough for China? In fact, why should it not be global?

I will tell Members why. Back in 1985, when it was adopted by a Senate controlled by the Republicans and a House controlled by the Democrats, accepted by a Republican President, the reason it applied only to Pakistan and not to the other countries was because we felt that with Pakistan we could make a difference. We were in the process of giving them \$6 billion over the course of the 1980's. My friends on the other side of the aisle say that this discriminates against Pakistan.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 3 additional minutes.)

Mr. SOLARZ. Mr. Chairman, the truth is that over the 1980's we repeatedly discriminated in favor of Pakistan.

For example, Pakistan was the only country in the world that violated the Pressler amendment, which prohibits American aid to countries that have unsafeguarded nuclear enrichment equipment, and we gave Pakistan repeated waivers. Pakistan was the only country that violated the so-called Solarz amendment, which prohibited aid to any country in the world that surreptitiously and illegally attempted to export from the United States materials for a nuclear weapons program.

One of their agents was convicted in an American court of law, and in spite of the fact that the law was violated, the President gave them a waiver, so we discriminated once again in favor of Pakistan, and we continued our program of aid to them.

We further discriminated in favor of Pakistan by giving them nearly 60 F-16's. There is not another country in South Asia to which we have sold that kind of advanced equipment.

Now, let me come back to the basic question: Why apply this to Pakistan and not to India? Basically, one reason and one reason only. That is, because with Pakistan we are offering them about a quarter of a billion dollars in aid, and that gives the United States some leverage. It is possible that they may decide that they would rather have the aid, rather than lose it by violating the Pressler amendment. If we apply this to India, are we going to stop India's nuclear program, whatever it may be? Is \$22 million in development assistance, which is basically what we are talking about here, going to influence the government of India when it is concerned about the nuclear threat it faces from China? Of course not.

So what will happen? The adoption of the amendment is not going to stop Pakistan's program. It certainly will not stop India's nuclear program. But it will have various adverse consequences for Indo-American relations.

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

Mr. SOLARZ. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Would not the gentleman from New York agree that his current situation is demeaning to Pakistan and is insulting to Pakistan, if all the other arguments the gentleman has made are correct, and I do not happen to think they are, would the gentleman from New York not confess that this is demeaning, to place the Pakistanis in this situation?

Mr. SOLARZ. I do not think it is any more demeaning to Pakistan than applying the Pressler amendment to them when they are a Muslim country but not applying it to Israel, which is a Jewish state.

Mr. KOSTMAYER. If the gentleman will continue to yield, how does he think the Pakistani Government will feel about the Wilson amendment?

Mr. SOLARZ. I think the Pakistan Government would welcome the Lagomarsino-Wilson amendment, no question about it, because they would be very happy if the United States cut off its aid to India even if it is only development assistance. They would probably calculate if our relations with India deteriorate, that would make it easier for them to get back in our good graces.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I listen to the arguments of my distinguished colleague from New York, and he is distinguished, he is one of the great foreign policy leaders in this House.

As he spoke, the phrase went through my mind that we should not let the perfect become the enemy of the good.

As I listened to the gentleman's comments, what came across to me is that the gentleman is saying to reject the Lagomarsino-Wilson-Kostmayer amendment because it is just good symmetry relating to one region. It is not perfect symmetry relating to the whole world. However, should we not make an effort, some effort, even if we cannot be assured a success, to send a message for regional nuclear weapons control in this part of the world?

Mr. SOLARZ. Reclaiming my time, I would say to my very good friend from the State of Washington that if I thought there was any possibility, one chance in a thousand even, that the adoption of this amendment would induce India to refrain from its nuclear program, I would support it.

However, I do not think there is any possibility whatsoever of achieving that. Twenty-two million dollars in development assistance gives the United States virtually no leverage with India on this issue. Its adoption will not bring to an end the Indian nuclear program. It will merely create a big chill on Indo-American relations.

Now, let me say to my friend from Pennsylvania and to my friend from California that it is true that from 1985 on we had the Pressler amendment, and nevertheless, the Pakistanis continued with their nuclear weapons program. Therefore, the argument is advanced that this will not do any good with respect to Pakistan if we continue it. However, the answer to that is that we always kept saying to Pakistan, "Unless you stop your nuclear weapons program, we won't be able to continue our aid."

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has expired.

Mr. SOLARZ. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. FASCELL. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. FASCELL. Mr. Chairman, I did not object earlier. However, I rise to strike the requisite number of words.

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

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

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Florida for his graciousness. I will not take the entire 5 minutes, unless some of my friends want to ask questions or engage in a colloquy.

The point I am trying to make is that over the course of the 1980's we constantly said to the Pakistanis, "Unless you stop your nuclear weapons program," and we spelled out what we meant by that, actions that they could have taken very privately, "we will not be able to continue our aid program." But over and over again, when the moment of truth came, we blinked, and the Congress adopted waivers, or the President issued waivers. So the Pakistanis came to the conclusion that this was one big charade. Their leaders would say, "We have no nuclear weapons program." They said it publicly and they said it privately. The truth of the matter is that they were lying. They were lying to the United States then, and they continue to lie to the United States now, because they continue to say that they do not have a nuclear weapons program, when all persons know that they do.

They came to the conclusion that it really did not matter because every time aid was supposed to be cut off, we issued a waiver. Now, finally, the President of the United States has said, "I can no longer issue waivers because it is clear on the basis of intelligence that I have that they are doing precisely what the Pressler amendment is supposed to prevent." So for the first time we said to the Pakistanis, "We are serious now." Some of the Members, for the most understandable reasons, believe Pakistan is an important country, they are good friends of Pakistan. They now offer this amendment, and Pakistan is watching and waiting and hoping that this will be adopted. They are hoping that we will blink. Only if we make it clear to Pakistan that we are not going to blink, that we are going to stand by our principled position, is there any hope.

It may be even that it will not work, and if it does not work, and it is obvious the cut-off of aid did not succeed, at some point we can come back and revisit the question, because it is clear-

ly not doing any good. But to add India to the Pressler amendment purely for the purposes of symmetry will result in a termination of \$22 million in development assistance for some very worthy and important humanitarian programs, in a country which has a quarter of a billion people living in absolute poverty. For what? If they want to send a signal to India, adopt a sense of the Congress resolution, urging India not to develop nuclear weapons. But why threaten to cut off the development assistance, particularly when we are not including China or Israel, we are not including South Africa, which is also getting assistance from the United States. Is any person going to suggest that we add South Africa to the list?

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

Mr. FASCELL. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I think the gentleman from New York is intellectually an inspiration to all Members. However, I think that he is making a speech on yesterday's amendment. Pakistan has been cut off. Pakistan has been cut off, and that is not the point.

□ 1640

I know the gentleman did not mean to mislead the House, but the gentleman does know that there is no humanitarian aid involved in this amendment whatsoever. What we are really talking about is supercomputers, military technology transfer. We are not talking about population programs, as the chairman said by mistake, I am sure.

Mr. SOLARZ. No; it was not a mistake. Perhaps this is a good time to clarify it.

Under the language of the amendment offered by the gentleman from California and the gentleman from Texas, it says that no assistance shall be furnished to India, and then it goes on that no military equipment, no assistance shall be furnished to India unless the President makes essentially the same certification that he has to make with respect to Pakistan.

The phrase "no assistance" includes development assistance. There is \$22 million of development assistance in this bill for India. That development assistance I broadly characterized as humanitarian, by which I meant it was for agricultural development, health, and education programs.

Mr. WILSON. No population control programs.

Mr. SOLARZ. No mandatory abortion money in this, but there is development assistance which would be cut off by this amendment if the President cannot issue the certification. And the President will not be able to issue the certification.

So if the whole purpose is simply to send a message, let us do it in the form of some sense-of-Congress resolution.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I want to congratulate my colleague, the gentleman from New York [Mr. SOLARZ] because as usual he is doing a very good job of defending India. Without him on the floor, India would suffer greatly, because he is in their corner 100 percent of the time on any issue, regardless of the consequences.

The bottom line is, Mr. Speaker, we have a good friend in that part of the country. It is called Pakistan, and Pakistan has surrounding it China, Russia, India, and other possible adversaries. We know that China, Russia, and India have nuclear capability. As a matter of fact, on the northwestern border there is a possible conflict brewing day in and day out between Pakistan and India which could result in a war, and Pakistan could not defend itself against nuclear attack by India. They do not have the ability to do it, even if they were to use all their F-16's which we have given to them.

Now, it does not seem sensible to me that we should penalize one of our strongest allies in that part of the world, Pakistan, while at the same time reward a country that has not been with us many, many times, in fact most of the time at the United Nations and in other bodies.

So I would just like to say that if we are going to cause Pakistan problems because of the nuclear proliferation issue, then we likewise should apply the same principle to India. To do less would be irresponsible, and it would also show the world that we do not reward our friends, we reward people who many times are not our friends.

So I would just like to say that I think we ought to really think long and hard about this.

The gentleman from New York is, as always, doing his utmost and doing a pretty good job of defending India, but we should be supporting our good friend and ally, Pakistan, who is in jeopardy.

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

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the gentleman from New York kept mentioning Israel. An important point needs to be made here. Pakistan and India have fought 3 or 4 wars in the last 40 years.

India is 10 times the size of Pakistan. India has a fully developed nuclear program. We are just asking them to slow down a little bit. Israel is no threat to Pakistan, but India certainly is. Nor is, of course, Israel a threat to India, but India perceives Pakistan to be.

I just wanted to get that in the RECORD.

Mr. BURTON of Indiana. Well, Mr. Chairman, I appreciate that. I would just like to add that if the United States was surrounded by countries that had nuclear capability and we did not have that capability, I think that we as a body would want to do something to make sure there was parity for our own security.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman from Indiana yield to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, the gentleman from New York has turned this into an argument over Pakistan. This is not an argument over Pakistan. This is a proposal for regional arms control in South Asia. This is the kind of proposal that the President has I think very wisely made in the Middle East.

This gives us a chance to reduce the level of weapons in that part of the world. It ought to be done, and if India does not like it, let them stop building bombs. It is as simple as that. There is no need to make this issue more complex than it is, and I appreciate my friend, the gentleman from Indiana, yielding to me.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his comments.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening carefully to this debate. I believe that the gentleman from New York has made some extremely compelling arguments, primarily why this amendment simply would not work. I want to address myself initially to the eloquent comments of my very good friend, the gentleman from Pennsylvania.

I think this is a tough issue. I think that some of the most talented and respected Members of this House have been making credible and thoughtful arguments in support of this amendment.

The fact of the matter is that this is not a comprehensive proposal for regional arms control. I think we need a comprehensive proposal for regional arms control in South Asia, and it would be extremely useful to the interests of the United States and the stability of South Asia if we could go back to the drawing boards and try to come up with a comprehensive proposal for South Asia; but the fact of the matter is, as my friend, the gentleman from New York, emphasized in his last remarks, this is an amendment about India and India alone. This is an amendment about no other country.

The issue with regard to Pakistan has been resolved. For better or worse, it has been resolved. The Pressler amendment remains in force with regard to Pakistan. We can rehash that

debate. I am not sure it is constructive to do so.

We are talking about in the name of a symmetry and the name of a symmetry which does not exist and which will not be implemented, adding India to that list, and as soon as you start talking about symmetry between Pakistan and India, questions appropriately get raised with regard to symmetry between India and China. You have a range of other implications that are at stake. If you add India to a Pakistan context, what next with regard to China?

I think it is important just to look at the programs that we would be cutting with regard to India if this amendment were enacted. We would be cutting programs that are extremely important to a country which is the most populous democracy on the globe, a country whose relations with the United States have improved substantially over the last several years, and particularly as the cold war winds down, a country with whom we have the opportunity to substantially improve our relations even further.

We are talking about cutting plant genetic resources, which assist India in preserving its rich and diverse plant genetic resources for use in sustaining advances in agriculture. We are talking about agricultural commercialization. We are talking about technical assistance. We are talking about quality control of health technologies. We are talking about AIDS prevention and control, something absolutely essential in terms of not only India, but the rest of the developing world.

Mr. Chairman, I will yield in a moment, but I just want to complete my point; that is, if this were leverage that might have an impact, it is something that we ought to think about; but as my friend, the gentleman from New York, very cogently emphasizes, we are talking about a modest amount of money, money that is important in terms of development assistance, but money which India would not see as leverage in terms of what we are trying to accomplish here.

I think the intent is understandable, but if we wish to accomplish it, let us go back to the drawing boards with something significant with regard to meaningful regional arms control, not taking this particular singular approach cutting absolutely essential programs in terms of development, assistance and putting on the chopping block potentially improving relations between the United States and India.

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

Mr. LEVINE of California. I yield to my friend, the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, we would be cutting those programs in Pakistan, too. Pakistan is not much better off than India. There are lots of

poor people, perhaps not as many in Pakistan as there are in India, and we would be cutting all those valuable programs, too.

We are not talking about an amendment to cut family planning, God forbid, or other good programs in India. We are talking about an amendment to bring some kind of regional arms control to South Asia. We are talking about fairness. We are talking about equity. That is the issue.

Mr. LEVINE of California. I would say, Mr. Chairman, we are talking about a symmetry and a disproportionate reaction. As my friend, the gentleman from New York emphasized, we are talking about a quarter of a billion dollars to Pakistan in a range of areas, mostly military.

□ 1650

We are talking about \$25 million or \$22 million to India, in vitally important programs, including AIDS prevention and control. It is not symmetrical, it will not work and it is not productive.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really do not like to say what I am going to say, because I revere my dear friend, the gentleman from California, BOB LAGOMARSINO. I think he is one of the most astute Members of Congress, one of the most knowledgeable, and his judgment, I do not think I have ever disagreed with in my 17 years here.

But I really must not, cannot take the approach that he is taking to this situation. In the wake of my fervent advocacy for Pakistan, it may sound incongruous, but I do not mean it to be.

I think the imposition of the Pressler amendment on Pakistan is an outrage, I think it is ineffective, it is a way to alienate and turn away a great ally that has done a great deal for this country; not perfect, but we are not perfect. But I think we are mistreating somebody, and very badly. But, that said, I do not see that we have to turn to India and do the same thing to India. We will not have a diplomat welcome in that part of the world. Just now, we will not have one in Pakistan. I think it is stupid and self-defeating. But why should we do the same thing to India?

The Kostmayer amendment is creative, but it is not going to work either. A country that has developed a nuclear device is not going to give it up. It gives them standing in the club. They are not going to give it up.

Besides, we do not have any way to check on what they are doing and how they are doing it. Besides, why treat India and Pakistan one way and Israel another way?

We ought to treat every nuclear country, every country that has a nuclear device, the same way. And we all

ought to get together and have an international regime of control. Now we have that. We have a nuclear non-proliferation treaty. Unfortunately, India has not signed it, and Israel will not sign it. And of course, Pakistan says she will sign it if India signs it.

Now, the only way to have an effective, useful control of nuclear devices is to have a multilateral agreement that everyone agrees to be honest with everyone else and to share what information they have.

Pakistan is as entitled to a nuclear device as Israel, as India. And if you believe in mutual assured destruction, you ought to say that is right, that is the way to keep the peace.

I happen to believe in the mutual assured survival with the SDI. I happen to think we ought to give Pakistan and India and Israel the SDI.

Then you can throw away your nuclear bombs.

But we vetoed that in this Congress. So that is out of the question.

But to impose on India a stricture they cannot possibly accept is to turn our backs on that part of the world. I would rather work on getting a little smarter toward Pakistan and getting their cooperation and eliminate the Pressler amendment, but I do not see why we have to dump on everybody in the region and have no relations with anybody.

So with considerable pain, I hate to disagree with my friend, BOB LAGOMARSINO. I guess it is the exception that proves the rule. It is the only time I ever have.

But I do not think it is effective. I do not think India is going to cooperate with us. We just lose any leverage we have with anybody.

We have been foolish vis-a-vis Pakistan; why be foolish vis-a-vis India and the rest of the region?

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

Mr. HYDE. I yield to my good friend, the gentleman from New York [Mr. SOLARZ], of the lopsided approach to the Southeast Asia region.

Mr. SOLARZ. I thank the gentleman for yielding.

I want to thank my very good friend from Illinois for yielding, and I want to commend him for a truly extraordinary statement. To say that I was surprised to hear him, very painfully, as he indicated, but nevertheless come out in opposition to the amendment offered by this very good friend and my very good friend from California, I must say amazed me. But in a certain sense it did not surprise me, because while the gentleman from Illinois and I have disagreed, I have always noted the fact, I have always admired the fact that he has the courage of his intellectual integrity and of his convictions.

I want to say to the gentleman and also to my friends on the other side of the aisle that I think a very good point

has been made, that we ought to think about an approach that we apply globally. I want to suggest—I see the distinguished chairman of the Committee on Foreign Affairs is here—that at some point later this year or, if necessary, at the beginning of the next session, we commence a series of hearings in order to see if we can forge a sensible policy on nuclear nonproliferation.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. SOLARZ. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. HYDE] be allowed to proceed for 1 additional minute.

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

Mr. FASCELL. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLARZ] has already spoken on this amendment.

Without objection, the gentleman from New York [Mr. SOLARZ] is recognized for 5 minutes.

There was no objection.

Mr. SOLARZ. I am not going to take the 5 minutes. I will not take 50 seconds. I just want to say in conclusion, particularly to my friends on the other side of the aisle, that the Lagomarsino amendment is strongly opposed by the administration, and I would hope that you would take that into account when determining how to cast your votes.

India is the world's most populous democracy. It is the preeminent power on the subcontinent. It is a good friend of the United States. If we adopt this amendment, it will inevitably be seen in India as a tilt toward China. To adopt this amendment without including China plays right into the hands of the hardliners in Beijing.

Mr. Chairman, I urge the rejection of the amendment, as amended by the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. LAGOMARSINO].

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

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I will try not to take the 5 minutes. I think we have had a long and, I think, good debate on this issue.

But what troubles me and should trouble everyone is India's continued nuclear program.

Experts say that, if left unchecked, India could have 40 to 60 nuclear weapons by the mid-1990's. Further, India feels it can use uranium fuel which we supplied under International Atomic Energy Agency safeguards, for weapons production when their agreement with us on this fuel expires in 1993. They have already used this fuel and produced plutonium. That is what bombs are made of.

The claim they will have unrestricted use of 1,800, 1,800 kilos of plutonium, enough for 36 bombs.

Further, the leader of the Hindu National BJP Party, one of India's largest political parties, stated in a Newsweek interview that India has no other option but to develop a nuclear deterrent of its own. We cannot ignore or, worse, reward as we are doing with \$100 million in aid, such calls.

I would also just say that we are talking about a regional thing. India—talking about China, India refused Pakistan's offer to have nonproliferation conferences that included China. If India's program is as peaceful as they claim, especially with the Kostmayer amendment, there should be no problem with the certification.

If not, India should be pressured just like Pakistan.

Now, we have other mechanisms to pressure China. We do not have to give aid to China. We will have debates on that very soon.

Regional agreements can and do work. We have regional agreements ourselves with nations in the southern part of this hemisphere.

Mr. Chairman, I urge my colleagues to vote for the Lagomarsino-Wilson amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER] to the amendment offered by the gentleman from California [Mr. LAGOMARSINO].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. LAGOMARSINO], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 141, not voting 48, as follows:

[Roll No. 155]

AYES—242

Abercrombie	Applegate	Bennett
Alexander	Archer	Bevill
Andrews (ME)	Armey	Bliley
Andrews (NJ)	Baker	Boehner
Andrews (TX)	Ballenger	Borski
Annuzio	Barrett	Brewster
Anthony	Barton	Brooks

Browder	Hughes	Riggs	Hastert	McCloskey	Pickett
Brown	Hunter	Rinaldo	Hayes (IL)	McCollum	Rangel
Bruce	Hutto	Ritter	Hertel	McCrery	Roe
Bryant	Inhofe	Roberts	Hoagland	McDermott	Roybal
Bunning	Ireland	Roemer	Hobson	McEwen	Sabo
Burton	Jacobs	Rogers	Hochbrueckner	McGrath	Savage
Bustamante	James	Rohrabacher	Horton	McHugh	Sawyer
Callahan	Jenkins	Ros-Lehtinen	Hyde	McMillen (MD)	Scheuer
Camp	Johnson (CT)	Roth	Johnson (SD)	McNulty	Shays
Campbell (CO)	Jones (NC)	Rowland	Johnson (TX)	Mineta	Sikorski
Carper	Kanjorski	Russo	Jones (GA)	Mink	Sisisky
Carr	Kaptur	Sanders	Jontz	Mollinari	Smith (FL)
Chandler	Kasich	Sangmeister	Kennedy	Morrison	Solarz
Chapman	Kildee	Santorum	Kennelly	Mrazek	Stallings
Coble	Klecza	Klug	Kolbe	Murtha	Stokes
Coleman (MO)	Kolter	Kolbe	Kopetski	Nagle	Taylor (MS)
Combest	Kostmayer	Lantos	Lightfoot	Natcher	Torres
Condit	Kyl	Leach	Levin (MI)	Neal (MA)	Towns
Costello	LaFalce	Schroeder	Levine (CA)	Nussle	Vento
Coughlin	Lagomarsino	Schulze	Lewis (GA)	Oberstar	Vucanovich
Cox (IL)	Lancaster	Schumer	Lightfoot	Obey	Walsh
Cramer	Laughlin	Sensenbrenner	Long	Olin	Washington
Crane	Lehman (CA)	Serrano	Lowe (NY)	Owens (NY)	Waters
Cunningham	Lent	Sharp	Machley	Owens (UT)	Waxman
Dannemeyer	Lewis (CA)	Shaw	Manton	Pallone	Weiss
Davis	Lewis (FL)	Shuster	Mantoni	Payne (NJ)	Wheat
de la Garza	Lipinski	Skaggs	Mazzoli	Pease	Whitten
DeLay	Livingston	Skeen		Peterson (MN)	Wolpe
Dickinson	Lloyd	Skelton			
Dingell	Lowery (CA)	Slattery			
Dooley	Luken	Slaughter (NY)			
Doolittle	Markey	Slaughter (VA)			
Dreier	Martin	Smith (NJ)			
Duncan	Martinez	Smith (OR)			
Durbin	McCurdy	Smith (TX)			
Edwards (OK)	McMillan (NC)	Snowe			
Edwards (TX)	Mfume	Solomon			
Emerson	Michel	Spence			
English	Miller (OH)	Spratt			
Erdreich	Miller (WA)	Staggers			
Espy	Mollohan	Stark			
Evans	Montgomery	Stearns			
Fawell	Moody	Stenholm			
Fazio	Moorhead	Studds			
Fields	Moran	Stump			
Ford (MI)	Morella	Sundquist			
Frank (MA)	Myers	Swett			
Franks (CT)	Neal (NC)	Swift			
Frost	Nichols	Tallon			
Gekas	Nowak	Tanner			
Geren	Oakar	Tauzin			
Gillmor	Ortiz	Taylor (NC)			
Glickman	Oxley	Thomas (CA)			
Goodling	Packard	Thomas (GA)			
Gordon	Parker	Thornton			
Goss	Patterson	Torricelli			
Gradison	Paxon	Trafficant			
Grandy	Payne (VA)	Upton			
Guarini	Penny	Valentine			
Gunderson	Perkins	Vander Jagt			
Hall (TX)	Peterson (FL)	Visclosky			
Hammerschmidt	Petri	Voikmer			
Hancock	Pickle	Walker			
Harris	Porter	Weber			
Hayes (LA)	Poshard	Weldon			
Hefley	Price	Williams			
Hefner	Ramstad	Wilson			
Henry	Ravenel	Wolf			
Herger	Ray	Wyllie			
Holloway	Reed	Yatron			
Horn	Regula	Young (AK)			
Hoyer	Rhodes	Young (FL)			
Hubbard	Richardson	Zeliff			
Huckaby	Ridge	Zimmer			

NOES—141

Ackerman	Campbell (CA)	Eckart
Allard	Cardin	Edwards (CA)
Anderson	Clement	Engel
Aspin	Collins (IL)	Fascell
Atkins	Collins (MI)	Feighan
AuCoin	Conyers	Fish
Bacchus	Cooper	Flake
Bateman	Cox (CA)	Foglietta
Bellenson	Coyne	Ford (TN)
Bentley	Darden	Gallo
Bereuter	Dellums	Gejdenson
Bilbray	Derrick	Gibbons
Bilirakis	Dicks	Gilchrest
Boehliert	Dixon	Gilman
Bonior	Dorgan (ND)	Gingrich
Boucher	Dornan (CA)	Gonzalez
Boxer	Downey	Gray
Broomfield	Dwyer	Hall (OH)
Byron	Dymally	Hamilton

NOT VOTING—48

Barnard	Houghton	Pelosi
Berman	Jefferson	Pursell
Clay	Johnston	Quillen
Clinger	LaRocco	Rahall
Coleman (TX)	Lehman (FL)	Rose
DeFazio	Marlenee	Rostenkowski
DeLauro	Matsui	Roukema
Donnelly	Mavroules	Schaefer
Early	McCandless	Smith (IA)
Galleghy	McDade	Synar
Gaydos	Meyers	Thomas (WY)
Gephardt	Miller (CA)	Traxler
Green	Moakley	Unsoeld
Hansen	Murphy	Wise
Hatcher	Orton	Wyden
Hopkins	Panetta	Yates

□ 1721

The Clerk announced the following pairs:

On this vote:

Mr. Barnard for, with Mr. Berman against. Mr. Quillen for, with Mr. Miller of California against.

Messrs. BONIOR, DARDEN, and TORRES, Mrs. BYRON, Mrs. KENNEDY, Mr. KENNEDY, Mr. WAXMAN, Mrs. BOXER, and Mr. FOGLETTA changed their vote from "aye" to "no."

Messrs. BEVILL, RHODES, ABERCROMBIE, STUMP, HALL of Texas, HOYER, BENNETT, MOLLOHAN, and VISCLOSKY changed their vote form "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MEYERS of Kansas. Mr. Chairman, I was not able to be present for the vote on roll-call 155, the Lagomarsino amendment. Had I been present I would have voted "yes."

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to bring Members up to date, so everyone will have a better idea of the schedule. I intend shortly, with the agreement of the ranking minority member of the committee, to rise and go into the House for the purpose of a unanimous-consent request with regard to any

vote that may be requested in the next hour and 2 minutes, that that vote be rolled over until Tuesday, so Members who have obligations can depart.

Mr. Chairman, we would then, once permission is granted, go back into the Committee of the Whole. We think title V is finished. Then, with the concurrence of the gentleman from Michigan [Mr. BROOMFIELD], we would take up the en bloc amendment as the first matter in title VI.

We would then be prepared to begin debate on the Roth amendment, for whatever time may be required.

Mr. Chairman, I do not believe we will get much further than that. It is hard to say. In any event, I am trying to protect the Members in the event a vote is requested.

Mr. Chairman, I would now ask to rise, go into the House, request unanimous consent to roll over any vote, if one is requested, until Tuesday, go back into the committee, and finish the program I have outlined, which should allow us to finish by 6:30.

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

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I concur in the recommendation of the gentleman from Florida [Mr. FASCELL], and thank the gentleman very much for his cooperation.

Mr. PACKARD. Mr. Chairman, I rise today to express my displeasure with the Foreign Assistance Authorization Act for fiscal year 1992. While I support the concept of foreign aid to promote U.S. interests abroad, I object to the amount of appropriations authorized in this bill. This is just another example of excessive spending by Congress. During this time of growing deficits and budget constraints I can not, in good conscience, support legislation that does not work to decrease the Federal deficit. As spending increases and the deficit soars, I am increasingly concerned about the inability of Congress to cut spending. We must start now to reduce the Federal deficit by imposing across-the-board spending cuts. This way we can be sure that no one group will be singled out for spending cuts and the burden to reduce the deficit will be shouldered fairly.

Additionally, I oppose this legislation because of provisions contained in the bill which will draw a presidential veto, including repeal of the Mexico City policy.

I urge my colleagues to oppose passage of the foreign assistance authorization. Let's put together a bill that reflects fiscal and moral responsibility.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONIOR) having assumed the Chair, Mr. McDERMOTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to

rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall 155 I was absent. At the time of the vote I was in Milford, CT, addressing the graduating class of the Milford Police Academy. Had I been here I would have voted "nay."

Mr. Speaker, I ask unanimous consent that this statement appear in the permanent RECORD immediately after rollcall vote 155.

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

There was no objection.

POSTPONING VOTES IN COMMITTEE OF THE WHOLE ON FURTHER AMENDMENTS TO H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 2508, pursuant to House Resolution 170, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole on a subsequent legislative day any recorded votes that may be ordered on amendments to the bill.

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

There was no objection.

REDUCING TIME FOR VOTES POSTPONED ON H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for any such postponed votes after the first in a series of such postponed votes.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 392

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. PURSELL] be removed as a cosponsor of H.R. 392.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953

Mr. PORTER. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 953.

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

There was no objection.

INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore (Mr. BONIOR). Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2508.

□ 1728

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, with Mr. McDERMOTT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from California [Mr. LAGOMARSINO] had been disposed of.

Are there further amendments to title V?

If there are no further amendments to title V, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—SPECIAL AUTHORITIES, RESTRICTIONS, REPORTS, GENERAL PROVISIONS, AND TECHNICAL AND CONFORMING AMENDMENTS

CHAPTER 1—SPECIAL AUTHORITIES, RESTRICTIONS, AND REPORTS

SEC. 601. CONSOLIDATION AND REVISION OF AUTHORITIES AND REQUIREMENTS.

The Foreign Assistance Act of 1961 is amended by striking out existing part III (except as provided in section 642(c) of this Act) and by adding after title V, as added by title V of this Act, the following:

"TITLE VI—SPECIAL AUTHORITIES, RESTRICTIONS ON ASSISTANCE, AND REPORTS

"CHAPTER 1—SPECIAL AUTHORITIES

"SEC. 6101. AUTHORITY TO TRANSFER BETWEEN ACCOUNTS.

"(a) GENERAL TRANSFER AUTHORITY.—Subject to subsections (b) and (c), whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 percent of the funds made available to carry out any provision of this Act—

"(1) may be transferred to, and consolidated with, the funds in the account or fund available to carry out any other provision of this Act; and

"(2) may be used for any of the purposes for which funds in that account or fund may be used.

"(b) EXCEPTIONS AND LIMITATIONS.—

"(1) TRANSFERS NOT ALLOWED TO INCREASE FOREIGN MILITARY FINANCING PROGRAM.—The authority of subsection (a) may not be used to transfer funds for use under chapter 2 of title II of this Act.

"(2) CERTAIN FUNDS MAY NOT BE TRANSFERRED.—The authority of subsection (a) may not be used to transfer—

"(A) any funds made available pursuant to chapter 2 of title III (relating to the Overseas Private Investment Corporation);

"(B) any funds made available pursuant to section 1501 (relating to the housing and urban development guarantee program); or

"(C) any funds made available for development assistance or assistance under the Development Fund for Africa.

"(3) LIMITATION ON AMOUNT OF INCREASE IN AN ACCOUNT.—Unless otherwise expressly authorized, the total amount in the account or fund for the benefit of which a transfer is made under subsection (a) may not be increased by more than 20 percent of the amount of funds otherwise made available for such account or fund.

"(c) NOTIFICATION TO CONGRESS.—The authority of subsection (a) may be exercised only if the appropriate congressional committees are notified at least 15 days in advance of the exercise of that authority in accordance with the procedures applicable to reprogramming notifications under section 6304.

"SEC. 6102. SPECIAL WAIVER AUTHORITY.

"(a) FOREIGN ASSISTANCE ACT AND DEFENSE TRADE AND EXPORT CONTROL ACT.—The President may authorize the taking of any action (or the refraining from the taking of any action) under this Act, the Defense Trade and Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations Act without regard to any of the provisions described in subsection (c) if the President determines—

"(1) with respect to actions under chapter 2 or 5 of title II of this Act, or under the Defense Trade and Export Control Act, that to do so is essential to the national security interests of the United States; and

"(2) with respect to other actions under such Acts, that to do so is important to the national interests of the United States.

"(b) OTHER ACTS.—The President may authorize the taking of any action (or the refraining from the taking of any action) under any other Act without regard to any provision described in paragraphs (1), (2), or (3) of subsection (c) that would otherwise prohibit or restrict the taking (or refraining from the taking) of that action if the President determines that to do so is important to the national interest of the United States.

"(c) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a) and (b) are—

"(1) the provisions of this Act,

"(2) the provisions of the Defense Trade and Export Control Act,

"(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations Act,

"(4) any other provision of law that restricts the authority to provide assistance, make sales or leases, or take any other action (or refrain from taking any action) under the Acts referred to in paragraphs (1), (2), or (3), and

"(5) any law relating to receipts and credits accruing to the United States.

"(d) CONSULTATION WITH CONGRESS.—Before exercising the authority granted in this section, the President shall consult with, and shall provide a written policy justification to, the appropriate congressional committees.

"(e) NOTIFICATION TO CONGRESS.—A determination under subsection (a) or (b) shall be effective only if the President notifies the appropriate congressional committees, in writing, of that determination.

"(f) ANNUAL CEILINGS.—

"(1) IN GENERAL.—The authority of this section may not be used in any fiscal year to authorize—

"(A) more than \$750,000,000 in sales or leases to be made under the Defense Trade and Export Control Act;

"(B) the use of more than \$250,000,000 of funds made available for use under this Act; and

"(C) the use of more than \$100,000,000 of foreign currencies accruing under this Act or any other law.

"(2) FINANCED MILITARY SALES.—If the authority of this section is used both to authorize a sale or lease under the Defense Trade and Export Control Act and to authorize funds to be used under chapter 2 of title II of this Act with respect to the financing of that sale or lease, then the use of the funds shall be counted against the limitation in paragraph (1)(B) and the portion, if any, of the sale or lease which is not so financed shall be counted against the limitation in paragraph (1)(A).

"(3) LEASES.—For purposes of paragraph (1)(A) the value of the defense articles authorized to be leased (in terms of their replacement cost less any depreciation in their value) shall be counted against the limitation in that paragraph.

"(4) COUNTRY LIMITS.—(A) Not more than \$100,000,000 of the \$250,000,000 limitation provided in paragraph (1)(B) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression.

"(B) Not more than \$500,000,000 of the aggregate limitation of \$1,000,000,000 provided in paragraphs (1)(A) and (1)(B) may be allocated to any one country in any fiscal year.

"(g) LIMITATION RELATING TO TRANSFER AUTHORITY.—The authority of this section may not be used to waive the limitations on transfers contained in section 6101.

"SEC. 6103. NONMILITARY ASSISTANCE FOR UNANTICIPATED CONTINGENCIES.

"(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this Act in order to furnish, for any unanticipated contingency, assistance authorized by any provision of this Act (other than chapters 2 and 5 of title II) in accordance with the provisions applicable to the furnishing of such assistance.

"(b) ANNUAL CEILING.—The authority of this section may not be used to authorize the

use of more than \$50,000,000 during any fiscal year.

"(c) REPORT TO CONGRESS.—The President shall report promptly to the appropriate congressional committees each time the authority of this section is exercised.

"(d) PROHIBITION ON GIFTS.—Funds used under the authority of this section may not be used to pay for any gifts to any official of any foreign government.

"SEC. 6104. DEMOCRACY CONTINGENCY FUND.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President is authorized to use funds made available under subsection (e) to provide assistance for a foreign country if the President determines that a country—

"(1) has recently emerged or is in the process of emerging as a democracy; or

"(2) has recently emerged or is emerging from civil strife and either has a democratically elected government or is making substantial progress toward a democratic form of government.

"(b) PURPOSES OF ASSISTANCE.—Assistance under this section shall be provided—

"(1) in the case of a country described in subsection (a)(1), to encourage and facilitate the process of creating and institutionalizing democracy and to meet economic and political needs; and

"(2) in the case of a country described in subsection (a)(2), to meet the immediate economic and human needs resulting from the civil strife.

"(c) AUTHORITIES FOR ASSISTANCE.—Assistance under this section may be provided under the authorities of chapter 3 of title I (relating to economic support assistance) or any other provision of this Act.

"(d) NONAPPLICABILITY OF CERTAIN OTHER PROVISIONS OF LAW.—If the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 6304, assistance may be provided under this section notwithstanding any provision of law that would otherwise prohibit such assistance, except that this subsection does not apply to a country-specific prohibition that sets forth the conditions under which assistance may be provided.

"(e) TRANSFER AUTHORITY.—The President may use the authority of section 6101 of this Act to transfer funds for use under this section without regard to the 20 percent increase limitation contained in that section. The authority of this subsection may not be used if it would cause the amount of unobligated funds available for use under this section to exceed \$100,000,000.

"SEC. 6105. TERMINATION EXPENSES.

"(a) IN GENERAL.—Funds made available under this Act shall remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under this Act for the necessary expenses of winding up programs related to such termination. Funds obligated under the authority of this Act prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds for assistance for the country or organization whose assistance is being terminated. In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

“(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under this Act prior to the termination of assistance.

“(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

“(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments under this Act that were entered into prior to the effective date of the termination of assistance.

“(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.

“SEC. 6106. EXEMPTION OF ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS FROM RESTRICTIONS.

“(a) RESTRICTIONS NOT APPLICABLE.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under title I or chapter 1 or chapter 2 of title V in support of programs of nongovernmental organizations.

“(b) NATIONAL INTEREST CRITERIA.—The President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this section, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

“(c) NOTICE TO CONGRESS.—Before using the authority of this section to furnish assistance for a program of a nongovernmental organization, the President shall notify the appropriate congressional committees. Such notification shall describe the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance.

“SEC. 6107. EXEMPTION OF TRAINING ACTIVITIES FROM PROHIBITIONS.

“Provisions of this or any other Act shall not be construed to prohibit assistance for any training activity funded under this Act for a country as long as that country has a democratically elected government and the assistance is otherwise consistent with section 2808, section 4402, section 6201(a)(1), section 6201(a)(2), and section 6202.

“SEC. 6108. EXEMPTION FROM PROHIBITIONS FOR ASSISTANCE TO ADDRESS CERTAIN SPECIAL NEEDS.

“(a) EXEMPTION FROM PROHIBITIONS.—Funds made available under any provision of this Act for activities described in—

“(1) section 1201(d)(4) (relating to child survival activities),

“(2) section 1201(d)(5) (relating to the prevention and control of acquired immune deficiency syndrome (AIDS)),

“(3) section 1201(d)(6) (relating activities to address the special needs of displaced children),

“(4) section 1201(d)(9) (relating to environmentally sound, sustainable resource management), or

“(5) section 1201(d)(12) (relating to more efficient energy systems), may be used to support such activities notwithstanding any provision of law that restricts foreign assistance to foreign countries, other than provisions described in subsection (b).

“(b) EXCEPTIONS.—Subsection (a) does not apply with respect to section 2808 or any comparable provision of law prohibiting assistance to countries that support international terrorism.

“SEC. 6109. ACTIVITIES UNDER CERTAIN OTHER LAWS NOT AFFECTED.

“Unless expressly provided to the contrary, provisions of this Act and other provisions applicable to foreign assistance shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Mutual Educational and Cultural Exchange Act of 1961, the Export-Import Bank Act of 1945, the Agricultural Act of 1949, the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, the Inter-American Foundation Act, the African Development Foundation Act, or the Migration and Refugee Assistance Act of 1962, or commercial export promotion activities of the Department of Agriculture (including the Commodity Credit Corporation).

“CHAPTER 2—RESTRICTIONS ON ASSISTANCE

“SEC. 6201. INELIGIBLE COUNTRIES AND PROJECTS.

“(a) RESTRICTIONS.—Except as provided in subsection (b), assistance under this Act may not be furnished to any of the following:

“(1) COMMUNIST COUNTRIES.—A communist country, as designated under subsection (d).

“(2) HUMAN RIGHTS VIOLATORS.—A country described in subsection (e).

“(3) EXPROPRIATION OF UNITED STATES PROPERTY.—A country whose government—

“(A) has—

“(i) expropriated the property of any United States person,

“(ii) repudiated or nullified any contract with any United States person, or

“(iii) taken any other action (such as discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

“(B) has not within a reasonable period of time provided adequate and effective compensation and is not engaged in good faith efforts to negotiate a settlement, if the United States person has exhausted host country legal and other formal remedies.

For purposes of this paragraph, the term ‘United States person’ means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

“(4) MILITARY COUPS.—A country whose duly-elected head of government is deposed by military coup or decree unless subsequent to the military coup or decree a democratically-elected government has taken office.

“(5) NUCLEAR NONPROLIFERATION.—A country described in section 6206.

“(6) COMPETITION WITH UNITED STATES EXPORTS.—Direct support for any project or activity that is specifically designed to increase exports of any agricultural, textile, or apparel commodity from a developing country if such exports—

“(A) would be in direct competition with United States exports, and

“(B) can reasonably be expected to cause substantial injury to United States exporters of the same or substantially similar commodity.

“(7) COUNTRIES THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(A) A country which provides lethal military equipment to a country, the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this paragraph with respect to a country shall terminate 12 months after that country ceases to provide such military equipment.

“(B) Subparagraph (A) applies with respect to lethal military equipment provided under a contract entered into after the effective date set forth in section 1101 of the International Cooperation Act of 1991.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—Funds may be obligated and expended for assistance restricted by subsection (a), or any similar provision of law, under any of the following circumstances:

“(A) NATIONAL INTEREST.—The President determines that the furnishing of such assistance is important to the national interests of the United States.

“(B) ALLEVIATING SUFFERING RESULTING FROM A DISASTER.—The assistance is for the alleviation of suffering resulting from a natural or manmade disaster.

“(C) DIRECTLY BENEFITING THE POOR.—The assistance will be furnished through nongovernmental organizations and will directly benefit poor people in the country.

“(D) PROMOTING HUMAN RIGHTS AND DEMOCRACY.—The assistance will be furnished through nongovernmental organizations to directly promote increased respect for internationally recognized human rights and the development of democracy.

“(2) LIMITATIONS ON USE OF NATIONAL INTEREST WAIVER.—The authority of paragraph (1)(A) may be exercised with respect to the restrictions contained in subsection (a)(5) only if the President also determines that the furnishing of such assistance will further United States nonproliferation objectives.

“(c) REPORT TO CONGRESS.—Assistance restricted by subsection (a), or any similar provision of law, may not be provided under subsection (b) until the President has submitted to the appropriate congressional committees a report with respect to such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance meets the criteria specified in subsection (b). In the case of a report with respect to assistance provided under paragraph (1)(A) of subsection (b), the report shall be submitted, in accordance with the procedures applicable to reprogramming notifications under section 6304, at least 15 days before any funds are obligated for such assistance.

“(d) COMMUNIST COUNTRY LIST.—

“(1) ESTABLISHMENT.—The President shall designate those countries that are Communist countries for purposes of subsection (a)(1).

“(2) PUBLICATION OF LIST.—The initial list of countries designated pursuant to this subsection shall be published in the Federal Register and shall be provided to the appropriate congressional committees. Thereafter, any additions to or deletions from such list shall be similarly published and provided.

“(3) REMOVAL OF COUNTRIES FROM THE LIST; EXEMPTIONS.—The President may remove a country from the Communist country list established pursuant to this subsection, or may exempt a listed country from the appli-

cation of subsection (a)(1) or other provisions of law that reference subsection (a)(1), if the President promptly reports such removal or exemption to the appropriate congressional committees.

"(e) HUMAN RIGHTS VIOLATORS.—

"(1) INELIGIBILITY.—Subsection (a)(2) shall apply to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

"(2) MATTERS TO BE CONSIDERED.—In implementing subsection (a)(2), consideration shall be given to the following:

"(A) The relevant findings of appropriate international organizations and nongovernmental organizations.

"(B) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

"(C) Specific actions that have been taken by the President or the Congress relating to the human rights practices of the government in question.

"(3) RELATED RESTRICTIONS ON ASSISTANCE.—Subsection (a)(2) shall be deemed to prohibit, in addition to the furnishing of assistance under this Act—

"(A) sales of defense articles, defense services, or design and construction services under the Defense Trade and Export Control Act;

"(B) licenses under section 38 of the Defense Trade and Export Control Act with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country; and

"(C) licenses required under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment.

"SEC. 6202. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—None of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support for police, prisons, or other law enforcement forces of any foreign government or for any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

"(2) EXCESS DEFENSE ARTICLES, ETC.—Excess defense articles made available under chapter 3 of title II of this Act, and any other assistance authorized to be provided under this Act without regard to section 7201 (c) or (d), may not be provided to police, prisons, or other law enforcement forces of any foreign government.

"(b) EXCEPTIONS.—Subsection (a) of this section shall not apply with respect to—

"(1) international narcotics control assistance;

"(2) assistance, including training, in maritime law enforcement and other maritime skills;

"(3) assistance for a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights;

"(4) assistance in protecting and maintaining wildlife habitats and in developing sound

wildlife management and plant conservation programs; and

"(5) antiterrorism assistance.

"(c) EXCEPTIONS PROVIDED IN OTHER SECTIONS.—Other exemptions from the prohibition contained in subsection (a) are provided for fiscal years 1992 and 1993 in sections 402, 761, 781, and 802(a)(3) of the International Cooperation Act of 1991.

"SEC. 6203. INTELLIGENCE ACTIVITIES.

"No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States. Each such operation shall be considered a significant anticipated intelligence activity for the purpose of section 501 of the National Security Act of 1947.

"SEC. 6204. COUNTRIES IN ARREARS ON ASSISTANCE REPAYMENTS.

"Assistance may not be furnished under this Act to the government of any country which is more than 1 year in arrears to the United States Government on any payment of interest or principal on any loan made or credit extended under this Act or (under the former authorities of section 23 or section 24 of the Arms Export Control Act), unless the President determines that assistance to such government is in the national interest and notifies the appropriate congressional committees of such determination.

"SEC. 6205. FAMILY PLANNING ACTIVITIES.

"(a) ABORTIONS AND INVOLUNTARY STERILIZATIONS.—Funds made available to carry out title I or chapter 1 or chapter 2 of title V may not be—

"(1) used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions;

"(2) used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations; or

"(3) used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilizations as a means of family planning.

"(b) REFERRAL.—In order to reduce reliance on abortion in developing countries, funds allocated under title I or chapter 1 or 2 of title V for voluntary family planning projects shall be available only for projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services. In using such funds to award grants for natural family planning, no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the first sentence of this subsection.

"SEC. 6206. NUCLEAR NONPROLIFERATION.

"Section 6201(a)(5) applies to the following countries:

"(1) NUCLEAR ENRICHMENT.—A country that, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to a nonnuclear-weapon state or, if a nonnuclear-weapon state, receives such equipment, materials, or technology from any other country, unless before such delivery—

"(A) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

"(B) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

"(2) NUCLEAR REPROCESSING.—A country that, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear reprocessing equipment, materials, or technology to a nonnuclear-weapon state or, if a nonnuclear-weapon state, receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing).

"(3) ILLEGAL EXPORTS.—A country that is a nonnuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally or attempts to export illegally from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device. For purposes of this paragraph, an export or attempted export by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export or attempted export by that country.

"(4) NUCLEAR EXPLOSIVE DEVICES.—A country that, on or after the date of enactment of the International Security Assistance Act of 1977—

"(A) transfers a nuclear explosive device to a nonnuclear-weapon state, or

"(B) is a nonnuclear-weapon state and either—

"(i) receives a nuclear explosive device, or

"(ii) detonates a nuclear explosive device.

"CHAPTER 3—REPORTS AND NOTIFICATIONS TO CONGRESS

"SEC. 6301. CONGRESSIONAL PRESENTATION DOCUMENTS FOR ECONOMIC ASSISTANCE.

"(a) REQUIREMENT FOR SUBMISSION.—The President shall prepare, and submit to the Congress in a timely manner, annual congressional presentation documents for economic assistance programs under title I and chapters 1 and 2 of title V.

"(b) MATERIALS FOR DEVELOPMENT AND ECONOMIC SUPPORT ASSISTANCE.—For assistance under chapters 2 and 3 of title I the documents submitted pursuant to subsection (a) shall include the following:

"(1) The rationale for the allocation of assistance to each country, regional program, or centrally funded program. In the case of economic support assistance, this rationale shall include a justification for the provision of economic support assistance and for the particular use of that assistance.

"(2) A brief description of each country program, regional program, and centrally funded program, including—

"(A) in the case of development assistance, a discussion of how each program supports, as appropriate, the four basic objectives set forth in section 1102 of this Act; and

"(B) in the case of economic support assistance, a discussion of the extent to which each program supports the four basic objectives set forth in section 1102.

"(3) A description of new activities to be undertaken in the coming fiscal year.

"(c) DEVELOPMENT FUND FOR AFRICA.—The documents submitted pursuant to subsection (a) shall include a description of the progress made during the previous fiscal year in carrying out chapter 1 of title V in three countries in sub-Saharan Africa which represent differing economic situations and levels of progress. The description shall include—

"(1) the nature and extent of consultation to ensure local perspectives, as described in subsections (e)(1) and (f) of section 5101;

"(2) the degree of involvement of local people in the implementation of projects having a local focus;

"(3) the extent to which there has been expansion of the participation and integration of African women in each of the critical sectors specified in section 5101(i);

"(4) program assistance provided, including the amounts obligated, the criteria used for assisting reforms, and the provisions made pursuant to section 5101(h)(2)(B) to protect vulnerable groups from possible negative consequences of the reforms; and

"(5) a description of the assistance for the critical sector priorities specified in section 5101(i), by sector, including the amounts obligated.

"(d) OTHER ECONOMIC ASSISTANCE PROGRAMS.—The documents submitted pursuant to subsection (a) shall include for each economic assistance program (other than those programs specified in subsections (b) and (c))—

"(1) a summary of program activities for the previous year; and

"(2) a description of activities anticipated in the current fiscal year and the coming fiscal year.

"(e) REPORT ON UNEXPENDED BALANCES.—For assistance under chapters 2 and 3 of title I and chapters 1 and 2 of title V, the documents submitted pursuant to subsection (a) shall include—

"(1) an identification of any funds that, as of September 30 of the preceding fiscal year, had been obligated for a period of 2 years or more but had not been expended; and

"(2) a certification that the purposes for which such funds were obligated remain valid.

"(f) ADDITIONAL MATERIALS.—In conjunction with the submission of the documents pursuant to subsection (a), the President shall submit to the Congress a report which sets forth the following:

"(1) The dollar value of all foreign assistance, by category and by country, furnished by the United States Government by any means to each foreign country and international organization—

"(A) from 1946 to the fiscal year immediately preceding the fiscal year in which the report is submitted;

"(B) as obligated during the immediately preceding fiscal year;

"(C) as presented for the fiscal year in which the report is submitted; and

"(D) as proposed for the fiscal year following the year in which the report is submitted.

"(2) A summary of the net aid flow from the United States to each country, taking into consideration the repayments to the United States from previous foreign assistance loans and the debt relief granted by the United States.

"(3) The status of the debt servicing capacity of each country receiving assistance

under title I or chapter 1 of title V; and a statement summarizing the debt relief granted to each country by the United States and the purpose for which it was granted.

"SEC. 6302. HUMAN RIGHTS POLICY AND REPORTS.

"(a) PROMOTION OF HUMAN RIGHTS.—The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

"(b) CONDUCT OF ASSISTANCE AND MILITARY SALES PROGRAMS.—In furtherance of subsection (a), the President shall formulate and conduct United States assistance and military sales programs in a manner which will—

"(1) promote and advance human rights;

"(2) strengthen a relationship between civilian and military sectors appropriate to a democratic system of government; and

"(3) avoid identification of the United States, through these programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

"(c) MATTERS TO BE CONSIDERED.—In carrying out subsection (b) and in preparing the annual reports required by subsection (d) and any special report submitted pursuant to subsection (e), consideration shall be given to the following:

"(1) The relevant findings of appropriate international organizations and nongovernmental organizations.

"(2) The extent of cooperation by the government in question in permitting an unimpeded investigation by indigenous nongovernmental organizations, other nongovernmental organizations, and international organizations (such as the International Committee of the Red Cross), of alleged violations of internationally recognized human rights.

"(d) ANNUAL HUMAN RIGHTS REPORT.—In furtherance of subsections (a) and (b), the President shall transmit to the Congress, not later than February 28 each year, a full and complete report with respect to practices regarding the observance of and respect for internationally recognized human rights in every foreign country. Wherever applicable, such reports shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.

"(e) SPECIAL REPORTS.—Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President should, within 30 days after receipt of such request, transmit to both committees a special report with respect to the country designated in such request. The report shall set forth—

"(1) all information, which has become available since submission of the last report under subsection (d), with respect to the matters described in subsections (f) (1) and (2);

"(2) the steps the United States has taken to—

"(A) promote respect for and observance of human rights in the country in question and discourage any practices which are inimical to internationally recognized human rights;

"(B) publicly or privately call attention to such practices;

"(C) disassociate the United States, and any United States assistance or military sales provided for such country, from such practices; and

"(3) such other information as the committee may request.

"(f) INFORMATION TO BE PROVIDED.—Each annual report under subsection (d), and each special report pursuant to subsection (e), shall include—

"(1) all information available about observance of and respect for human rights and fundamental freedom in the country in question, and

"(2) a detailed description of practices by the recipient government with respect to human rights and fundamental freedom, including information provided by appropriate organizations, including nongovernmental organizations.

"(g) DEFINITIONS.—For the purposes of this section—

"(1) the term 'assistance' means any assistance authorized by this Act; and

"(2) the term 'military sales' means—

"(A) sales of defense articles, defense services, and design and construction under the Defense Trade and Export Control Act; and

"(B) licenses with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Defense Trade and Export Control Act.

"SEC. 6303. ANNUAL ALLOCATION REPORT.

"(a) REPORT ON ALLOCATIONS OF ASSISTANCE.—Not later than 30 days after the enactment of any law appropriating funds to carry out any provision of this Act, the President shall notify the appropriate congressional committees of—

"(1) each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law; and

"(2) the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each such country or organization.

"(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

"(1) funds appropriated under section 1901 or section 1902 for operating expenses of the administering agency for title I; or

"(2) any law making continuing appropriations for a period of less than 90 days.

"(c) NONWAIVABILITY.—The requirement of subsection (a) may not be waived under the authority of section 6102.

"SEC. 6304. NOTIFICATION OF PROGRAM CHANGES.

"(a) INCREASED ASSISTANCE AND NEW PROGRAMS.—Unless the appropriate congressional committees are notified at least 15 days in advance, funds appropriated for a fiscal year to carry out this Act may not be obligated for the following:

"(1) INCREASE IN ASSISTANCE LEVEL.—Any assistance under any provision of this Act—

"(A) for a country or international organization for which assistance under that provision was not justified in congressional presentation documents for that fiscal year, or

"(B) in excess of the amount justified in the congressional presentation document and allocated pursuant to section 6303, whichever is greater, for that country or or-

ganization under that provision for that fiscal year.

"(2) NEW ACTIVITIES.—Any economic assistance for a program, project, or activity under any provision of this Act—

"(A) which was not justified in congressional presentation documents for that fiscal year; and

"(B) for which assistance was not furnished for the preceding fiscal year.

"(b) CONGRESSIONAL PRESENTATION DOCUMENTS.—For purposes of this section, the term 'congressional presentation documents' means the annual congressional presentation documents for assistance under this Act or the justification documents accompanying a request for supplemental authorizations of appropriations or supplemental appropriations for assistance under this Act.

"(c) APPROPRIATIONS SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to all funds appropriated for assistance under this Act (including international narcotics control assistance) other than funds to carry out—

"(1) title III (relating to the Trade Development Agency and the Overseas Private Investment Corporation);

"(2) section 1501 (relating to the housing and urban development guarantee program);

"(3) programs of disaster relief and rehabilitation, including international disaster assistance programs; and

"(4) assistance from the Development Fund for Africa.

"(d) EMERGENCY EXCEPTIONS.—

"(1) WAIVER.—Subject to paragraph (2), the President may waive the requirement of—

"(A) subsection (a),

"(B) any provision that references the procedures under this section, or

"(C) any similar requirement contained in foreign assistance authorization or appropriations legislation to provide a specified period of advance notification to the Congress or congressional committees,

if the President determines that doing so is necessitated by emergency circumstances.

"(2) EXERCISE OF AUTHORITY.—Before exercising the authority of this subsection, the President shall notify the appropriate congressional committees, other specified congressional committees, or the Congress (as the case may be). Any notification under this paragraph shall contain an explanation of the circumstances necessitating the use of the authority of this subsection.

"SEC. 6305. QUARTERLY REPORTS ON OBLIGATIONS FOR DEVELOPMENT ASSISTANCE AND ECONOMIC SUPPORT ASSISTANCE.

"(a) QUARTERLY REPORTS.—At the end of each quarter of each fiscal year, the President shall submit to the appropriate congressional committees a report on the funds obligated during that quarter for development assistance and economic support assistance. These reports shall identify obligations by the beneficiary country, regional program, or international organization and by function.

"(b) CONSULTATIONS.—Within 30 days after the submission of each report pursuant to subsection (a), the administering agency for title I and the appropriate congressional committees shall consult with respect to the obligations for assistance reported for the preceding fiscal quarter. These consultations shall include, as necessary, discussions of the most informative and feasible manner of identifying obligations by function.

"SEC. 6306. FURNISHING INFORMATION REQUESTED BY THE CONGRESS OR THE GAO.

"Funds made available to carry out this Act may not be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the 35-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless there has been furnished to the General Accounting Office or to such committee (as the case may be)—

"(1) the material so requested; or

"(2) a certification by the President that has forbidden the furnishing of such material pursuant to request and the President's reason for so doing.

"SEC. 6307. INFORMATION REQUESTED BY CONGRESS.

"No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Defense Trade and Export Control Act, the annual foreign assistance authorization legislation, or the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, even though such report has not yet been transmitted to the Congress, the appropriate committee, or officer of either House of Congress, as the case may be.

"SEC. 6308. PRESIDENTIAL FINDINGS AND DETERMINATIONS.

"(a) FINDINGS AND DETERMINATIONS TO BE WRITTEN AND SIGNED.—In any case in which the President is required to make a report by any provision of this Act, the Defense Trade and Export Control Act, the annual foreign assistance authorization legislation, or the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, to the Congress or to any committee or officer of either House of Congress concerning any finding or determination, that finding or determination shall be reduced to writing and signed by the President.

"(b) RESTRICTION.—No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) PUBLICATION IN FEDERAL REGISTER.—Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"SEC. 6309. REPORTS REGARDING RECIPIENT EXPENDITURES FOR MILITARY PURPOSES.

"At least once every 3 years, the President shall report to the Speaker of the House of Representatives and chairman of the Committee on Foreign Relations of the Senate on—

"(1) the percentage of the budget of each country receiving assistance under title I or chapter 1 or chapter 2 of title V that is devoted to military purposes; and

"(2) the degree to which that country is using its foreign exchange or other resources to acquire military equipment."

CHAPTER 2—ADMINISTRATIVE AND GENERAL PROVISIONS

SEC. 621. CONSOLIDATION AND REVISION OF PROVISIONS.

The Foreign Assistance Act of 1961 is amended by adding after title VI, as enacted by chapter 1 of this title, the following:

"TITLE VII—GENERAL PROVISIONS

"CHAPTER 1—EXERCISE AND COORDINATION OF FUNCTIONS

"SEC. 7101. DELEGATIONS BY THE PRESIDENT.

"(a) IN GENERAL.—The President may exercise any functions conferred upon the President by this Act through such agency or officer of the United States Government as the President shall direct.

"(b) AUTHORITY TO ISSUE REGULATIONS AND DELEGATE.—The head of any agency or officer exercising functions under this Act—

"(1) may from time to time promulgate such rules and regulations as may be necessary to carry out such functions; and

"(2) may delegate authority to perform any such functions, including, if he or she shall so specify, the authority successively to redelegate any of such functions to a subordinate.

"SEC. 7102. DESIGNATION OF ADMINISTERING AGENCY FOR TITLE I.

"The President shall exercise his functions for administering programs under title I and chapters 1 and 2 of title V primarily through a single agency, which the President shall designate.

"SEC. 7103. AUTHORITY TO ESTABLISH MISSIONS ABROAD.

"(a) AUTHORITY.—The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out this Act.

"(b) CHIEF OF MISSION.—Each such special mission or staff shall be under the direction of a chief.

"(c) SMALLER ECONOMIC ASSISTANCE PROGRAMS.—In the case of smaller programs, assistance under title I and chapter 1 of title V may be administered under the direction of the chief of the United States diplomatic mission by the principal economic officer of the mission.

"SEC. 7104. COORDINATION OF UNITED STATES POLICIES AND PROGRAMS AFFECTING DEVELOPMENT.

"(a) COORDINATION.—The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of developing countries.

"(b) COORDINATION ABROAD.—The President shall prescribe appropriate procedures to assure coordination among—

"(1) the various agencies of the United States Government having representatives in diplomatic missions abroad; and

"(2) representatives of the United States Government in each country, under the direction of the chief of the United States diplomatic mission.

"(c) NOTICE TO CONGRESS.—The President shall keep the appropriate congressional committees advised of his actions under subsection (b).

**"CHAPTER 2—ADMINISTRATIVE
AUTHORITIES**

**"SEC. 7201. ALLOCATION OF FUNDS AND REIM-
BURSEMENT AMONG AGENCIES.**

"(a) IN GENERAL.—The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities, services, defense articles, or defense services. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agency of the United States Government to which such funds are allocated or transferred.

"(b) PROCUREMENT FROM OTHER AGENCIES.—

"(1) AUTHORITY.—Any officer of the United States Government carrying out functions under this Act may utilize the services or defense services and the facilities of, or procure commodities or defense articles from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency.

"(2) SEPARATE ACCOUNT.—Funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"(c) NONMILITARY ASSISTANCE.—

"(1) REIMBURSEMENT TO AGENCIES.—In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out any provision of title I, chapter 8 of title II, title IV, or chapter 1 or 2 of title V, reimbursement or repayment shall be made to such agency from funds available to carry out that provision.

"(2) AMOUNT OF REIMBURSEMENT.—Such reimbursement or payment shall be at—

"(A) replacement cost,

"(B) if required by law, actual cost,

"(C) in the case of services procured from the Department of Defense to carry out title IV, the amount of the additional costs incurred by the Department of Defense in providing such services, or

"(D) at any other price authorized by law and agreed to by the owning or disposing agency.

"(3) CREDITING OF REIMBURSEMENT.—The amount of any such reimbursement or payment—

"(A) shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities; or

"(B) shall be deposited into the Treasury as miscellaneous receipts if such appropriations, funds, or accounts are not reimbursable except by reason of this subsection and if the owning or disposing agency determines that such replacement is not necessary.

"(d) MILITARY ASSISTANCE.—

"(1) REIMBURSEMENT TO AGENCIES.—Except as otherwise provided in this Act, reimbursement shall be made to any agency of the United States Government, from funds available for use under title II, for any assistance furnished under title II from, by, or through such agency.

"(2) AMOUNT OF REIMBURSEMENT.—Such reimbursement shall be—

"(A) in an amount equal to the value of the defense articles, the defense services (excluding salaries of members of the Armed Forces), or other assistance furnished, plus

"(B) expenses arising from or incident to operations under title II (excluding salaries of members of the Armed Forces and unfunded estimated costs of civilian retirement and other benefits).

"(3) CREDITING TO APPROPRIATION.—The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

"(e) ESTABLISHMENT OF ACCOUNTS.—

"(1) AUTHORITY TO ESTABLISH; USES.—In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States—

"(A) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the last sentence of section 3727(b) and section 3727(c) of title 31, United States Code, and the second and third paragraphs of section 3737 of the Revised Statutes of the United States (41 U.S.C. 15); and

"(B) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation.

"(2) ACCOUNTING FOR EXPENDITURES.—Expenditure of funds which have been made available through accounts established under paragraph (1) shall be accounted for on standard documentation required for expenditure of funds of the United States Government.

"(f) FUNDS ALLOCATED TO THE EXPORT-IMPORT BANK AND THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—

"(1) EXPORT-IMPORT BANK.—Credits made by the Export-Import Bank of the United States with funds allocated to the Bank under subsection (a) of this section shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) or related appropriations Acts.

"(2) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Loans, guaranties, or investments made by the Overseas Private Investment Corporation with funds—

"(A) allocated under subsection (a) of this section or transferred from other sources (public or private), or

"(B) received in foreign currency by the Corporation as a result of insurance activities conducted pursuant to section 3203(a) of this Act,

shall not be considered in determining whether the Corporation has made or has outstanding loans, guaranties, or investments to the extent of any limitation on obligations, commitments, and equity investments imposed by or pursuant to this Act.

"(3) CREDIT REFORM.—The provisions of section 504(b) of the Federal Credit Reform Act of 1990 shall not apply to direct loan obligations or loan guarantee commitments, including insurance provided under the Export-Import Bank Act of 1945, made with funds described—

"(A) in paragraphs (1) or (2)(A) of this subsection to the extent that an amount equivalent to their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) is transferred to the associated financing account established pursuant to such Act, if the appropriate congressional committees

are notified at least 10 days before any such transfer, or

"(B) in paragraph (2)(B) of this subsection.

"(g) CHARGING TO APPROPRIATIONS.—

"(1) INITIAL CHARGING.—Any appropriation or account available to carry out provisions of title I or of chapter 1 or 2 of title V may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under those provisions.

"(2) FINAL CHARGING.—As of the end of such fiscal year, such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes, except that such final charges shall not be required in the case of expenses (other than those provided under sections 1801 and 1802) incurred in furnishing assistance if it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

"(3) REQUIREMENTS APPLICABLE ONLY TO ECONOMIC ASSISTANCE ACCOUNTS.—This subsection does not apply with respect to chapter 6 or 8 of title II or to title IV.

"SEC. 7202. GENERAL AUTHORITIES.

"(a) TERMS OF ASSISTANCE.—Except as otherwise specifically provided in this Act, assistance under this Act may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this Act.

"(b) TERMS AND CONDITIONS.—The President may furnish assistance under this Act on such terms and conditions (consistent with other provisions of law) as the President deems appropriate.

"(c) ADVANCES, CONTRACTS, ETC.—In furtherance of the purposes and within the limitations of this Act, the President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with any person, any friendly government or government agency, and any international organization.

"(d) GIFTS.—The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

"(e) INSURANCE.—

"(1) FOREIGN PARTICIPANTS.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

"(2) FOREIGN EMPLOYEES.—Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their places of employment abroad for purposes of training or other official duties.

"(f) ADMISSION TO UNITED STATES.—Alien participants in any program of furnishing assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), for such time and under such conditions as may be prescribed by reg-

ulations promulgated by the Secretary of State and the Attorney General.

"(g) ASSISTANCE AUTHORITIES.—In furnishing and administering assistance under this Act, the President—

"(1) may issue letters of credit and letters of commitment;

"(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accruing to him, and may (as the President deems appropriate) refer any such obligations or rights to the Attorney General for suit or collection;

"(3) may—

"(A) acquire and dispose of (upon such terms and conditions as the President deems appropriate) any property, including any instrument evidencing indebtedness or ownership, except that equity securities may not be directly purchased (although such securities may be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and

"(B) guarantee payment against any such instrument;

"(4) may establish the character of, and decide the necessity for, obligations and expenditures of funds used in making such loans and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

"(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by chapter 91 of title 31, United States Code.

"(h) CLAIMS RELATING TO GUARANTEES.—Claims arising as a result of any guarantee program authorized by this Act may be settled, and disputes arising as the result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(i) FINANCIAL TRANSACTIONS WITH FOREIGN GOVERNMENTS IN DEFAULT OF OBLIGATIONS TO THE UNITED STATES.—Section 955 of title 18, United States Code, shall not apply to any person—

"(1) who acts for or participates in any operation or transaction arising under this Act, or

"(2) who acquires any obligation issued in connection with any operation or transaction arising under this Act.

"(j) EDUCATIONAL INSTITUTIONS.—Any cost-type contract or agreement (including grants) entered into with an institution of higher education for the purpose of carrying out programs authorized by title I or chapter 1 or 2 of title V may provide for the payment of the reimbursable indirect costs of that institution on the basis of predetermined fixed-percentage rates applied to the total or an element thereof, of the reimbursable direct costs incurred.

"(k) MULTIYEAR COMMITMENTS.—A contract or agreement which entails commitments for the expenditure of funds under chapter 2 or 3 of title I, section 1701, title II, or chapter 1 or 2 of title V may, subject to any future action of the Congress, extend at any time for not more than 5 years.

"SEC. 7203. AUTHORIZED ADMINISTRATIVE USES OF FUNDS.

"(a) PERSONNEL, PRINTING, PROCUREMENT OF SUPPLIES, AND OTHER ADMINISTRATIVE EXPENSES.—Funds made available to carry out this Act may be used for the following:

"(1) Compensation, allowances, and travel of personnel, including Foreign Service personnel, whose services are utilized primarily for the purposes of this Act.

"(2) Printing and binding without regard to the provisions of any other law.

"(3) Expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government (other than sections 1341, 1342, and 1517 of title 31, United States Code) as may be necessary to accomplish the purposes of this Act.

"(b) USES OF NONMILITARY ASSISTANCE FUNDS.—

"(1) AUTHORIZED USES.—Funds described in paragraph (2) shall be available for the following:

"(A) Rent of buildings and space in buildings in the United States, and for repair, alteration, and improvements of such leased properties.

"(B) Expenses of attendance at meetings concerned with the purposes of title I or chapter 1 or 2 of title V, including (notwithstanding sections 1346(a) and 1346(c) of title 31, United States Code), expenses in connection with meetings of persons whose employment is authorized by section 7503.

"(C) Contracting for personal services of individuals engaged primarily in furnishing assistance abroad under title I or chapter 1 or 2 of title V. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

"(D) Purchase, maintenance, operation, and hire of aircraft, except that aircraft for administrative purposes may be purchased only as specifically provided for in an appropriations or other Act.

"(E)(i) Purchase and hire of passenger motor vehicles, subject to clauses (ii) and (iii).

"(ii) Except as may otherwise be provided in an appropriations or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only. Such vehicles may be exchanged or sold and replaced by an equal number of such vehicles.

"(iii) Passenger motor vehicles other than one for the official use of the head of the agency designated under section 7102 may be purchased for use in the United States only as may be specifically provided in an appropriations or other Act.

"(F) Entertainment.

"(G) Exchange of funds without regard to loss by exchange.

"(H) Expenditures (not to exceed \$50,000 in any fiscal year except as may otherwise be provided in an appropriations or other Act) of a confidential character other than entertainment. A certificate of the amount of such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the President, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.

"(I) Insurance of official motor vehicles or aircraft acquired for use in foreign countries.

"(J)(i) Rent or lease outside the United States, for not to exceed 10 years (unless a

longer period is provided for in advance by an appropriations Act), of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance for such period as the President may determine.

"(ii) Maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States.

"(iii) Costs of fuel, water, and utilities for such properties.

"(K) Expenses of—

"(i) preparing and transporting to their former homes (or with respect to foreign participants engaged in any program under title I or chapter 1 or 2 of title V to their former homes or places of burial), and

"(ii) caring for and disposing of the remains of an individual, or the remains of a member of an individual's family, who may die while such individual is away from home participating in activities carried out with funds described in paragraph (2).

"(L) Purchase of uniforms.

"(M) Payment of per diem in lieu of subsistence to foreign participants engaged in any program under title I or chapter 1 or 2 of title V while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law.

"(N) Use in accordance with authorities of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) not otherwise provided for.

"(O) Ice and drinking water for use outside the United States.

"(P) Services of commissioned officers of the National Oceanic and Atmospheric Administration. For the purposes of providing such services, the National Oceanic and Atmospheric Administration may appoint not to exceed 20 commissioned officers in addition to those otherwise authorized.

"(Q) Expenses in connection with—

"(i) travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel);

"(ii) the transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year; and

"(iii) the costs of transporting automobiles to and from a place of storage, and the costs of storing automobiles of such personnel, when it is in the public interest or more economical to authorize storage.

"(R) Assistance for the implementation of programs under the Agricultural Trade Development and Assistance Act of 1954, the Agricultural Act of 1949, and the Food for Progress Act of 1985.

"(2) FUNDS WHICH MAY BE USED.—Paragraph (1) applies to—

"(A) appropriations to carry out this Act (other than title II),

"(B) allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this Act (other than title II), and

"(C) funds made available for other purposes to the agency designated under section 7102.

"(c) FACILITIES ABROAD.—

"(1) LIVING QUARTERS, OFFICES, SCHOOLS, AND HOSPITALS.—Notwithstanding any other

provision of law, funds available for assistance under this Act may be used in any fiscal year (in addition to funds available for such use under other authorities in this Act)—

“(A) to construct or otherwise acquire outside the United States essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act;

“(B) to construct or otherwise acquire outside the United States schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents; and

“(C) to staff, operate, and maintain such schools and hospitals.

“(2) DISPOSAL.—Overseas property acquired under this subsection (or predecessor provisions of this Act) may be disposed of, and the proceeds of such disposal shall remain available until expended for use for the purposes specified in paragraph (1).

“(d) EDUCATION OF DEPENDENTS.—Funds available for assistance under this Act may be used in any fiscal year to provide assistance to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this Act and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

“(e) TRAINING OF PERSONNEL.—

“(1) PAYMENT OF COSTS.—Funds available under this Act may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 7502(c), through interchange or otherwise, at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm.

“(2) LIMITATION ON DUAL EMPLOYMENT.—Such training shall not be considered employment or holding of office under section 5533 of title 5, United States Code.

“(3) ACCEPTANCE OF CERTAIN PAYMENTS.—Any payments or contributions in connection with such training may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency. Any such payments or contributions to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

“(f) PERSONNEL DETAILED TO ADMINISTERING AGENCY.—

“(1) REIMBURSEMENT OF COSTS.—Funds made available for title I or chapter 1 or 2 of title V may be used to reimburse an agency of the United States Government, an agency of a State government, or an institution of higher education for the full costs of any employee which that agency or institution details or assigns to the agency designated under section 7102 to carry out programs under those provisions that require specialized technical skills.

“(2) PERSONNEL CEILINGS.—Employees so detailed or assigned shall not be included within any personnel ceiling applicable to any agency of the United States Government during the period of detail or assignment.

“(g) MILITARY ASSISTANCE FUNDS.—Funds made available for the purposes of title II shall be available for the following:

“(1) Administrative, extraordinary (not to exceed \$300,000 in any fiscal year), and operating expenses incurred in furnishing defense articles and defense services under chapter 2 or chapter 5 of title II or on a sale or lease basis under the Defense Trade and Export Control Act.

“(2) Reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel, in accordance with the provisions of section 5702 of title 5, United States Code, applicable to civilian officers and employees.

“(3) Maintenance, repair, alteration, and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

“CHAPTER 3—SPECIAL REQUIREMENTS AND AUTHORITIES RELATING TO APPROPRIATIONS AND LOCAL CURRENCIES

“Subchapter A—Provisions Relating to Appropriations

“SEC. 7301. REQUIREMENT FOR SPECIFIC AUTHORIZATION OF APPROPRIATIONS.

“(a) REQUIREMENT FOR AUTHORIZATION.—Funds appropriated for foreign assistance shall not be available for obligation or expenditure—

“(1) unless the appropriation thereof has been specifically authorized by law; or

“(2) in excess of an amount prescribed by law.

“(b) SUBSEQUENT AUTHORIZATIONS.—To the extent that legislation enacted after the making of an appropriation for foreign assistance authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall not apply.

“(c) RELATION TO OTHER PROVISIONS.—The provisions of this section shall not be superseded except by a provision of law which specifically repeals or modifies the provisions of this section.

“SEC. 7302. AUTHORITY FOR EXTENDED PERIOD OF AVAILABILITY OF APPROPRIATIONS.

“Unless otherwise specified, amounts appropriated to carry out this Act are authorized to be made available, in appropriations Acts, until expended.

“SEC. 7303. REDUCTION IN EARMARKS.

“(a) PROPORTIONAL REDUCTIONS IN AUTHORIZATION EARMARKS.—If—

“(1) the amount appropriated for a fiscal year pursuant to any authorization of appropriations provided by this Act is less than the authorization amount, and

“(2) a provision of this Act or the foreign assistance authorization legislation provides that a specified amount of such amount for that fiscal year shall be available only for a specified country, organization, or purpose, then the amount so specified shall be deemed to be reduced to the amount which bear the same ratio to the specified amount as the amount appropriated bears to the authorization amount.

“(b) EXEMPTIONS FROM EARMARK REQUIREMENTS.—

“(1) CRITERIA FOR EXEMPTION.—Funds may be made available notwithstanding any provision of law described in paragraph (2) if—

“(A) compliance with such provision is made impossible by operation of law, or

“(B) the President determines, after consultation with the appropriate congressional committees, that the country or organization for whom such funds would have been made available has significantly reduced its military, political, or economic cooperation with the United States during the preceding 12 month period.

“(2) EARMARK DEFINED.—The provisions of law to which this subsection applies are any provisions requiring that a specified amount of funds appropriated to carry out any provision of this Act shall be available only for a particular country, organization, or purpose.

“(c) EXCEPTIONS FOR CERTAIN COUNTRIES.—Subsections (a) and (b) do not apply with respect to funds specified for Israel or Egypt.

“Subchapter B—Local Currencies

“SEC. 7321. SPECIAL ACCOUNTS FOR AND USE OF HOST-COUNTRY OWNED LOCAL CURRENCY.

“(a) SPECIAL ACCOUNT.—If assistance is furnished to the government of a foreign country under title I or chapter 1 or 2 of title V under arrangements which will result in the generation of local currencies of that country, the President shall—

“(1) require that local currencies be deposited in a special account established by that government;

“(2) enter into an agreement with that government which sets forth—

“(A) the amount of the local currencies to be so deposited, and

“(B) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

“(3) establish by agreement with that government the responsibilities of the administering agency and that government to monitor and account for deposits into and disbursements from the special account.

“(b) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a special account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

“(1) to carry out title I or chapter 1 or 2 of title V (as the case may be), or

“(2) for the administrative requirements of the United States Government.

“(c) PROGRAMMING ACCOUNTABILITY.—The administering agency shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (b)(1) from the special account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

“(d) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under title I or chapter 1 or 2 of title V (as the case may be), any unencumbered balances of funds which remain in a special account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

“(e) REQUIREMENTS APPLICABLE ONLY TO ECONOMIC ASSISTANCE PROGRAMS.—This section does not apply with respect to chapter 6 or 8 of title II or to title IV.

“SEC. 7322. USE OF CERTAIN FOREIGN CURRENCIES OWNED BY THE UNITED STATES.

“(a) AUTHORITY TO USE FOR ASSISTANCE PROGRAMS.—Except as otherwise provided in this Act or other provisions of law, foreign currencies described in subsection (b) may be used in providing assistance under title I and chapter 1 and 2 of title V.

“(b) FOREIGN CURRENCIES WHICH MAY BE USED FOR ASSISTANCE.—The foreign cur-

rencies which may be used under subsection (a) are any foreign currencies received as a result of the furnishing of assistance under title I or chapter 1 or 2 of title V (or any predecessor legislation authorizing non-military assistance) which are in excess of—

“(1) the amounts reserved under authority of section 105(d) of the Mutual Educational and Cultural Exchange Act of 1961 or any other Act relating to educational and cultural exchanges; and

“(2) the amounts required for payment by the agencies of the United States Government of their obligations outside the United States, as such requirements may be established from time to time by the President.

“(c) PAYMENT OF OBLIGATIONS OF GOVERNMENT AGENCIES.—Foreign currencies described in subsection (b) which are in excess of the amounts described in paragraph (1) of that subsection may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States.

“SEC. 7323. INTEREST ON UNITED STATES OWNED FOREIGN CURRENCY PROCEEDS.

“(a) REQUIREMENT FOR PAYMENT OF INTEREST.—In cases where assistance is to be furnished to any recipient country under this Act on a basis which will result in the accrual of foreign currency proceeds to the United States, agreements with respect to such assistance shall include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositories.

“(b) WAIVER OF REQUIREMENT.—The President may waive any requirement for receipt of such income if the President decides it would not be in the national interest to conclude arrangements for the receipt of interest income pursuant to subsection (a).

“SEC. 7324. USE OF LOCAL CURRENCIES.

“In carrying out programs under this Act, the President shall take all appropriate steps to assure that, to the maximum extent possible, countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs.

“SEC. 7325. INTEREST ON LOCAL CURRENCY ACCRUING TO NONGOVERNMENTAL ORGANIZATIONS.

“A nongovernmental organization may invest local currencies which accrue to that organization as a result of assistance provided under title I or chapter 1 or 2 of title V, the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1965, and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization (including for the establishment of an endowment).

“CHAPTER 4—PROCUREMENT AND DISPOSITION OF COMMODITIES AND DEFENSE ARTICLES

“SEC. 7401. USE OF PRIVATE ENTERPRISE.

“(a) IN GENERAL.—In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President shall—

“(1) to the maximum extent practicable carry out programs of assistance through private channels and, to the extent practicable, in conjunction with local private or governmental participation;

“(2) utilize wherever practicable the services of United States private enterprise to provide the necessary skills to develop and implement a specific project or program of

assistance, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

“(b) TECHNICAL ASSISTANCE.—In providing technical assistance under this Act, the President shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. The facilities and resources of agencies of the United States Government which do not administer programs under this Act may be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

“(c) MILITARY ASSISTANCE.—The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to title II. Such information shall be furnished as far in advance as possible.

“SEC. 7402. PROCUREMENT STANDARDS AND PROCEDURES.

“(a) ESTABLISHMENT OF STANDARDS AND PROCEDURES.—Funds made available under this Act may be used for procurement outside the United States only—

“(1) if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base that outweigh the economic or other advantages to the United States of less costly procurement outside the United States; and

“(2) if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

“(b) BULK COMMODITIES.—No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

“(c) PROCUREMENT METHOD FOR INSTITUTIONS OF HIGHER EDUCATION.—The President may establish separate procurement standards and procedures for projects under title I and chapter 1 or 2 of title V to limit competition to a selection among institutions of higher education when the projects would benefit substantially from the resources and special capabilities of such institutions.

“SEC. 7403. SHIPPING ON UNITED STATES VESSELS.

“(a) CERTAIN LAWS NOT APPLICABLE.—The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 at following), and transfers of fresh fruit and fresh fruit products under this Act, shall not be governed by section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), or any other law relating to the ocean transportation of commodities on United States flag vessels.

“(b) SHIPPING DIFFERENTIAL.—For purposes of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b)), funds made available for development assistance, economic support assistance, and assistance from the Develop-

ment Fund for Africa may be used to make grants to recipients or otherwise pay all or any portion of such differential as is determined by the Secretary of Transportation to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

“SEC. 7404. EXCESS AND OTHER AVAILABLE PROPERTY.

“(a) POLICY REGARDING USE OF EXCESS AND OTHER AVAILABLE PROPERTY.—In furnishing assistance under title I, chapter 6 or 8 of title II, title IV, and chapter 1 and 2 of title V—

“(1) excess personal property, or

“(2) if a substantial savings would occur, other property already owned by an agency of the United States Government,

may be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs.

“(b) SEPARATE ACCOUNT FOR EXPENSES RELATED TO PROPERTY.—

“(1) AUTHORITY TO MAINTAIN ACCOUNT.—The President is authorized to maintain in a separate account funds made available under title I, chapter 6 or 8 of title II, title IV, chapter 1 or 2 of title V. Funds in such a separate account shall (notwithstanding section 1535(d) of title 31, United States Code) be free from fiscal year limitations.

“(2) USE OF FUNDS IN THE ACCOUNT.—Funds in the separate account established under paragraph (1) may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of—

“(A) property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following);

“(B) any property available from an agency of the United States Government; or

“(C) other property,

in advance of known requirements for the use of such property in furtherance of the purposes of title I, chapter 6 or 8 of title II, title III, or chapter 1 or 2 of title V (as the case may be).

“(3) USE OF PROPERTY ACQUIRED.—Property acquired pursuant to paragraph (2) may be furnished—

“(A) pursuant to any provision of title I (other than chapter 8 or subchapter A of chapter 9), chapter 6 or 8 of title II, title IV, chapter 1 or 2 of title V (as the case may be) for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred; or

“(B) pursuant to chapter 8 of title I, in which case the separate account shall be repaid in accordance with section 1802 for all costs incurred.

“(c) CONDITIONS ON USE OF EXCESS PROPERTY.—

“(1) LIMITATION.—Government-owned excess property may not be made available for use under title I (including under chapter 8), chapter 8 of title II, title IV, or chapter 1 or 2 of title V, unless approval is given and a determination is made in accordance with paragraph (2)—

“(A) before the shipment of such property for use in a specified country, or

“(B) if the property is already in such country, before the transfer of the property.

"(2) DETERMINATION.—A shipment or transfer subject to paragraph (1) may take place only after the Administrator approves the shipment or transfer and makes a written determination—

"(A) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

"(B) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

"(C) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

"SEC. 7405. RETENTION AND USE OF CERTAIN ITEMS AND FUNDS.

"(a) RETENTION AND USE OF CERTAIN COMMODITIES AND DEFENSE ARTICLES.—

"(1) AUTHORITY TO RETAIN, TRANSFER, AND USE.—Any commodities or defense articles procured to carry out this Act shall be retained by, or (upon reimbursement) transferred to and for the use of, such agency of the United States Government as the President deems appropriate in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby.

"(2) LAWS GOVERNING DISPOSAL OF GOVERNMENT PROPERTY.—Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve their usefulness.

"(3) PROCEEDS CREDITED TO APPROPRIATIONS.—Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

"(b) COMMODITIES RECEIVED AS PAYMENT.—Whenever commodities are transferred to the United States Government as repayment of assistance under this Act, such commodities may be used in furtherance of the purposes and within the limitations of this Act.

"(c) FAILED TRANSACTIONS.—Funds realized as a result of any failure of a transaction financed under this Act to conform to the requirements of this Act, to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under this Act, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same general purpose.

"(d) DISPOSAL OF DEFENSE ARTICLES.—Funds realized by the United States Government from the sale, transfer, or disposal of defense articles furnished under the former authority of 2 of part II of this Act, and no longer needed for the purposes for which furnished, shall be credited to the respective appropriation, fund, or account currently available for the same general purpose.

"SEC. 7406. LAWS RELATING TO CONTRACTS AND GOVERNMENT EXPENDITURES.

"Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may

be performed without regard to such provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

"SEC. 7407. TRANSPORTATION CHARGES INCURRED BY THE RED CROSS OR PRIVATE VOLUNTARY ORGANIZATIONS.

"In order to further the efficient use of United States voluntary contributions for development and for the relief and rehabilitation of people in friendly countries, the President may use funds made available for assistance under title I or chapter 1 or 2 of title V to pay transportation charges on shipments by the American National Red Cross and by registered United States private voluntary organizations.

"CHAPTER 5—PERSONNEL

"SEC. 7501. STATUTORY OFFICERS IN ECONOMIC ASSISTANCE AGENCY.

"(a) APPOINTMENT.—The President may appoint, by and with the advice and consent of the Senate, 12 officers in the administering agency for title I.

"(b) TITLE.—The President may designate the title of any officer appointed under subsection (a).

"(c) ORDER OF SUCCESSION.—The President may also fix the order of succession among the officers appointed under subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of those officers.

"SEC. 7502. EMPLOYMENT OF PERSONNEL.

"(a) ECONOMIC ASSISTANCE FUNCTIONS IN THE UNITED STATES.—

"(1) APPOINTMENTS WITHOUT REGARD TO CERTAIN CIVIL SERVICE LAWS.—Of the personnel employed in the United States to carry out title I and chapter 1 and 2 of title V or to coordinate titles I and II, 110 may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be compensated without regard to the provisions of chapter 51 of subchapter III or chapter 53 of such title, subject to paragraph (2) of this subsection.

"(2) COMPENSATION.—Of the personnel appointed under paragraph (1), 51 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code, but not in excess of the rate payable for level V of the Executive Schedule under section 5316 of that title.

"(3) REINSTATEMENT RIGHTS.—Under such regulations as the President may prescribe, any individual employed under paragraph (1) may be entitled, upon removal (except for cause) from the position to which the appointment was made, to reinstatement to the position occupied by that individual at the time of appointment or to a position of comparable grade and pay.

"(4) PROVISIONS NOT APPLICABLE TO OTHER NONMILITARY ASSISTANCE PROGRAMS.—This subsection does not apply with respect to chapter 6 or chapter 8 of title II or title IV.

"(b) MILITARY ASSISTANCE FUNCTIONS IN THE UNITED STATES.—Of the personnel employed in the United States to carry out title II or the Defense Trade and Export Control Act not to exceed 8 may be compensated at rates higher than those payable for GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, but not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the

number authorized by section 5108 of title 5, United States Code.

"(c) PERFORMANCE OF FUNCTIONS OUTSIDE THE UNITED STATES.—

"(1) AUTHORITY TO EMPLOY OR ASSIGN.—For the purpose of performing functions under this Act outside the United States, the President may—

"(A) employ or assign individuals, or

"(B) authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system.

"(2) COMPENSATION.—Individuals employed or assigned under paragraph (1) shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980, or under chapter 53 of title 5, United States Code, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980.

"(3) REEMPLOYMENT RIGHTS.—Individuals so employed or assigned shall be entitled to the same benefits as are provided by section 310 of that Act for individuals appointed to the Foreign Service, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds 30 months.

"(d) CERTAIN FUNDS DEEMED OBLIGATED FOR CERTAIN SERVICES.—Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering title I or title II of this Act) as well as personnel not employed by the United States Government.

"SEC. 7503. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.

"(a) AUTHORITY TO EMPLOY.—Experts and consultants or organizations thereof may, in accordance with section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act.

"(b) MANDATORY RETIREMENT AGE NOT APPLICABLE.—Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code.

"(c) EMPLOYMENT OF CERTAIN PERSONS WITHOUT COMPENSATION.—Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this Act in accordance with the provisions of section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)), and regulations issued thereunder.

"SEC. 7504. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

"(a) DETAILS TO FOREIGN GOVERNMENTS.—When consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of that agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government.

"(b) DETAILS TO INTERNATIONAL ORGANIZATIONS.—When consistent with and in furtherance of the purposes of this Act, the head of

any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of that agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

"(c) STATUS OF PERSONNEL DETAILED.—

"(1) RETENTION OF BENEFITS.—Any officer or employee, while assigned or detailed under this section—

"(A) shall be considered an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned for the purpose of preserving his or her allowances, privileges, rights, seniority, and other benefits as such; and

"(B) shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act, or may be detailed or assigned on a leave without pay status.

"(2) ALLOWANCES.—Any officer or employee assigned, detailed, or appointed under this section, section 7103, section 7505, or section 7506 may receive (under such regulations as the President may prescribe) representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5, United States Code.

"(d) TERMS OF DETAIL OR ASSIGNMENT.—Details or assignments may be made under this section or section 408 of the Mutual Security Act of 1954 in accordance with any of the following paragraphs:

"(1) Without reimbursement to the United States Government by the foreign government or international organization.

"(2) Upon agreement by the foreign government or international organization to reimburse the United States Government for compensation, travel expenses, benefits, and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail. Such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits, or allowances, or to the appropriation, fund, or account currently available for such purposes.

"(3) Upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act. Funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

"(4) Subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, benefits and allow-

ances, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with subsection (c).

"SEC. 7505. CHIEF OF ECONOMIC ASSISTANCE MISSION ABROAD.

"(a) APPOINTMENT.—The chief and his deputy of each special mission or staff carrying out economic assistance programs under title I shall be appointed by the President.

"(b) COMPENSATION AND ALLOWANCES.—Such chief shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate.

"SEC. 7506. CHAIRMAN OF OECD DEVELOPMENT ASSISTANCE COMMITTEE.

"(a) APPOINTMENT.—The President may—

"(1) appoint any United States citizen who is not an employee of the United States Government, or

"(2) assign any United States citizen who is an employee of the United States Government,

to serve as Chairman of the Development Assistance Committee (or any successor committee) of the Organization for Economic Cooperation and Development, upon election thereto by members of that Committee.

"(b) COMPENSATION AND ALLOWANCES.—An individual appointed or assigned under subsection (a) may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President deems appropriate. Such individual, if appointed under subsection (a)(1), shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 84, 87, and 89 of title 5, United States Code. Such individual may also, in the President's discretion, receive any other benefits and perquisites available under this Act to chiefs of special missions or staffs outside the United States established under section 7103.

"SEC. 7507. ASSIGNMENT OF DOD PERSONNEL TO CIVIL OFFICES.

"Notwithstanding section 973(b) of title 10, United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act.

"SEC. 7508. DISCRIMINATION AGAINST UNITED STATES PERSONNEL PROVIDING ASSISTANCE.

"(a) ASSIGNMENT OF UNITED STATES PERSONNEL.—The President shall not take into account, in assigning officers and employees of the United States to carry out any assistance program funded under this Act in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

"(b) UNITED STATES POLICY.—It is the policy of the United States that assistance under this Act should not be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1986) from participating in the furnishing of assistance under this Act on the basis of race, religion, national origin, or sex.

"CHAPTER 6—MISCELLANEOUS PROVISIONS

"SEC. 7601. DEFINITIONS.

"(a) TYPES OF ASSISTANCE.—For purposes of this Act and the other provisions of law

described in subsection (f), the following terms have the following meanings:

"(1) ANTITERRORISM ASSISTANCE.—The term 'antiterrorism assistance' means assistance under chapter 8 of title II.

"(2) ASSISTANCE FROM THE DEVELOPMENT FUND FOR AFRICA.—The term 'assistance from the Development Fund for Africa' means assistance under chapter 1 of title V.

"(3) DEVELOPMENT ASSISTANCE.—The term 'development assistance' means assistance under subchapter A of chapter 2 of title I.

"(4) ECONOMIC ASSISTANCE.—The term 'economic assistance' means assistance under title I, title III, or chapter 1 or 2 of title V.

"(5) ECONOMIC SUPPORT ASSISTANCE.—The term 'economic support assistance' means assistance under chapter 3 of title I.

"(6) FOREIGN MILITARY FINANCING ASSISTANCE.—

"(A) IN GENERAL.—The term 'foreign military financing assistance' means assistance under chapter 2 of title II.

"(B) FOREIGN MILITARY FINANCING GRANTS.—The term 'foreign military financing grants' means foreign military financing assistance provided on a grant basis.

"(C) FOREIGN MILITARY FINANCING LOANS.—The term 'foreign military financing loans' means foreign military financing assistance provided on a credit basis.

"(D) FOREIGN MILITARY FINANCING GUARANTIES.—The term 'foreign military financing guaranties' means foreign military financing assistance provided as guaranties.

"(7) INTERNATIONAL DISASTER ASSISTANCE.—The term 'international disaster assistance' means assistance under chapter 6 of title I.

"(8) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—The term 'international military education and training' means assistance under chapter 5 of title II, and does not include military education and training under chapter 2 of title II.

"(9) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—The term 'international narcotics control assistance' means assistance under title IV.

"(10) MILITARY ASSISTANCE.—The term 'military assistance' means assistance under title II, except as otherwise provided with respect to assistance under chapter 6 of that title (relating to assistance for peacekeeping operations) and chapter 8 of that title (relating to antiterrorism assistance).

"(11) NONMILITARY ASSISTANCE.—The term 'nonmilitary assistance' means any assistance under title I, title III, title IV, or chapter 1 or 2 of title V.

"(b) DEFINITIONS APPLICABLE TO THE ACT GENERALLY.—For purposes of this Act and the other provisions of law referred to in subsection (f), the following terms have the following meanings:

"(1) AGENCY OF THE UNITED STATES GOVERNMENT.—The term 'agency of the United States Government' includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) FUNCTION.—The term 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

"(4) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term 'gross

violations of internationally recognized human rights' includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, arbitrary arrest, incommunicado detention, and other flagrant denial of the right to life, liberty, or the security of person.

“(5) INCLUDES.—The term ‘includes’ means includes but is not limited to.

“(6) OFFICER OR EMPLOYEE.—The term ‘officer or employee’ means civilian personnel of the United States Government and members of the Armed Forces.

“(7) NONNUCLEAR-WEAPON STATE.—The term ‘nonnuclear-weapon state’ means any country which is not a nuclear-weapon state, as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

“(8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW.—Unless otherwise expressly provided, the term ‘notwithstanding any other provision of law’ (and any comparable ‘notwithstanding’ clause) does not supersede section 1341 of title 31 of the United States Code (commonly referred to as the ‘Anti-Deficiency Act’), the Federal Credit Reform Act of 1990, or subsections (c) and (d) of section 7201 of this Act, or any comparable provision of law.

“(9) UNITED STATES.—The term ‘United States’, when used in the geographic sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, and any other territory or possession of the United States.

“(c) DEFINITIONS APPLICABLE PRIMARILY TO NONMILITARY ASSISTANCE.—For purposes of this Act and the other provisions of law referred to in subsection (f), the following terms have the following meanings:

“(1) ADMINISTERING AGENCY.—The term ‘administering agency’ means—

“(A) with respect to programs authorized by title I and title V, the agency primarily responsible for administering title I (as designated by the President pursuant to section 7102); and

“(B) with respect to programs authorized by chapter 8 of title II or title IV, means the Department of State (or such other agency of the United States Government as the President may designate to administer programs under that chapter).

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the head of the administering agency.

“(3) AGRICULTURE.—The term ‘agriculture’ includes aquaculture and fisheries.

“(4) COMMODITY.—The term ‘commodity’ includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance or assistance under chapter 6 of title II.

“(5) DEVELOPING COUNTRY.—The term ‘developing country’ includes advanced developing country.

“(6) FARMERS.—The term ‘farmers’ includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the same meaning that term is given by section 1201(a) of the Higher Education Act of 1965.

“(7) SERVICES.—The term ‘services’ include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance or assistance under chapter 6 of title II.

“(d) DEFINITIONS APPLICABLE PRIMARILY TO MILITARY ASSISTANCE.—For purposes of this

Act and the other provisions of law referred to in subsection (f), the following terms have the following meanings:

“(1) ARMED FORCES.—The term ‘Armed Forces’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

“(2) DEFENSE ARTICLE.—The term ‘defense article’—

“(A) includes—

“(i) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

“(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

“(iii) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

“(iv) any component or part of any article listed in this paragraph; but

“(B) does not include—

“(i) merchant vessels; or

“(ii) as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

“(3) DEFENSE INFORMATION.—The term ‘defense information’—

“(A) includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service; but

“(B) does not include Restricted Data as defined by the Atomic Energy Act of 1954, and data removed from the Restricted Data category under section 142d of that Act.

“(4) DEFENSE SERVICE.—The term ‘defense service’ includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, including—

“(A) military education and training, and

“(B) design and construction services (as defined in section 47(8) of the Defense Trade and Export Control Act).

“(5) EXCESS DEFENSE ARTICLES.—The term ‘excess defense articles’ means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

“(6) MAJOR DEFENSE EQUIPMENT.—The term ‘major defense equipment’ has the same meaning that term has under section 47(6) of the Arms Export Control Act.

“(7) MAJOR NON-NATO ALLY.—The term ‘major non-NATO ally’ means a country which is designated in accordance with section 48 of the Defense Trade and Export Control Act as a major non-NATO ally for purposes of that Act and this Act.

“(8) MILITARY EDUCATION AND TRAINING.—The term ‘military education and training’

includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

“(9) VALUE.—The term ‘value’ means—

“(A) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 7201(d) such actual value shall not be taken into account;

“(B) with respect to a nonexcess defense article delivered from inventory to a foreign country or international organization under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

“(C) with respect to a nonexcess defense article delivered from new procurement to a foreign country or international organization under this Act, the contract or production costs of such article;

“(D) with respect to a defense service, the cost to the United States Government of such service; and

“(E) with respect to international military education and training or to services provided under title IV, the additional costs that are incurred by the United States Government in furnishing such assistance.

“(e) DEFINITIONS PRIMARILY RELATED TO INTERNATIONAL NARCOTICS MATTERS.—For purposes of this Act and the other provisions of law referred to in subsection (f), the following terms have the following meaning:

“(1) LEGAL AND LAW ENFORCEMENT MEASURES.—The term ‘legal and law enforcement measures’ means—

“(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

“(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control.

“(2) MAJOR ILLICIT DRUG PRODUCING COUNTRY.—The term ‘major illicit drug producing country’ means a country producing 5 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year.

“(3) MAJOR DRUG-TRANSIT COUNTRY.—The term ‘major drug-transit country’ means a country—

“(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or

“(B) through which are transported such drugs or substances.

“(4) NARCOTIC AND PSYCHOTROPIC DRUGS AND OTHER CONTROLLED SUBSTANCES.—The term ‘narcotic and psychotropic drugs and other controlled substances’ has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned.

“(5) UNITED STATES ASSISTANCE.—(A) Except as provided in subparagraph (B), the term ‘United States assistance’ means as-

sistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

“(i) assistance under this Act (including programs under chapter 2 of title III);

“(ii) sales under the Defense Trade and Export Control Act;

“(iii) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities; and

“(iv) financing under the Export-Import Bank Act of 1945.

“(B) The term ‘United States assistance’ does not include—

“(i) narcotics control assistance;

“(ii) disaster relief assistance, including international disaster assistance;

“(iii) assistance which involves the provision of food or medicine;

“(iv) assistance for refugees;

“(v) assistance under the Inter-American Foundation Act;

“(vi) development assistance, economic support assistance, or assistance from the Development Fund for Africa that is used for activities which deal directly with the special health needs of children and mothers;

“(vii) development assistance, economic support assistance, or assistance from the Development Fund for Africa that is used for activities aimed at increasing awareness of the effects of the production and trafficking of illicit narcotics on producing and transit countries (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings under section 6304);

“(viii) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order 12333; or

“(ix) commercial export promotion activities of the Department of Agriculture, including the Commodity Credit Corporation.

“(f) LAWS TO WHICH DEFINITIONS ARE APPLICABLE.—Unless otherwise provided, the definitions provided in this section apply with respect to references to assistance under this Act that are contained in this Act, the Defense Trade and Export Control Act, any foreign assistance authorization or appropriation legislation, or any other provision of law.”

CHAPTER 3—TECHNICAL AND CONFORMING PROVISIONS

SEC. 641. SAVINGS PROVISIONS.

(a) IN GENERAL.—All actions taken under the authority of any provision of law repealed or modified by titles I through VI of this Act shall continue in full force and effect until modified by appropriate authority.

(b) CERTAIN PRESIDENTIAL APPOINTEES.—The repeal by this Act of section 624(a), section 624(e), section 624(f), or any other provision of the Foreign Assistance Act of 1961 providing for the appointment of an individual to a position by the President, by and with the advice and consent of the Senate, and the reenactment by this Act of that provision in substantively identical form does not require the reappointment of the individual holding that position on the effective date specified in section 1101 of this Act.

(c) SECTION 124(c) AUTHORITY.—For purposes of section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), section 124(c) of the Foreign Assistance Act of 1961, as in effect before the effective

date specified in section 1101 of this Act, shall be deemed to remain in effect on and after that date.

SEC. 642. RETENTION OF CERTAIN PROVISIONS FORMERLY IN THE FOREIGN ASSISTANCE ACT.

(a) ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS IN STATE DEPARTMENT ACT.—The Act entitled “An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes”, approved May 26, 1949, is amended by adding at the end the following:

“SEC. 6. ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

“(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy.

“(b) RESPONSIBILITIES.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, civilians and noncombatants in situations of armed conflict, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

“(1) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each foreign country;

“(2) making recommendations to the Secretary of State and the Administrator of the administering agency for title I of the Foreign Assistance Act of 1961 regarding compliance with section 6201(a)(2) of that Act;

“(3) as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator on the policy framework under which assistance under section 1221 of that Act will be developed and consulting with the Administrator on the selection and implementation of programs and activities assisted under that section; and

“(4) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.”

(b) FEDERAL ACT OF STATE DOCTRINE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the Federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property is asserted by any party, including a foreign state (or a party claiming through such state), based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in section 6201(e)(1) of the Foreign Assistance Act of 1961 as in effect before the effective date specified in section 1101 of this Act.

(2) EXCEPTIONS.—This subsection shall not be applicable—

(A) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking; or

(B) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.

(c) ECONOMIC SANCTIONS AGAINST CUBA.—Title V of the Foreign Assistance Act of 1961 (as enacted by section 501 of this Act) is amended by adding at the end a new section 5506 as follows:

(1) After section 5505 insert the following:

“SEC. 5506. ECONOMIC SANCTIONS AGAINST CUBA.”

(2) After the amendment made by paragraph (1), insert the second sentence of section 6201(a)(1) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 1101 of this Act), with the following amendment: strike out “the preceding sentence” and insert in lieu thereof “section 5505”.

(3) After the amendment made by paragraph (2), insert the text of section 6201(a)(2) of the Foreign Assistance Act of 1961 (as in effect immediately prior to the effective date specified in section 1101 of this Act), with the following amendments: strike out “no” and all that follows through “nor shall Cuba” and insert in lieu thereof “Cuba shall not”; and strike out “per centum” and insert in lieu thereof “percent”.

(d) ACCOUNTING AND VALUATION OF FOREIGN CURRENCIES.—

(1) AMENDMENT TO UNITED STATES CODE.—Subchapter V of chapter 51 of title 31, United States Code, is amended by inserting at the end the following:

“§ 5156. Accounting and valuation of foreign currencies

“(a) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility, the Secretary shall issue regulations binding upon all agencies of the United States Government.

“(b) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.”

(2) CONFORMING AMENDMENT.—The table of sections for subtitle IV of such title is amended by inserting after the item relating to section 5155 the following:

“5156. Accounting and valuation of foreign currencies.”

(e) VALUATION OF EXPROPRIATED PROPERTY.—If the President requests such an evaluation, the Foreign Claims Settlement Commission is authorized to evaluate the value of the property which is the subject of an action described in section 6201(a)(3) of the Foreign Assistance Act of 1961 and render an advisory report with respect to the value of such property to the President.

SEC. 643. RENAMING OF TRADE AND DEVELOPMENT PROGRAM; CONFORMING CHANGES.

(a) RENAMING OF TRADE AND DEVELOPMENT PROGRAM.—The Trade and Development Pro-

gram shall, on or after the effective date specified in section 1101, be known as the Trade and Development Agency.

(b) APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED.—The enactment of this Act shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date specified in section 1101.

(c) TRADE AND DEVELOPMENT ENHANCEMENT ACT OF 1983.—Sections 644, 645, and 646 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635q, 635r, and 635s) are each amended by striking out "Trade and Development Program" each place it appears and inserting in lieu thereof "Trade and Development Agency".

(d) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking out "Director, Trade and Development Program" and inserting in lieu thereof "Director, Trade and Development Agency".

(e) REFERENCE IN OTHER LAWS.—Any reference in any law to the Trade and Development Program shall be deemed to be a reference to the Trade and Development Agency.

SEC. 644. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Except to the extent that the context requires otherwise any reference in any provision of law enacted before the effective date specified in section 1101—

(1) to credits, assistance, or financing under section 23 of the Arms Export Control Act, or to the "Foreign Military Financing Program" shall be deemed to be a reference to assistance under chapter 2 of title II of the Foreign Assistance Act of 1961;

(2) to chapter 1 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subchapter A of chapter 2 of title I of that Act;

(3) to chapter 8 of part I of the Foreign Assistance Act of 1961 shall be deemed to be a reference to title IV of that Act;

(4) to chapter 2 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 2 of title II of that Act;

(5) to chapter 4 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 3 of title I of that Act;

(6) to chapter 5 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 5 of title II of that Act;

(7) to chapter 8 of part II of the Foreign Assistance Act of 1961 shall be deemed to be a reference to chapter 8 of title II of that Act;

(8) to section 634A of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 6304 of that Act;

(9) to section 660 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 6202 of that Act; and

(10) to any other provision of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of that Act as amended by this Act.

(b) NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act is amended—

(1) in section 802(b)(1)(A), by striking out "481(e)" and inserting in lieu thereof "4401(a)";

(2) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";

(3) in section 802(b)(2)(A), by striking out "481(e)(4)" and inserting in lieu thereof "4401(a)(2)(D)"; and

(4) in section 804, by striking out "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting in lieu thereof "4401(a) of the Foreign Assistance Act of 1961".

(c) PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 304(1), by striking out "104(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(2)), relating to the Child Survival Fund" and inserting in lieu thereof "section 1201(d)(4) of the Foreign Assistance Act of 1961 (relating to child survival activities)";

(2) in section 306(a)(2), by striking out "104(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(2)), relating to the Child Survival Fund" and inserting in lieu thereof "section 1201(d)(4) of the Foreign Assistance Act of 1961 (relating to child survival activities)"; and

(3) in section 414(b), by striking out "481(i)(2)" and inserting in lieu thereof "7601(e)(2)".

(d) EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended—

(1) in section 5(b), by striking out "set forth in section 620(f)" and inserting in lieu thereof "on the list established pursuant to section 6201(d)"; and

(2) in section 6(k)(2), by striking out "section 502B" and inserting in lieu thereof "sections 6201(a)(2) and 6302(a)".

(e) TITLE 5, UNITED STATES CODE.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by striking out "Director, Institute for Scientific and Technological Cooperation."; and

(2) in section 5315, by striking out "Deputy Director, Institute for Scientific and Technological Cooperation."; and

(3) in section 5316, by striking out "Additional officers, Institute for Scientific and Technological Cooperation (2)".

(f) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended—

(1) in section 114 (c)(1) and (c)(2), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(2) in section 130(a), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(3) in section 2208(i)(3), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(4) in the table of sections for subchapter II of chapter 138, by striking out "Arms" in the item relating to section 2305b and inserting in lieu thereof "Defense Trade and";

(5) in section 2305b—
(A) in the section heading by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and
(B) by striking out "Arms" each place it appears in subsections (a)(1), (b), (c)(1), and (d)(3) and inserting in lieu thereof "Defense Trade and";

(6) in section 2350c(a)(4), by striking out "Arms" each place it appears and inserting in lieu thereof "Defense Trade and";

(7) in section 2350d(e)—
(A) in the subsection caption by striking out "ARMS" and inserting in lieu thereof "DEFENSE TRADE AND"; and
(B) in the text, by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(8) in section 2344(b)(2)(B), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(9) in section 4542(d)(2)(A), by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(10) in section 7307(b)(1)—
(A) by striking out "Arms" and inserting in lieu thereof "Defense Trade and"; and

(B) by striking out "or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.)".

(g) EXPORT-IMPORT BANK ACT.—Section 2(b)(6) of that Act is amended—

(1) in the text of subparagraph (B) preceding clause (i), by striking out "Arms" and inserting in lieu thereof "Defense Trade and";

(2) in subparagraph (B)(iii), by striking out "481(h)(5)" and insert in lieu thereof "4402(e)";

(3) in subparagraph (C)(ii), by striking out "481(i)" and insert in lieu thereof "7601(e)";

(4) in subparagraph (E), by striking out "security assistance for purposes of section 502B of the Foreign Assistance Act of 1961" and insert in lieu thereof "assistance under the Foreign Assistance Act of 1961 for purposes of section 6201(a)(2) of that Act"; and

(5) in subsection (G), by striking out "Arms" and inserting in lieu thereof "Defense Trade and".

(h) ANGLO-IRISH AGREEMENT SUPPORT ACT.—The Anglo-Irish Agreement Support Act of 1986 is amended—

(1) in section 4(a), by striking out paragraphs (1) through (4) and inserting in lieu thereof the following:

"(1) Section 1501 of the Foreign Assistance Act of 1961 (relating to the housing and urban development guarantee program).

"(2) Section 1502 of that Act (relating to the private sector guarantee program).

"(3) Chapter 1 of title III of that Act (relating to the Trade and Development Agency).

"(4) Chapter 2 of title III of that Act (relating to the Overseas Private Development Corporation), without regard to the limitation contained in section 3201(b)(2)."; and

(2) in section 5(a), by striking out "531(e) and 660(a)" and inserting in lieu thereof "1243 and 6202".

SEC. 645. REPEAL OF OBSOLETE PROVISIONS.

(a) 1988 DRUG ACT.—The International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988) is repealed except for sections 4001, 4306, 4308, 4309, 4501, 4702, and 4804. Section 4501(b) of that Act is amended by striking out "4601 of this title" and inserting in lieu thereof "4401(c) of the Foreign Assistance Act of 1961".

(b) 1988 OPIC ACT.—The Overseas Private Investment Corporation Amendments Act of 1988 (as enacted by reference by section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989) is repealed.

(c) 1986 DRUG ACT.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) is repealed except for sections 2001, 2010, 2015, 2018, and 2029.

(d) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is repealed except for section 1 and section 204.

(e) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is repealed except for section 1, section 131, section 132, section 202(c), section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(f) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is repealed.

(g) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is repealed.

(h) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is repealed.

(i) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is repealed.

(j) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is repealed except for section 1, section 709, section 714, and section 726.

(k) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is repealed except for section 1, section 110, section 315, and title V.

(l) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is repealed.

(m) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is repealed.

(n) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is repealed.

(o) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is repealed, except for section 1, title IV, and section 603(a)(2).

(p) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is repealed.

(q) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is repealed except for section 1, section 132(b), and section 133.

(r) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is repealed.

(s) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act is repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(t) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is repealed.

(u) 1975 BIB ACT.—Public Law 94-104 is repealed.

(v) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is repealed.

(w) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is repealed.

(x) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is repealed.

(y) 1973 STATE DEPARTMENT ACT.—Section 13 of the State Department Appropriations Authorization Act of 1973 is repealed.

(z) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is repealed.

(aa) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is repealed.

(bb) 1971 FMS ACT.—The Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (Public Law 91-672), is repealed.

(cc) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is repealed except for the first section and part IV.

(dd) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is repealed.

(ee) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is repealed.

(ff) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is repealed.

(gg) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is repealed.

(hh) 1954 MUTUAL SECURITY ACT.—Section 402 and section 417 of the Mutual Security Act of 1954 are repealed.

(ii) 1979 IDCA REORGANIZATION PLAN.—Reorganization Plan No. 2 of 1979 shall cease to be effective on the date specified in section 1101 of this Act.

AMENDMENTS EN BLOC OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc are as follows:

Amendments en bloc offered by Mr. FASCELL:

Offered en bloc by Mr. FASCELL of Florida as a modification of the amendment printed in the RECORD of June 11, 1991, by Mr. KANJORSKI of Pennsylvania:

Page 128, strike out line 5 and all that follows through line 14 on page 144 (sections 2301, 2302, 2303, and 2304) and insert in lieu thereof the following:

"SEC. 2301. MODERNIZATION OF DEFENSE CAPABILITIES OF COUNTRIES OF NATO'S SOUTHERN FLANK.

"(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Notwithstanding any other provision of law and subject to subsection (b), during fiscal years 1992 through 1996 the President may transfer—

"(1) to those member countries of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO which are eligible for United States security assistance and which are integrated into NATO's military structure,

"(2) to major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance, and

"(3) to those countries which received foreign military financing assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,

such excess defense articles as the President determines necessary to help modernize the defense capabilities of such countries. Such excess defense articles may be transferred without cost to the recipient countries.

"(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(1) the equipment is drawn from existing stocks of the Department of Defense;

"(2) no funds available to the Department of Defense for the procurement of defense equipment are expended in connection with the transfer; and

"(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

"(c) NOTIFICATION TO COMMITTEES OF CONGRESS.—The President may not transfer excess defense articles under this section until 30 days after he has notified the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the proposed transfer. This notification shall include a certification of the need for the transfer and an assessment of the impact of the transfer on military readiness of the United States.

"(b) WAIVER OR REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 7201(d) shall not apply with respect to transfers of excess defense articles under this section.

"(e) MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.—

"(1) UNITED STATES POLICY.—Excess defense articles shall be made available under this section consistent with the United States

policy, established in section 5501, of maintaining the military balance in the Eastern Mediterranean.

"(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the 3-year period beginning on October 1, 1991, the ratio of—

"(A) the value of excess defense articles made available for Turkey under this section, to

"(B) the value of excess defense articles made available for Greece under this section closely approximates the ratio of—

"(i) the amount of foreign military financing assistance provided for Turkey, to

"(ii) the amount of foreign military financing assistance provided for Greece.

"(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under this section.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'made available' means a good faith offer is made by the United States to furnish the excess defense articles to a country; and

"(2) the term 'member countries of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO' means Greece, Italy, Portugal, Spain, and Turkey.

"(g) INELIGIBLE COUNTRIES.—Transfers may not be made under this section to any country that is not eligible to receive foreign military financing assistance at the time of the transfer.

"SEC. 2302. MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN MAJOR ILLEGAL DRUG PRODUCING COUNTRIES.

"(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Subject to the limitations in this section, the President may transfer to a country—

"(1) which is a major illicit drug producing country in Latin America and the Caribbean,

"(2) which has a democratic government, and

"(3) whose security forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (b).

"(b) PURPOSE.—Excess defense articles may be transferred under subsection (a) only for the purpose of encouraging the military forces and local law enforcement agencies of an eligible country in Latin America and the Caribbean to participate cooperatively in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic drugs or other controlled substances.

"(c) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a) only if that country ensures that those excess defense articles will be used primarily in support of antinarcotics activities.

"(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a). In accordance with section 4102, the Secretary shall ensure that the transfer of excess defense articles under subsection (a) is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

"(e) DOLLAR LIMITATION.—The aggregate value of excess defense articles transferred

to a country under subsection (a) in any fiscal year may not exceed \$10,000,000.

“(f) CONDITIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

“(1) they are drawn from existing stocks of the Department of Defense;

“(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

“(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

“(g) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

“(h) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 7201(d) does not apply with respect to transfers of excess defense articles under this section.

“(i) NOTIFICATION TO CONGRESS.—

“(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until 30 days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

“(A) a certification of the need for the transfer;

“(B) an assessment of the impact of the transfer on the military readiness of the United States; and

“(C) a statement of the value of the excess defense articles to be transferred.

“(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

“(j) INELIGIBLE COUNTRIES.—Transfers may not be made under this section to any country that is not eligible to receive foreign military financing assistance at the time of the transfer.

“SEC. 2303. NATURAL RESOURCES AND WILDLIFE MANAGEMENT.

“(a) AUTHORITY TO TRANSFER NONLETHAL EXCESS DEFENSE ARTICLES AND SMALL ARMS.—Subject to the limitations in this section, the President may transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for the purposes contained in section 119 of this Act (as in effect immediately prior to the effective date specified in section 1101 of the International Cooperation Act of 1991).

“(b) LIMITATION ON TRANSFERS.—Transfers under this section shall be subject to the limitations contained in section 2101(b).

“(c) TRANSPORTATION.—The Department of Defense is authorized to transport nonlethal excess defense articles and small arms made available pursuant to this section without charge on a space available basis.

“(d) WAIVER OF REQUIREMENTS FOR REIMBURSEMENT OF DOD EXPENSES.—Section 7201(d) shall not apply with respect to transfers of nonlethal excess defense articles and small arms under this section or the transportation of such articles as authorized by subsection (c).

“(e) NOTIFICATION TO COMMITTEES OF CONGRESS.—The President may not transfer nonlethal excess defense articles and small arms under this section until 30 days after he

has notified the Committee on Appropriations of each House of Congress of the proposed transfer. This notification shall include a certification of the need for the transfer and an assessment of the impact of the transfer on the military readiness of the United States. Transfers under this section shall also be subject to the notification requirements of section 2301(c) of this Act.

“SEC. 2304. ADDITIONAL AUTHORITIES RELATING TO MODERNIZATION OF MILITARY CAPABILITIES.

“(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Notwithstanding any other provision of law (except title V of the National Security Act of 1947) and subject to subsection (b), the President may transfer to countries for whom foreign military financing assistance was justified for the fiscal year in which the transfer is authorized, such nonlethal excess defense articles as the President determines necessary to help modernize the defense capabilities of such countries, in accordance with the provisions of this section.

“(b) LIMITATIONS ON TRANSFERS.—The President may transfer nonlethal excess defense articles under this section only if—

“(1) the equipment is drawn from existing stocks of the Department of Defense;

“(2) no funds available to the Department of Defense for the procurement of defense equipment are expended in connection with the transfer;

“(3) the President determines that the transfer of the nonlethal excess defense articles will not have an adverse impact on the military readiness of the United States; and

“(4) the President determines that transferring the articles under the authority of this section is preferable to selling them, after taking into account the potential proceeds from, and likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.

“(c) NOTIFICATION TO CONGRESS.—The President shall notify the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, and the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives 15 days before transferring nonlethal excess defense articles under subsection (a), in accordance with the regular notification procedures of those committees.

“(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 7201(d) shall not apply with respect to transfers of nonlethal excess defense articles under this section.

“(e) ANNUAL REPORT.—Not later than December 15 of each year, the President shall transmit to the committees described in subsection (c) a report with respect to the previous fiscal year which contains—

“(1) a list of the countries to which the President has furnished nonlethal excess defense articles under the authority of this section; and

“(2) the value of the excess nonlethal defense articles that were furnished to each such country.

“(f) TRANSPORTATION AND RELATED COSTS.—(1) Except as provided in paragraph (2), funds available to the Department of Defense shall not be expended for crating, packing, handling, and transportation of nonlethal excess defense articles transferred under the authority of this section.

“(2) Notwithstanding section 7201(d) or any other provision of law, the President may direct the crating, packing, handling, and transport of nonlethal excess defense articles without charge to a country if—

“(A) that country has an agreement providing the United States with base rights in that country;

“(B) that country is eligible for assistance from the International Development Association; and

“(C) the nonlethal excess defense articles are being provided to that country under the authority of this section.

“(g) INELIGIBLE COUNTRIES.—Transfers may not be made under this section to any country that is not eligible to receive foreign military financing assistance at the time of the transfer.

“SEC. 2305. ANNUAL CEILING ON TRANSFERS OF EXCESS DEFENSE ARTICLES.

“The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year for delivery to foreign countries of international organizations under the authority of this chapter or pursuant to sales under the Defense Trade and Export Control Act may not exceed \$250,000,000, excluding—

“(1) any defense articles with respect to which the President submits a certification under section 36(b) of that Act; and

“(2) ships and their onboard stores and supplies transferred in accordance with law.

Page 144, line 15, strike out “2305” and insert in lieu thereof “2506”; and line 21, after “2303,” insert “under section 2304.”

Offered by ROBERT J. LAGOMARSINO of California:

Page 381, line 7, after “(a) STATEMENT OF POLICY.—” Insert “(1) POLICY TOWARD PAKISTAN.—”

Page 381, line 24, insert the following new section:

“(2) REGIONAL NUCLEAR NON-PROLIFERATION POLICY.—The Congress further recognizes that a successful nuclear non-proliferation policy in South Asia can best be achieved through a regional United States policy aimed at securing concurrent agreement by the Governments of Pakistan and India at the Peoples Republic of China on non-proliferation. Such a policy should have as its ultimate goal concurrent accession by Pakistan, India and the Peoples Republic of China to the Nuclear Non-Proliferation Treaty, but should also include as needed a phased approach to that goal through a series of agreements between the parties on nuclear issues, such as the agreement reached by Pakistan and India not to attack one another's nuclear facilities.”

Modification of an amendment offered by Mr. SOLOMON of New York:

Page 383, line 15: After the period insert the following new sentence:

For the purposes of this paragraph, sections 6109, 4201(b), and 4304 of this act shall be applicable.

Offered by Mr. TRAFICANT of Ohio:

Page 411, after line 14, insert the following:

“SEC. 6207. VIOLATION OF TERMS OF ASSISTANCE.

“(a) TERMINATION OF ASSISTANCE FOR SUBSTANTIAL VIOLATIONS.—Assistance and deliveries of assistance under this Act to any recipient of assistance shall be terminated as hereinafter provided if such recipient uses any assistance provided under this act in substantial violation (either in terms of amounts or in terms of the gravity of the consequences regardless of the amounts involved) of any agreement pursuant to which that assistance was furnished by using (without the consent of the United States) such assistance for a purpose not authorized under such agreement.

"(b) ACTIONS REQUIRED FOR TERMINATION.—Assistance and deliveries of assistance shall be terminated pursuant to subsection (a) if—

"(1) the President so determines and states in writing to the Congress, or

"(2) the Congress so determines by joint resolution.

"(c) REPORTS TO CONGRESS.—The President shall report to the Congress promptly upon the receipt of information that a violation described in subsection (a) may have occurred.

"(d) PERIOD OF TERMINATION.—Assistance shall remain terminated in accordance with subsection (a) until such time as—

"(1) the President determines that the violation has ceased; and

"(2) the recipient concerned has given assurances satisfactory to the President that such violation shall not recur.

Modification of the amendment of Mr. TRAFICANT of Ohio:

Page 460, strike out line 21 and all that follows through line 17 on page 461 and insert in lieu thereof the following:

"SEC. 7402. PROCUREMENT.

"(a) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—Funds made available for assistance under this Act may be used for procurement outside the United States or less developed countries only if—

"(1) the funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

"(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided; or

"(3) the President determines on a case-by-case basis that procurement outside the United States would result in the more efficient use of U.S. foreign assistance resources.

Page 461, line 18, strike out "(c)" and insert in lieu thereof "(b)".

Offered by Ms. OKAR of Ohio:

On page 554, between lines 10 and 11, insert the following new paragraph:

"(d) AMERICAN UNIVERSITY OF BEIRUT.—It is the sense of the Congress that the American University of Beirut (AUB) makes a uniquely important contribution to furthering the American ideals of democracy, humanitarianism, and liberal education in both Lebanon and the Middle East as a whole. The Congress finds that in order to ensure that AUB will be able to revitalize its operations and to continue to contribute to the democratization of the Middle East, it is desirable to establish a program of regular financial support of the university to supplement the assistance it receives under the American Schools and Hospitals program and under paragraphs (b) and (c) of this section. Therefore the Congress directs the Agency for International Development, in consultation with the Department of State and the Office of Management and Budget, to report by no later than December 15, 1991, its recommendations for such a program to provide supplemental financial support to AUB. The report shall be made to the Committee on Foreign Affairs and the Subcommittee on Foreign Operations, Export Financing and Related Programs of the House of Representatives and the Committee on Foreign Rela-

tions and the Subcommittee on Foreign Operations of the Senate."

On page 554, line 11, strike out "(d)" and insert in lieu thereof "(e)".

Offered en bloc by Mr. FASCELL of Florida as a modification of the amendment printed in the Record by Mr. OWENS of Utah on June 11, 1991:

Amend section 870 (entitled "Nagorno-Karabakh Crisis"), as added by the Fascell En Bloc Amendment adopted in the Committee of the Whole on June 12, 1991, to read as follows:

SEC. 870. NAGORNO-KARABAKH CRISIS.

The Congress—

(1) condemns the attacks by internal security forces and the forces of the Azerbaijani government on innocent children, women, and men in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

(2) condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

(3) calls for the end of the blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of forces newly deployed for the purposes of intimidation;

(4) calls for an immediate end to deportations of Armenians from Nagorno-Karabakh and the freedom for all refugees to return to their homes;

(5) calls for dialogue among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict;

(6) reaffirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various republics; and

(7) expresses its deep concern over acts of retribution or intimidation against those republics which are seeking greater independence.

Offered by Mr. Porter of Illinois:

Page 614, line 4, after "and" the second time it appears, insert "CERTAIN GOVERNMENTAL AGENCIES AND" and page 615 strike out lines 22 through 24 and insert in lieu thereof the following:

(2) any indigenous nongovernmental organization in the Soviet Union that promotes democratic reform, human rights, the rule of law, or market oriented reforms, and

(3) any governmental agencies in the Soviet Union that promote democratic reforms, human rights, the rule of law, or market oriented reforms, except that funds made available under this section may be expended for technical assistance for such an agency but may not be provided directly to such an agency.

On page 614, line 24, strike "or" and insert "human rights, the rule of law, or".

Modification of an amendment offered by Mr. SOLOMON of New York:

Page 644, lines 4 and 5: Delete "IRAN, IRAQ, LIBYA, PAKISTAN, AND SYRIA." and insert in lieu thereof "CERTAIN COUNTRIES."

Page 644, lines 21 and 22: Delete "Iran, Iraq, Libya, Pakistan, or Syria" and insert in lieu thereof "Algeria and Pakistan and such terrorist states as Iran, Iraq, Libya, and Syria".

Page 645, lines 5 and 6: Delete "Iran, Iraq, Libya, Pakistan, or Syria" and insert in lieu thereof "Algeria and Pakistan and such terrorist states as Iran, Iraq, Libya, and Syria".

Modification of amendment by Mr. HERGER, offered by Mr. HERGER of California:

Page 657, after line 25, in place of the material proposed to be inserted, insert the following:

SEC. 927. HUMAN RIGHTS VIOLATIONS IN INDIA.

(a) FINDINGS.—The Congress finds as follows:

(1) International human rights groups, such as Amnesty International and Asia Watch, have documented numerous instances of human rights violations by Indian security forces against the Indian people, especially in Punjab and Kashmir.

(2) Such abuses reportedly include rape, torture, detention without charge or trial, summary execution, disappearances, and so-called encounter killings.

(3) The Department of State's Country Report on Human Rights Practices for 1990 states with respect to India that "political killing occurs on an increasingly wide scale," and that despite legal safeguards, "there were credible reports of widespread arbitrary arrest or detention". In Kashmir, a widespread breakdown of the legal system is reported to have occurred.

(4) The May 1991 Amnesty International Report on human rights violations in Indian found that serious human rights violations in Punjab have persisted under three governments. It further found that certain Indian security-related laws, severely limit the ability to bring prosecutions against members of security and police forces for human rights violations, and thereby have effectively granted them immunity from prosecution for actions taken on official duty in Punjab, Kashmir, and other areas of civil conflict.

(5) Local rule in Kashmir was suspended in 1990. Local electoral processes and representative government have also in recent years been suspended in other Indian states.

(6) The Executive Branch has proposed an international military education and training program of \$345,000 for India for fiscal year 1992.

(b) STATEMENT OF POLICY.—It shall be the policy of the U.S. Government, and be a guiding principle for the President, that the Government of India should take significant steps to improve human rights in their country, including—

(1) adopting a policy of allowing unrestricted access by internationally recognized human rights monitoring organizations, such as Amnesty International and Asia Watch, to conduct investigations into alleged human rights violations,

(2) fulfilling recommendations of human rights experts on the United Nations Human Rights Committee, who have called for review and revision of security-related laws, whose application has contributed to human rights abuses,

(3) undertaking a process of political dialogue with representatives of a broad spectrum of the Kashmiri community, leading to the restoration of local elections in Kashmir.

(4) making significant progress in curbing human rights abuses committed by its security and police forces.

(c) USE OF IMET TO PROMOTE HUMAN RIGHTS.—The President shall attempt to ensure that the IMET program for India instills program participants with an enhanced understanding and appreciation of, and ability to apply, internationally recognized human rights and humanitarian standards.

Modification of the amendment offered by Mr. SCHUMER of New York:

Page 665, after line 2, insert the following new section:

Strike all after the word "SEC." and insert the following: JAPAN'S DEFENSE OF AIR SPACE AND SEA LANES.

(a) FINDINGS.—The Congress finds that—

(1) Japan agreed in 1981 to assume from the United States the defense of its air space and

of sea lanes within 1,000 nautical miles of the home islands;

(2) successful fulfillment of this mission requires extensive early warning and command and control capability, of the sort possessed by AWACS aircraft;

(3) Japan has yet to purchase early warning aircraft with sufficient range to meet the 1,000-mile mission or the refueling tankers needed to support such aircraft;

(4) Japan's current five-year defense plan calls for the purchase of 4 AWACS planes out of the 12 to 14 early warning aircraft planes required for complete fulfillment of the mission; and

(5) as demonstrated by Operation Desert Storm, the global-defense responsibilities of the United States make it difficult and sometimes impossible to deploy United States AWACS aircraft in the East Asian theater.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) it strongly urges the Government of Japan to fulfill its commitment to defend its own air space and the sea lanes out to 1,000 nautical miles, and otherwise contribute to the common defense in East Asia;

(2) it encourages the Government of Japan to acquire the necessary early warning and command and control capability at the earliest possible date, for example by purchase of AWACS aircraft and support tankers; and

(3) the President should continue negotiations with the Government of Japan concerning its assumption of the 1,000-mile defense mission.

Offered by Mr. Traficant of Ohio:

At the end of the bill (page 721, after line 16), add the following:

SEC. 1109. GAO STUDY OF IMPACT OF REDIRECTING FOREIGN ASSISTANCE FUNDS TO DOMESTIC PROGRAMS.

(a) REQUIREMENT FOR STUDY.—The Comptroller General of the United States shall conduct a study—

(1) of whether reducing the foreign assistance budget by \$3,000,000,000 each fiscal year in order to provide additional funds for programs to assist the domestic economy would significantly harm United States interests abroad; and

(2) on the extent to which such a redirection of funds would help contribute to resolution of America's domestic problems.

(b) REPORT TO CONGRESS.—The Comptroller General shall report the results of the study conducted pursuant to subsection (a) to the Congress within 1 year after the date of enactment of this Act.

Offered by Mr. DURBIN of Illinois and Mr. BERMAN of California:

At the end of the bill (page 721, after line 16), insert the following:

Section 1109. RESTRICTION ON SECURITY ASSISTANCE TO COUNTRIES HAVING AN OFFENSIVE CHEMICAL WEAPONS PROGRAM.—

(a) PROHIBITION.—Except as provided in subsection (b), security assistance may not be provided to any country that—

(1) has an offensive chemical weapons program; and

(2) has not expressed its support for the Chemical Weapons Convention being negotiated in Geneva.

(b) WAIVER.—Assistance otherwise prohibited by subsection (a) may be provided to a country if the President determines, and certifies in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, that security assistance for that country is vital to United States national security interests.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "security assistance" means economic support assistance, foreign military assistance, and international military education and training.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

□ 1730

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

Mr. Chairman, this is the en bloc amendment on which we have worked with proponents and opponents on both sides of the aisle to reach a consensus with regard to the matters covered.

The en bloc includes the following amendments:

1. Lagomarsino—South Asian regional nuclear non-proliferation policy (Title V);

2. Traficant—Violations of terms of assistance (Title VI);

3. Traficant—Procurement (Title VI);

4. Oakar—Sense of Congress on the American University in Beirut (Title VIII);

5. Porter—Technical assistance for any governmental agency or NGO in the USSR that promotes democratic reforms, human rights, market-oriented reforms (title VIII);

6. Owens—Nagorno-Karabakh crisis (modification of amendment adopted in earlier en bloc) (title VIII);

7. Durbin—Restrictions on security assistance to countries having an offensive chemical weapons program/modified (Title XI);

8. Traficant—GAO study on reallocation of foreign assistance to domestic programs (title XI);

9. Kanjorski—Excess defense articles (as modified) (title II);

11. Solomon—Exempts P.L. 480, narcotics assistance, and narcotics-related assistance from Pressler (as modified) (title V);

12. Solomon—Revises list of countries in section 910 that must be covered in a presidential certification on arms transfers by the PRC (as modified) (title IX);

13. Schumer—Japan's Defense (title IX);

14. Herger—Human rights in India (as modified) (title IX).

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I rise in support of the en bloc amendments.

Mr. Chairman, the en bloc amendment to title V of H.R. 2508 contains a provision that I offered which serves to clarify the applicability to Pakistan of three sections in H.R. 2508, the Pressler amendment notwithstanding.

Specifically, my provision makes clear that sections 4201(b), 4304, and 6109 in H.R. 2508 are applicable to Pakistan in this instance. Let me describe what each of these sections does.

Section 4201(b) authorizes the President to furnish assistance to any country, notwithstanding any other provision of law, for purposes of controlling narcotics and psychotropic

drugs. Thus, Pakistan would be able to receive such aid from the United States.

Section 4304 permits the provision of economic support funds to any country, notwithstanding any other provision of law, for purpose of aiding efforts to control illegal narcotics. Thus, Pakistan would be able to receive ESF for this purpose, subject of course to the 15-day Presidential notification to Congress that is specified in this section.

Finally, section 6109 declares that the several prohibitions placed on foreign assistance by this act shall not be construed so as to prohibit countries from receiving assistance from the Peace Corps, the Export/Import Bank, the Commodity Credit Corporation, several development foundations, and the several food assistance programs that our Government provides to needy countries in the developing world. Thus, Pakistan would be eligible for United States food assistance.

My provision in the en bloc amendment serves to clarify the fact that, the Pressler amendment notwithstanding, Pakistan would, under the terms of this bill, be eligible for the kinds of United States assistance I have just delineated.

I thank my good friend from New York, Mr. SOLARZ, the chairman of the Subcommittee on Asian and Pacific Affairs, for his help and cooperation in including this provision in the en bloc amendment.

The en bloc amendment also contains a second provision I offered, again to clarify a provision in the bill as it relates to Pakistan.

Section 910 of the bill is entitled, "arms transfers by the People's Republic of China to Iran, Iraq, Libya, Pakistan, and Syria." The section then goes on to prohibit sales of military equipment to China if there is "convincing, credible evidence" that China is selling or making available technology—for use in missiles and advanced fighter aircraft—to the five countries listed in the title of the section. Section 910 also contains a similar provision with respect to chemical and nuclear technologies that can be used for making weapons.

The problem with section 910 is not with its intent, but with its wording. All Members are concerned with China's military sales to the developing world. But the heading of section 910, and the wording of this section, links Pakistan with Iran, Iraq, Libya, and Syria. The unintended inference of this wording implies that Pakistan is the same kind of country as Iran, Iraq, Libya, and Syria—four countries that have been repeatedly and publicly identified by our Government as terrorist supporting states.

Pakistan is not and has never been a terrorist-supporting state. Quite the contrary. Accordingly, my provision serves to change the heading and the wording of section 910 so as to de-link Pakistan from the other four countries. My provision also adds Algeria—which has just built a nuclear reactor with aid from China—to the applicability of section 910, but does not link Algeria with the four terrorist-supporting states either. Algeria, like Pakistan, does not fit that description.

In other words, my provision maintains the intent of section 910—to pressure China not to make advanced technology with military capability or applicability available to developing countries—but it draws a clear distinction be-

tween the countries that are mentioned specifically in the section.

Pakistan and Algeria are not equivalent to the terrorist-supporting states of Iran, Iraq, Libya, and Syria. My provision eliminates the ambiguity on this point that the original heading and wording of section 910 served to create.

Again I thank Mr. SOLARZ, and the chairman of the Committee on Foreign Affairs, Mr. FASCELL, for their help and cooperation on this matter.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in support of the en bloc amendment, which includes my amendment addressing human rights problems in India. I offered my amendment because I believe that the human rights abuses by India's security and police forces deserve a strong response by the United States Congress. I want to thank the gentlemen on the committee for working with me on this amendment, which I hope will contribute to improving the human rights climate in India.

I am pleased that, in adopting this amendment, the House is calling upon the Indian Government to end its practice of detaining thousands of people without trial.

The Congress calls upon the Indian Government to investigate all reports of human rights violations by members of the Indian security forces, and to prosecute those found responsible.

I welcome the acknowledgment by the House that this is a serious problem that India must address.

I would prefer that we go even further than my amendment and impose sanctions on India at this time. However, the argument has been made that instability within India makes this an inappropriate time to take such a step.

I, for one, believe instability is no excuse for Indian authorities detaining tens of thousands of its citizens without trial, as has been reported by the New York Times.

Instability is no excuse for Indian security forces opening fire on unarmed crowds, killing scores of innocent civilians, as reported by Amnesty International.

Instability is no excuse for Indian police gang raping hundreds of women and young girls, as reported in the State Department's human rights country report for India for 1990.

Instability is no excuse for 4,000 killings at the hands of the Indian armed forces and police in the Punjab since 1984, as reported by the New York Times.

Instability is no excuse for preventing international human rights groups from investigating conditions, as Amnesty International has reported.

A year ago, the Indian Government announced it was allowing human rights groups such as Amnesty International free access to investigate con-

ditions in India. I know the Indian Ambassador has talked to many of you about this, but the fact is, Amnesty International still has not been allowed to enter the areas where most of the human rights abuses are occurring, and you can verify this by calling Amnesty yourselves.

My amendment places Congress on record demanding the Indian Government to expand access for international human rights monitoring organizations such as Amnesty International and Asia Watch.

I hope the steps we are taking today will finally get the attention of the Indian Government, and ensure that steps are taken to end the torture and killings.

If, next year, we have not seen an improvement in India's human rights record, I will be back urging my colleagues to join me in an effort to make further United States assistance to India conditional on respect for human rights.

However, I am pleased that we have come to an agreement on important policy goals for promoting human rights in India, and for using our IMET Program to improve the human rights practices within India's security forces. I urge the adoption of the en bloc amendment.

Mr. FASCELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the chairman and the committee for including the Schumer amendment with the committee modifications in the en bloc amendments.

In 1981, Mr. Chairman, Japan agreed to assume the defense of its airspace and sea lanes out to 1,000 nautical miles, and they said they were going to buy AWACS, as many as 12 to 14 to do that. Up to now they have not bought any, and they are not living up to their commitment to protect those sea lanes.

In the en bloc amendment is an amendment that I have offered that will urge the Japanese and urge our Government to see that that commitment be revived. It is quite important. It is important to the defense of the western Pacific and it is important to keeping the AWACS assembly line going. It is important to see that Japan bears a fair share of the defense of their own backyard and yet not have to violate their Constitution.

Quite frankly, Mr. Chairman, I find it unacceptable and even amazing that 10 years after a commitment made by the Japanese they have not lived up to it, and this amendment I hope will implore them to do that.

I thank the chairman and the committee for their time and for including this amendment in the en bloc amendments.

Mr. BROOMFIELD. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding me the time. I just want to thank the committee, particularly the chairman of the subcommittee, the gentleman from New York [Mr. SOLARZ] for accepting my language on South Asian regional nuclear non-proliferation, including Pakistan, India, and China.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes and 45 seconds to my distinguished friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I will not be opposing the en bloc amendments, but I will say that there are parts of the en bloc amendments that trouble me.

The gentleman from California [Mr. HERGER] and the gentleman from New York [Mr. SOLARZ] reached an agreement on part of the en bloc amendments which deals with penalties against India for the atrocities taking place in the Punjab and Kashmir. I believe that legislation or amendments that I am going to be proposing next week should be looked upon with favor which would impose penalties and withhold developmental assistance until they make a positive change that is necessary in Punjab and Kashmir and elsewhere in India.

The problem is people are being tortured and women are being raped, and people are being indiscriminately shot down in Kashmir and Punjab and nothing is being done about it. I think sending a resolution that just slaps them on the wrist is not going to do the job.

Let me give an example of what has happened and what is happening in those areas. On February 23 of this year more than 800 Indian troops sealed off and rampaged through the village of Kunan. This lasted from 11 p.m. until 9 a.m. the next morning.

Those troops herded all the men into an icy field, and while these men stood freezing under guard, Indian troops entered the village homes and, at gun point, gang raped 23 of their wives. Local people say that 100 women were molested in some way.

Mr. Speaker, one of the women, Zarifa Bano, was raped by seven soldiers even though she was 9 months pregnant. Four days later she gave birth to a boy whose arm had been broken when one of the soldiers kicked her in the womb after the rape took place.

This goes on daily in Punjab and Kashmir, and we are not doing anything about it. We can do something about it by withholding developmental assistance and any kind of foreign aid to India until they allow Amnesty International and other human rights groups to go into Punjab and Kashmir

and to police these atrocities that are taking place.

□ 1740

Mr. Chairman, this en bloc amendment criticizes India for these atrocities, but the fact remains that it does not do anything tangible to change what is going on.

Amnesty International still will not be allowed into Punjab and Kashmir to police these atrocities. The International Red Cross will still not be allowed into Punjab and Kashmir to see what is going on, and women will still be raped, children will still be killed, and men will still be put through all kinds of torture in those areas.

We need to tell the Government of India that human rights in Kashmir and Punjab must be appreciated and realized or else we are going to do everything in our power to bring about some kind of change in our aid program to India.

There has to be a strong signal, and while this en bloc amendment does criticize India for some of these atrocities, there are no teeth in it.

Next week, Mr. Chairman, I hope that my colleagues will look with favor upon amendments I am going to propose which will withhold developmental aid and other foreign assistance until India starts recognizing human rights in Kashmir and Punjab.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I thank the committee for having some patience with me in working out a couple of amendments. I appreciate it very much.

I would like to make just one statement on one of the amendments here today. I am going to ask the committee to fight to keep these amendments in conference and in the bill.

We have over a \$300 billion budget deficit which constitutes more than 20 percent of our entire budget. We borrow over 20 percent of our entire budget, so no one knows where that 20 percent is going when we expend that money.

If we could just take this analogy for just a second: We borrow money, for example, from Japan and Germany, and then we take that borrowed money. We give that borrowed money in the form of foreign aid overseas, and I understand the importance of those programs. But the one amendment I have says that if those countries are going to make purchases they should buy those products from America.

It gives an opportunity on a case-by-case basis for small purchases, so it does not become troublesome and bog it down and become too costly for those countries, but my amendment says that if someone is going to buy thousands of bushels of wheat that they do not buy it from Australia, they

buy it from America. If they are going to buy trucks, they buy the trucks from America. They do not buy them from Japan.

Because the bottom line is we are borrowing money from Japan and Germany, giving it in the form of foreign aid, and then they are using the borrowed money from America to buy the products from Japan and Germany.

Mr. Chairman, we are getting hit both ways. So I am going to ask the chairman to do what he can to keep the language in the bill.

I appreciate his patience and his perseverance and his tolerance on my three amendments.

Mr. OWENS of Utah. Mr. Chairman, beginning on April 30, Soviet forces and Azerbaijani militia began a systematic campaign of aggression against Armenian villages near the Armenian-Azerbaijani border. These forces were sent, ostensibly, to enforce a Presidential decree issued last July to disarm Armenian militias. They were sent, ostensibly, to conduct "passport control operations" in and around the disputed Nagorno-Karabakh enclave. What occurred, in fact, were brutal and indiscriminate attacks against Armenian-populated villages. What occurred, in fact, was the systematic depopulation of Armenians from areas administered by the Republic of Azerbaijan.

Employing helicopters, tanks, and heavy artillery against populated villages, these operations have resulted in more than 50 deaths and the forced deportation of thousands of Armenians from their homes. Conducted under the pretext of establishing law and order, this campaign is an effort to penalize Armenians for seeking independence, and an effort to depopulate Armenians from Nagorno-Karabakh. If the objective of these operations were to establish public order, then a minimum amount of force would have been used. Villagers would not have been rounded up at gunpoint, many of them beaten and in some cases shot; Azeri Omon, or special forces, would not have been included in the effort. Certainly, villagers would not have been expelled from their homes.

It is no coincidence that Soviet forces have suddenly sided openly with Azerbaijan in armed conflict with Armenians. In contrast to Azerbaijan, which is still governed by the Communist Party, Armenia has begun the process of legal secession from the Soviet Union. The military operations which commenced in April have been used as a means of punishing and intimidating Armenia, while rewarding Azerbaijan.

My amendment today—

Condemns attacks on innocent civilians in Armenian areas and communities in and around Nagorno-Karabakh and in Armenia;

Condemns the indiscriminate use of force, including the shelling of civilian areas, on Armenia's eastern and southern borders;

Calls for the end of blockades and other uses of force and intimidation directed against Armenia and Nagorno-Karabakh, and calls for the withdrawal of newly deployed Soviet forces;

Calls for an immediate end to deportations of Armenians from Nagorno-Karabakh and the

freedom for all refugees to return to their homes;

Calls for dialogue among all parties involved as the only acceptable route to achieving a lasting resolution of the conflict;

Reconfirms the commitment of the United States to the success of democracy and self-determination in the Soviet Union and its various republics;

Expresses its deep concern over acts of retaliation or intimidation against those republics which are seeking greater independence.

A similar resolution sponsored by Senators LEVIN and DOLE, passed the Senate by voice vote. I strongly urge your support.

Mr. BONIOR. Mr. Chairman, I rise to express my strong support for the amendment offered by my distinguished colleague, WAYNE OWENS.

Recently, Azerbaijani and Soviet troops have mounted attacks against Armenian-populated villages subjecting the Armenian people once again to the horrors of oppression. Scores of Armenians have been killed in these attacks, and hundreds remain hostage in Azerbaijan.

These continuing acts of aggression are clearly a part of Moscow's attempts to intimidate republics that have declared their desire for self-determination and independence. We must send a signal to the Kremlin that continued acts of intimidation will not be tolerated.

This amendment condemns the indiscriminate shelling of Armenian communities, and the attacks on innocent men, women and children. It calls for an end to the blockade and other forms of intimidation directed against Armenia.

The amendment calls for a dialogue among all parties to achieve a lasting resolution of the conflict. And it reconfirms our commitment to democracy in the Soviet Union.

Recently, a similar resolution unanimously passed in the other body. I commend my colleague from Utah for his leadership on this issue, and I urge my colleagues to support this amendment.

Mr. DURBIN. Mr. Chairman, I rise today to support the en bloc amendment offered by the distinguished chairman from Florida.

Included in this en bloc amendment is an amendment that Congressman BERMAN and I developed to prohibit the extension of security assistance to those countries that have an offensive chemical weapons program and have not expressed support for the multilateral Chemical Weapons Convention being negotiated in Geneva. This convention would eliminate chemical arsenals in 10 years.

Chemical weapons are not militarily successful weapons. They have limited reliability and little effect against prepared troops. These are weapons of the worst dimension—weapons that prey on the body and psyche of the unprotected, the civilian, the child. I doubt any of us will forget the sight of U.S. troops mummified in protective gear during the Persian Gulf war; the infamous pictures of 1988 showing Kurdish villagers frozen in their tracks at the hand of chemical weapons; or the stories of the Israeli child—suffocated by a gas mask. It is time to rid the world of these weapons. It is time the United States led the way.

As of last August, 22 countries had declared their intention to be original signatories of the

Chemical Weapons Convention. The Durbin/Berman amendment urges security assistance recipients to join the growing number of nations that support this convention.

In March, the Japanese Foreign Minister announced that Japan, the largest donor country in the world, is considering reducing foreign aid to recipient countries producing weapons of mass destruction, among them, chemical weapons. The Durbin/Berman amendment ensures that U.S. tax dollars are not spent to enhance the militaries of foreign governments that perpetuate the existence of chemical weapons.

Recently, the administration reversed its position on two controversial issues within the conference—an encouraging sign that we may have a convention in the near future. The Durbin/Berman amendment expresses the support of Congress for the global acceptance of this convention.

While my original amendment, which enjoyed the support of 18 arms control groups, was stronger, I believe this compromise language will send a strong message that the Congress of the United States is serious about eliminating weapons arsenals everywhere.

It is time Congress called on all nations to commit publicly to becoming an original party to the convention. I thank the gentleman from Florida for including this amendment in the en bloc amendment and I urge its passage.

Mr. KENNEDY. Mr. Chairman, I rise in strong support of the Owens amendment condemning the recent violence in Armenia. As an original cosponsor of a similar resolution, I concur that this amendment is a timely and important statement of United States foreign policy toward the Soviet Union, and I would urge my colleagues to support this measure.

This amendment effectively responds to the crisis in the Azerbaijani-Armenian region by sending a clear message to the Kremlin that the United States deplors the human rights abuses occurring in the Soviet republics. It specifically condemns the indiscriminate use of blockades and other means of violence by the Azerbaijani Government, calls for an immediate end to the deportation of Armenians from Nagorno-Karabagh, and urges the establishment of a dialogue between the conflicting parties within the region. It is a critical message at a time when President Gorbachev is being heralded around the world for his commitment to perestroika.

Since 1988, hundreds of Armenians have been killed and over 300,000 have been forced to flee their homes. As their forefathers in Ottoman Turkey, innocent Armenians have again fallen victim to the violent beatings and senseless killings that marked the Turkish genocide of the earlier part of the century.

Particularly troubling now are new allegations of official Soviet collusion. Reports have surfaced that Soviet tanks came to the aid of Azerbaijani forces as they invaded the subdistricts of Getashen, and Martunashen. This brutal intervention led to the killing of 40 innocent Armenian citizens, the injuring of 300, and the taking of at least 70 hostages.

As a nation trying to establish itself as a democratic and pluralistic society, the Soviet Union must realize what such a responsibility actually means. The Kremlin must understand that a democracy begins with supporting

human rights and justice, and not by participating in the crimes that undermine those traditions.

This legislation, however, is not a punishment, but rather an affirmation of our commitment to seeing democracy flourish in the Soviet Union. It is not outside the pale of U.S. authority, because as a world leader, we have an obligation to stand up for human rights and human dignity, for all peoples, at all times.

I would urge my colleagues therefore to stand up for what is right, and voice your convictions on human rights. Support the Owens amendment, and stand up for the Armenian people.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendments en bloc offered by the gentleman from Florida [Mr. FASCELL].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. Are there additional amendments to title IV?

AMENDMENT OFFERED BY MR. ROTH

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

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 414, line 12, strike out "and"; and 14, strike out the period and insert in lieu thereof "; and"; and after line 14, insert the following

"(3) with respect to each project or other activity for which such funds remain unexpended, the justification for such funds not having been expended.

Page 427, after line 7, insert the following: "SEC. 6310. REPORTS BY THE INSPECTOR GENERAL REGARDING UNEXPENDED BALANCES.

"(a) COMMENTS ON SECTION 6301(e) REPORTS.—As soon as possible after the submission to the Congress each year of the information regarding unexpended balances required by section 6301(e), the Inspector General for the administering agency for title I shall submit to the appropriate congressional committees—

"(1) the Inspector General's recommendations for reducing the amount of such unexpended balances; and

"(2) such comments as the Inspector General considers appropriate with regard to the justifications provided pursuant to paragraph (3) of that section.

"(c) COMMENTS ON SECTION 7304(b) REPORTS.—As soon as possible after submission of a report pursuant to section 7304(b), the Inspector General for the administering agency for title I shall submit to the appropriate congressional committees such comments as the Inspector General considers appropriate with regard to the determination described in that report.

Page 454, after line 19, insert the following: "SEC. 7304. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

"(a) REQUIREMENT TO DEOBLIGATE.—Except as provided in subsection (b) and section 6105, at the beginning of each fiscal year the President shall deobligate, and return to the Treasury, any funds that, as of the end of the preceding fiscal year, have been obligated for a period of more than 3 years for development assistance, economic support assistance, assistance from the Development Fund for Africa, or assistance under chapter 2 of title V (relating to the Multilateral Assistance Initiative for the Philippines), but have not been expended.

"(b) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirement of subsection (a) if the President determines, and reports to the appropriate congressional committees, that—

"(1) the funds are being used for a construction project that requires more than 3 years to complete; or

"(2) the funds have not been expended because of unforeseen circumstances, and those circumstances could not have been reasonably foreseen.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Chairman, we all feel that our amendments are important, and I just want to say that I think this is a very important amendment.

We have many people who get up in the well of the House and talk and lament about our deficits and rightly so. When you read this particular bill, you will find that we are talking about \$25 billion here in foreign aid. That is a lot of money.

There is more money involved than that, because we have \$8.8 billion in the pipeline, authorizations going back as far as 1981.

We are cutting back here at home on Medicare, on housing, on veterans. New York does not have enough money to pay for a victory parade for our soldiers from the Persian Gulf. Bridgeport, CT, is filing bankruptcy. We have all kinds of domestic problems.

Yet, we are increasing foreign aid over the current levels by \$1 billion. It is something like right out of 1946 when we had all the money in the world, but the world has changed.

Mr. Chairman, we have to think anew, and we have to act anew.

Yes, there is almost \$9 billion in the pipeline that has not even been spent. Yet, we are increasing foreign aid by another \$1 billion and cutting back on all of our domestic programs.

Does that make sense to you? I do not think it makes sense to the American people, and I think that is why the American people are so turned off on this Congress.

What I am asking us to do in this legislation is to follow the GAO report. That is our investigative arm, as you know. The GAO has come to us and said that after a 2-year period we should deauthorize these funds that have been authorized in this pipeline.

My amendment, because I know it is hard for people to vote against foreign aid in this body, goes one additional step and says that we will cut it off after 3 years, so that certainly should give everyone an opportunity to vote for this amendment.

We make two exceptions. One is for long-term construction projects, and

two for unforeseen delays in completing projects.

I know there are over 900 lobbyists here in Washington, just about every law firm lobbying for foreign aid. I know it is hard to say no, but by golly, when we are making all of these domestic cuts, I think we owe it to our people and our taxpayers to spend this money wisely.

This Congress puts so much money into foreign aid that they cannot spend it fast enough. That is why we have got \$8.8 billion in the pipeline. Imagine pushing so much money into the pipeline that it cannot be spent on the other side fast enough, and yet here at home we are wringing our hands lamenting how can we balance the budget. We are living with over a \$300 billion deficit.

Is that fair to our kids and to the future of this country? I do not think so. That is why I have sponsored this amendment.

We have a crisis in health care. People tell us every night that we have 32 million people in this country who do not have health insurance. And what is our answer? "Why, we cannot afford it." Our roads, our infrastructure, and the President talked about that last night. What is our answer to the poor highway system? "We cannot afford it." Bridges. "We cannot afford it." And we go down the entire litany.

Here is an amendment where we can save over \$2 billion, and we are not going to hurt a single person. We have \$8.8 billion in this pipeline. Incidentally, it is growing by over \$300 million this year, growing by over \$300 million this year, pushing into this pipeline where we cannot find a dime here in America.

This amendment will have conservatively, now, over \$2 billion, and I am asking the Members to help me adopt this amendment. You know, at a time when we do have to reiterate, over \$300 billion in deficits, at a time when we are cutting back on all of our domestic programs, let us do this one for the American taxpayer. Let us do this one for the American people.

I feel that it is unconscionable to keep \$9 billion in a slush fund to be spent at the whim and caprice by a group of bureaucrats. I ask the Members to join me and to restore a modicum of common sense in this area. I ask the Members to join me in support and vote for this amendment.

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

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

Earlier this session, the House of Representatives authorized \$85 million earmarked for Pakistan to the Kurdish refugees. This money was not, however, included in the final emergency appropriation. Where has it gone?

Well, some of it will be sent to Nepal, Burmese students in Thailand, and

other unidentified programs. Most of it, it seems, will pour into the Agency for International Development's pipeline where \$8.8 billion dollars is already collecting dust. The General Accounting Office has publicly stated that these funds are excessive, but we seem ready to pump \$85 million more into an already backed-up pipeline.

We have too many pressing needs throughout our Nation to leave billions of dollars in an AID slush fund. We should use this money for a purpose we all agree is necessary: reducing the Federal deficit.

If you have any questions on how to vote on the Roth amendment, ask yourself one simple question: Would my constituents rather have \$85 million sitting in an account, collecting dust, not knowing when, where or for what it will be spent on, or should we use it to shore up the American economy?

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

Mr. Chairman, I will not take the 5 minutes. I do not often speak on behalf of amendments with respect to foreign aid.

□ 1750

In this case I feel like I should speak and congratulate the gentleman from Wisconsin [Mr. ROTH], who is one of the gentlemen in the body who is always willing to read the fine print, always willing to check the details, and always willing to stand up on behalf of the taxpayer. What he has uncovered here is a practice that we may, in fact, find in other instances, and we ought to look for, which is a practice of holding budget authority over, holding the authority to spend money over from one year to the next. Sometimes that is unnecessary, or sometimes it is necessary, and sometimes it is desirable in the case of multiyear products or in the case where disasters delay the completion of a project. However, we ought not to allow the international aid agencies or any other agency to carry the authority to spend the taxpayers' money over from one year to another without some check, without some balance, without some provision to reclaim that money, and without some oversight requirements that result in their need to come back to Congress and justify any continued holding of the money.

I want to thank the gentleman from Wisconsin for his thoughtfulness in drafting this amendment, to include necessary and desirable exceptions that will afford flexibility when it is justifiable, and for at the same time providing hard requirements on the agencies that will enable the Government and the Congress to reclaim the moneys once authorized for the use either to diminish the national indebtedness or be redirected to some other use of greater urgency. I would stand in sup-

port of the amendment and compliment again the framer of the amendment for his judicious hard work.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, as far as the concept of the amendment is concerned, the concept has merit and has some basis for it in terms of wanting to know exactly what is out there and what it is going to be used for. Of course, that is a legitimate question. It is a good oversight question. It is one that was raised by the General Accounting Office, which has issued the report, which is the basis for this amendment.

The language in the amendment which requests the inspector general to continue the study and the work is a good legislative language.

The difficulty comes in the latter part of the gentleman's amendment when he deobligates. Now, can Members imagine what would happen in any other department if we took all the appropriate funds previously approved by the Appropriations Committees and the Congress, and the President signed the bill, for the purposes for which they were designated, and the next day, or 2 years later, or 3 years later, depending whenever the mood struck a Member for whatever reason, they suddenly said, "Sorry, we are taking all the money back." Now, that is what the gentleman is doing with his amendment. That is what the trouble is. It is across-the-board meat ax deobligation on moneys already appropriated and committed to countries for the specific programs and purposes.

Now, if we examine each one and say, "Well, that program is kaput, you don't need that money, we want to recapture that, and we will not let you transfer it to some other program." That is legitimate. Nothing wrong with that. We do that every day. Or if we just say that we will not let them transfer the money, that the program is dead so we will take the money back and put it in the Treasury or whatever, not allow them to draw on the Treasury for that amount of money, that is all right. But we do not willy-nilly, for every single country, every single pipeline, go out there and say, "We will recapture that. Sorry, all that stuff we said about country X and the programs in country X because 3 years have gone by and you have not been able to finish whatever it is you are going to finish, we will terminate it now." That is real enthusiasm that is absolutely destructive of the programs.

Now, what I suggest we do is this instead. The GAO has made the report, and we think it ought to be continued, and we have written legislative language to carry out what the gentleman is talking about in effect. We do not go as far as he does. He wants to cut it all off now without any examination. What we are saying, however, in the

bill is. Let GAO continue this work. Let Members hear from AID agency on every single country, on every program. Let that report then be submitted to the Congress for the Committee on Appropriations, the appropriate committees of the House and the Senate, Foreign Relations and the Committee on Foreign Affairs, and then on a case-by-case basis we can make an intelligent decision as to whether or not the funds previously appropriated, committed for a specific program or project to a particular country ought to be deobligated.

I think this is a wrong approach to go out there, swing an ax and say, "Well, it has been 3 years. That is enough. You haven't done it, so we will take it all back." I think a more sensible approach is the one that we have suggested. It is in the bill. We will work with the gentleman on the oversight. I guarantee that because this is an important issue. We will keep the GAO on them. We will keep the inspector general on them. We will keep the appropriate committees of the Congress to examine that pipeline on a country-by-country basis. Let the administration come to Congress and tell Congress why it is that after 2 years or 3 years, or whatever the deadline is, they have not been able to expend those funds, and then we in the committees can come back to the Congress and decide whether those funds should be deobligated.

I do not want to suggest that the gentleman amend his amendment or anything like that, but I would suggest under the circumstances a no vote on this amendment. Let Members proceed in the manner that I have just outlined.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. ROTH. Mr. Chairman, I thank my friend from Michigan for yielding and giving me this additional time. No one relishes disagreeing with the chairman of this committee and I am no exception. However, I think that we must say that there are some words in rebuttal, and they are that that is by no means a meat-ax approach, because what we are doing is going further. We are being more liberal than GAO. GAO said after 2 years we should deauthorize the fund. We are saying in this amendment after 3 years.

What we would do if we followed the chairman's suggestion, we would not have the requirement that AID explain why the pipeline funds have not been spent. I think when we take a look at taxpayers paying for these, the dollars of the taxpayers, if they had to vote on this legislation, I am sure that they would say that AID should have to ex-

plain after 3 years why these funds have not been spent, and we are not saying that after a certain period of time all the money is deauthorized, because again we have the two exceptions. That is, for construction projects and for unforeseen delays in completing the project.

Also, there is a requirement that AID and the inspector general give Congress an independent analysis of what the foreign aid bureaucrats are doing with the pipeline funds.

Is there anything wrong with asking the people in the agencies, the bureaucrats, to come back to Congress and tell Congress what is happening with these funds? That is all this legislation is doing.

There is also a provision, taking back funds that have been in the pipeline for more than 3 years. GAO said after 2 years we should retract the authorization, and this amendment, the chairman's suggestion would take that out of this particular amendment. This amendment, I think, is important because it shows the American people that all we are spending money on foreign aid, that we are spending it judiciously. I, as a taxpayer, am enraged, and I serve on the Committee on Foreign Affairs.

I am enraged when I see the money we are throwing down a rathole. Here we have \$25 billion. We are cutting back on all of our domestic programs, and we are increasing foreign aid by a billion dollars. I mean, it makes no sense whatsoever. When I get around this country and talk to people, I think that they agree that we have to have some common sense restored in foreign aid.

□ 1800

We are just blowing money away. It is one of the reasons I find that the people in America are so upset with Congress. The American people want to help those who are in need, but when you see waste like this, and this is out-and-out waste in this pipeline, then I think that we have an obligation to speak up and have the Congress vote on this amendment.

I hope when the House votes on Tuesday—I wish they were voting tonight—I hope when they vote on Tuesday that they vote for the Roth amendment to show the American people that we are concerned, that we do care.

Again, we have \$8.8 billion in the pipeline. We are only cutting \$2 billion out.

You know, if we really had some backbone in this Congress, we would cut all \$8.8 billion out if we are concerned about our people, but under this amendment we are only cutting \$2 billion out, and the reason I cut it down to only \$2 billion was so that I could get the votes in this Congress.

I am not going to believe that this Congress is not going to cut this by \$2

billion. I just cannot believe that when we have \$8.8 billion in the pipeline, so much money we are pushing into this pipeline that we cannot even spend it fast enough on the other side. I just do not believe that the Congress will not do that.

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

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

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

I just wanted to ask my distinguished colleague, the gentleman from Florida [Mr. FASCELL], does not this money stay in there indefinitely?

I mean, we talk about 2 years, 3 years, but is it not true that money just stays there forever and ever?

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

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. If that is the way it is appropriated. We do that all the time in the Congress. That is not unusual with all agencies.

Mr. STEARNS. Well, I know. But is not that a concept in itself that this money can stay in an account forever and ever, even in military programs, so that the service can build up a surplus and after a while we lose track of it?

Mr. FASCELL. Well, Mr. Chairman, if the gentleman will yield further, I hope nobody loses track of it, but the gentleman raises a very interesting question about the hundreds of billions of dollars that are appropriated to the Department of Defense which remain unexpended. That does not mean they are not committed. If you have a 20-year program, that must be planned for.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, let me just add a few comments to those made by our distinguished chairman in opposition to this amendment.

I think this kind of an amendment is very sweeping and would hit so far as I know almost every country in the entire bill, with the probable exception of Israel whose aid, of course, is largely cash transfer.

What this amendment will do in effect will be to push the spending faster, and it will decrease careful planning for projects. In almost all of these countries you cannot put through, for example, an infrastructure project in 3 years. Roads take much longer than that. Cement plants take much longer than that. This will very severely hamstring aid in trying to carry out infrastructure projects and many other kinds of projects.

I do not have the position of the administration on this amendment, but it would be quite surprising to me if the

administration did in fact support it, because I think it would be very disruptive of the program.

As a matter of fact, in response to a question a moment ago, there are instances in which funds are deobligated. As the committee report makes clear on page 160, in fiscal year 1990, the section 1311 review resulted in approximately \$177 million in program funds that were deobligated, and in some instances reobligated, so there is some review here.

I think this amendment would affect almost all aspects of the assistance program, except ESF and cash transfers.

I am struck by the extraordinary reporting requirements that the gentleman calls for, if I understand them correctly, an annual report as to why funds have not been expended. You would have to go into detail with respect to all these projects that AID carries on.

My understanding further would be that the United States Government AID would be required to break all kinds of contracts if this amendment went into effect.

I really do not know what the impact of this amendment would be in scores of countries. Just to come along with an amendment like this without any understanding of how it affects Egypt or how it affects Turkey or how it affects a lot of other countries with whom we have had a very close relationship seems to me to be quite unwise, and I would urge the Members to vote against the amendment.

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

Mr. HAMILTON. Yes, I am happy to yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, the gentleman had mentioned that all this amendment would do is make and spend the money faster.

Well, Mr. Chairman, let me say this. We in the Congress determine that. We in the Congress still control the purse strings. They are only going to spend it faster if we do not have sufficient oversight.

You see, that is the argument we are making. We in this Congress do not have oversight when it comes to foreign aid. We just push more and more money overseas, try to buy more and more friends, and we end up with more and more enemies.

We have not had really a review of this policy since 1946. We are still in the same old outworn thinking that we had right after the Second World War.

I think this world has changed. I think our country has changed. I think our needs have changed and that is why I think we have to refocus and we have to reconsider what we are doing.

At a time when we are cutting back on all our domestic programs, on wel-

fare, our seniors and our veterans, to say that we are going to spend billions of dollars more on foreign aid just does not make sense to me.

Mr. HAMILTON. Mr. Chairman, I reclaim the balance of my time.

First, of course, I do not disagree with the gentleman with respect to waste or abuse in the program. We are all opposed to that. Nobody favors that.

The fact of the matter is if you appropriate x number of dollars for a certain country, they are going to try to spend that money, and if you only give them 3 years to do it, they are going to do it in a way that is inefficient and wasteful and you are going to create more waste with this amendment than you are going to clean up.

So far as greater oversight of the program, of course I agree entirely with the gentleman with respect to that. We are deficient in many respects in our oversight and we need to improve that; but I must say to the gentleman, this kind of a scattershot amendment, I think, will not lead to efficiencies in the program, but will lead to just the opposite.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

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

Ms. OAKAR. I am delighted to yield to the gentleman from Florida.

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

Let me follow up on what the distinguished chairman of the Subcommittee on Europe and the Middle East has just pointed out.

The language that we have in the bill, we call for an identification of any funds, that is as of September 30 of the preceding fiscal year, that have been obligated for a period of 2 years or more and have not been expended, so we shorten the time.

We not only ask for the documents, but an examination, of course, to be had by both the General Accounting Office and we hope the inspector general and the committees, and requesting from the administration an explanation of why after that period of time the necessity for those funds remaining there is valid.

Now, I think that is direct oversight.

The gentleman makes a broad sweeping statement. I know he is opposed to foreign aid of any kind for any reason, has always been. He has been consistent in the Foreign Affairs Committee. He is a valuable member of the Foreign Affairs Committee. He has done bleeding for me.

I do not want to have to make that case right now with respect to assistance, but foreign aid is an absolute essential tool for us, the United States, as we deal with the rest of the world.

There is no way for the United States to get off the world and tell everybody else to go fly a kite while we take care of our business.

We are not seeking to buy friends. We are seeking, however, for cooperation. We got excellent cooperation with the President's leadership, for example, in bringing together a coalition on a very important matter in the gulf. It worked out satisfactorily.

One of the reasons for that is because we have maintained a relationship with those countries across the board economically, militarily, politically, and otherwise.

□ 1810

And to cut yourself off for that or to say you cannot afford it is really a very, very narrow interpretation of the interests of this country. We cannot exist as a self-consuming society. We had better be able to export. Fortunately, our balance of trade has turned around for the first time in many many years. We now finally begin to have a surplus. Maybe that will take.

But one of the reasons for that is that people that were trying to help the countries that we are assisting have the economic wherewithal because we have made it possible for them to help themselves. They can buy American products. We can then sell, we can be competitive.

So this is not a one-sided proposition.

Foreign aid is not a drunken sailor in a pink Cadillac throwing money at a bunch of people who are ungrateful. Assistance means exactly that; economically to give people the opportunity to help themselves so they can be worthwhile economic partners.

On the military side, we have demonstrated over and over again how important it is to have the military contacts, to provide assistance to those countries who are allies who will cooperate with us on matters of important foreign policy objectives, just like the gulf war.

Now, why would you want to cut off your hands because you have the feeling that in some way, somehow this does not help the United States? And I have not even touched on the humanitarian aspects of this matter. The American people have an outstanding record of assistance to people who are in difficulty, unmatched, I dare say, by any nation of people anywhere. That is foreign aid.

So let us not be too quick here. Yes, we have to have oversight; yes, this is a lot of money; yes, we ought to scrutinize it; and, yes, we ought to reevaluate.

But let me say, let me remind the very able gentleman who serves on our committee that we spent 1 year in re-examination of the policy of foreign assistance in the legislation that is now here, in order to take a look at the 1990's, to take into account the chang-

ing conditions in the world, to be sure that our relationships are consonant with what is going on.

This is what we are trying to do. We did it also in 1975.

I still think we ought to vote against the amendment.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes.

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I merely want to indicate that the administration is opposed to this amendment.

There has been a GAO review of AID on this pipeline business, and they have found that the bulk of the pipeline, nearly 90 percent of it anyway, is well managed and does not exceed the operating needs. They also cite that this portion of a pipeline represents established commitments under approved project financing plan and is already committed to paper goods and services.

Elimination of these commitments would be highly disruptive to project implementation. Most of the remaining pipeline is needed for closeout of billings, cannot be used for other purposes because of earmarks or other restrictions or the deobligation action is still being negotiated with the host government, and supplies of goods and services become deobligations, as possible.

Moreover, the GAO recognized that some funds in the pipeline are there because of factors beyond the control of AID. For example, unexpected political and economic changes in host countries cause a need to revise program plans, project design and implementation schedule, congressional earmarks and constraints of functional accounts limit the ability to relocate and reobligate funds.

So, basically the administration takes the position it eliminates their flexibility obviously to handle these. I think the gentleman has served a very useful purpose in offering the amendment so that we can discuss it. I think it is a matter that needs a little bit more review. But obviously the administration is looking into it right now.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the previous order of the House,

the vote is postponed until a subsequent legislative day.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Chair would inquire, is the amendment printed in the RECORD?

Mr. TAYLOR of Mississippi. It is, Mr. Chairman.

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi: On page 488, line 10, after the word "articles" insert ", other than construction equipment including, but not limited to, tractors, scrapers, loaders, graders, bulldozers, trucks, generators and compressors."

MODIFICATION TO AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent to make a slight technical change to the amendment.

Mr. Chairman, on line 3, before the word "trucks," I ask unanimous consent to insert the word "dump."

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification offered by Mr. TAYLOR of Mississippi to the amendment offered by Mr. TAYLOR of Mississippi: in the matter proposed to be inserted by the amendment "dump" before "trucks."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I reserve the right on my time to inquire of the gentleman on one aspect because he is making a significant modification, and I just think it helps to clarify the whole amendment a little bit. I am not going to object to his doing that after I get done with this discussion. But I want to be sure that by "construction equipment" in the gentleman's amendment, that he means that type of equipment that is generally used by the military, actually used by them for construction, but not items which could be used, such as jeeps or pickup trucks or those sorts of things. Is that what the gentleman is intending by the language in his amendment and why he is modifying it to say "dump trucks"?

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. Under my reservation, I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding that the administration would like the authority to take jeeps, what are commonly referred to as deuce-and-a-half trucks, and other type vehicles used for transportation of people and have authority to give them to dif-

ferent drug wars around the world. I certainly understand that and want to work with that.

However, I would like to see to it that construction equipment, such as road building equipment in particular, would remain available.

Mr. McCOLLUM. That is the type of equipment, though, actually used by the military in construction? Because you could conceivably use lots of other things. The gentleman has said "such as" in his example. So I am just trying to make sure while he is modifying it for dump trucks we have a clear understanding in the RECORD that he intends by the term "construction equipment" to mean the equipment the military actually uses for construction, which of course graders and bulldozers and such are.

Mr. TAYLOR of Mississippi. That is correct.

Mr. McCOLLUM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The amendment offered by the gentleman from Mississippi [Mr. TAYLOR] will be considered as modified.

The text of the amendment, as modified, is as follows:

On page 488, line 10, after the word "articles" insert ", other than construction equipment including, but not limited to, tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators and compressors."

Mr. TAYLOR of Mississippi. Mr. Chairman, in this bill there is language that would allow the President of the United States to give excess Department of Defense equipment to nations that are on the approved list. Among the things that the Department of Defense owns is a great deal of taxpayer-paid-for construction equipment, I have a bit of trouble with giving that away.

You see, in my home State there are 26 miles of unpaved roads, there are communities that do not have a community water system for either drinking or fire protection services; nationwide there are tens of thousands of bridges that need to be repaired; there are hundreds of thousands of miles of road to be repaired in this country.

Communities in which the governing authorities are suffering from lack of funds, to them the purchase of a backhoe or a bulldozer is as large a purchaser as a destroyer or a B-2 bomber is to this body.

For that reason, I am going to ask the Congress to amend this bill to keep those construction-type equipment and to keep it available for use in this country.

I have no problem with giving the President the authority to transfer M-60's, M-1A1 tanks, bombers, or what-

ever sort of military equipment that is in excess of what our Department of Defense needs and make it available to our allies. But I do have a problem at a time when our Nation is so horribly in debt, \$3.4 trillion, when we are spending \$500 million a day on interest on the national debt, when our local communities and States and our cities are financially strapped, with taking things that can be used here through programs that are presently available for use and not making them available.

□ 1820

Mr. Chairman, there are counties in my State, and I presume in every State, that do not own a single backhoe or a single bulldozer, and I think it is inexcusable for this Congress, the elected Representatives of the American citizens, to give this equipment away when there is a need at home.

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

AMENDMENT OFFERED BY MR. MCCOLLUM TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM to the amendment, as modified, offered by Mr. TAYLOR of Mississippi:

Strike out all of the amendment that follows "pages 488," and insert in lieu thereof the following: Line 8, strike out "The" and insert in lieu thereof "(A) Except as provided in subparagraph (B), the"; and after line 19, insert the following:

"(B) The term 'excess defense articles' does not include any construction equipment (including tractors, scrapers, loaders, graders, bulldozers, generators, compressors, and dump trucks), except to the extent that the President determines that the inclusion of construction equipment in that term is essential to United States national interests or that such equipment is to be provided as humanitarian assistance.

Mr. MCCOLLUM. Mr. Chairman, I reluctantly oppose the amendment of the gentleman from Mississippi [Mr. TAYLOR] and the form that it was in, and I offer this substitute because it seems to me very apparent that, while we would like to see more graders and construction equipment going back to our States, all of us understand that there are occasions when the President, in the national security interest of our country, is going to want to allow this excess program to provide this kind of equipment to another country, and the way that the amendment of the gentleman from Mississippi [Mr. TAYLOR] was drafted, he did not allow for any exception to that. Without any exceptions to that means that all construction equipment, all bulldozers, all graders, would be removed from the definition and, therefore, not subject to being given or transferred to a foreign country.

Mr. Chairman, I can think of any number of occasions where it is impor-

tant that we be allowed to transfer some of that equipment; for example, in the case of Afghanistan, in the situation where we have been supporting the resistance over there. It has been very important upon occasion to have heavy construction equipment to clear passes and so forth. We are not engaged over there directly in a military operation in that country. We cannot send our military to do that. But it has been important in our cause to support the resistance and in the interest of our country that that group have access to that type of equipment in order to clear their roads.

There are occasions in many countries around the world who are our allies and our friends where the need for this kind of construction equipment for some particular purpose is vital in relationship to some interest that we have. Now, not every situation that they are going to plead for a piece of equipment is going to be one of those. As a matter of fact, my understanding is we do not even begin to submit at the present time under this program all of the construction equipment by any stretch of the imagination of foreign governments, and indeed right now much construction equipment does go into the program so the States can acquire it, but to say that no construction equipment of any type may be designated by the President for a foreign country is simply not in our national security interest.

Mr. Chairman, that is why I offer this substitute, to clarify the fact that in general we do support the idea that most of this equipment go to the States or go, not to foreign countries, but that we give the President the right, when he declares and determines that it is in our national security interest, to have this equipment go to a foreign country. Then it can go there, and I believe that that is very important, and there are humanitarian assistance occasions and under other programs as well where that might be the case, but under this program, at this point in time, I submit my amendment is appropriate. It does provide a latitude and a flexibility that the amendment of the gentleman from Mississippi [Mr. TAYLOR] does not.

Mr. Chairman, I urge the adoption of my substitute amendment.

Mr. KANJORSKI. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Florida [Mr. MCCOLLUM] to the amendment of the gentleman from Mississippi [Mr. TAYLOR].

Mr. Chairman, I appreciate the regard of the gentleman from Florida [Mr. MCCOLLUM] for the HAP program, Humanitarian Assistance Program, and I wish to call my colleagues' attention to the fact that this amendment pending today by the gentleman from Mississippi [Mr. TAYLOR] in no way, to the best of my interpretation and counsel,

impacts on the Humanitarian Assistance Program, and then the gentleman from Florida [Mr. MCCOLLUM] makes the further argument that for national security purposes in the United States we may have to give a bulldozer, some special object, to one of our friendly allies somewhere in the world, and then to suggest that that is a very small part of the supplies that are given away each year and that most of it ends back in the pipeline of this country.

I rise today in support of the amendment of the gentleman from Mississippi [Mr. TAYLOR] because I am intimately aware of the entire supply system, from the beginning at the Pentagon all the way through the stages where this property becomes excess property, eventually surplus property, and it ultimately gets, down to the level of the State or municipal government use. I can assure the gentleman from Florida [Mr. MCCOLLUM], if he is not aware of this fact, that almost 90 to 95 percent of Federal property disappears before it ever gets to the level of the State or municipal use, and when I say "disappears," I mean that somewhere along the line, by some program, whether it is the Humanitarian Assistance Program, whether it is a program under this enabling legislation that we are talking about today, or whether it is a transfer to some Federal agency or some other qualified agency in the program; but before it gets to the State level, most, if not all, of this qualified equipment leaves.

But worse than that, the equipment we are talking about here today is not surplus or not excess property. What we are talking about is class A, usable material worth in many instances hundreds, and thousands, and perhaps even millions of dollars for one piece of equipment. And yet, if we trace the amount of that equipment, heavy construction equipment, that comes through the Federal system, it ultimately ends up on the State or local level in this country. It is a damn shame, and the argument that the gentleman from Mississippi [Mr. TAYLOR] makes is right on that point.

Now we are sure we can frame some sort of protection in this bill that in emergency purposes the President could exact some of this equipment to send to specialized countries, but it is absolutely essential that the Congress recognize what the gentleman from Mississippi [Mr. TAYLOR] is attempting to do here, and it is something that should have been done years ago.

It is no longer 1960 or 1970 when this country is the wealthiest in the world and the big brother to every other nation in the world. It is now 1991. We are the greatest creditor nation in the world. We are handing out billions of dollars; I might say \$25 billion in this bill alone in foreign aid, when in 1980 the housing bill of the United States

was \$32 billion and it is now only \$14 billion some 11 years later, whereas foreign aid every year grows by 5, 6, 8 percent, and the argument always being that there is inflation and a greater need.

I think the point that the gentleman from Mississippi [Mr. TAYLOR] makes today, that I want to join in, is finally in 1991 this Congress ought to become aware of the fact that, yes, there is a greater need in the world, and part of that greater need is in the counties of Mississippi, Arkansas, Kentucky, West Virginia, Pennsylvania, and throughout the United States, and it is important that we, for the protection of our people, at least give our people the opportunity to get secondhand or used military equipment because we damn well know that we are not going to get the opportunity under community development or housing programs that exist in this country in 1991 for our communities to buy new equipment.

So, Mr. Chairman, I want to urge my colleagues to support the amendment which the gentleman from Mississippi [Mr. TAYLOR] offered and oppose the substitute offered by the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. KANJORSKI. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I do not disagree with the gentleman from Pennsylvania [Mr. KANJORSKI] on some of his points, but I think other Federal agencies get a cut under the program, but I think the illustration he gave about the fact that there are other Federal agencies getting a cut under the program, that there is a whole system of process which is very important to understand here. We are not dealing with something, an amendment of this nature, that is as broad as it is and ought to be put in here tonight. We ought to allow this some flexibility, and the gentleman has indicated an emergency situation with the President. I do not even think that word is appropriate. That is why my amendment would allow for the President to designate, if it is of vital interest to the United States, but there be an exception for this purpose.

Mr. KANJORSKI. Mr. Chairman, reclaiming my time for a moment, let me explain the program to the gentleman from Florida [Mr. MCCOLLUM] so he will see. The program we are talking about here is equipment that comes right off the first choice of needed battlefield equipment, comes into the second line of the Pentagon, and it can go to foreign nations.

□ 1830

The States of this country and the counties of this country have to wait until it goes down four pecking orders to the Pentagon.

The CHAIRMAN (Mr. McDERMOTT). The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Mr. KANJORSKI. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

Mr. FASCELL. Mr. Chairman, may I inquire, how much debate time do we have remaining?

The CHAIRMAN pro tempore. There are 4 minutes left of the 8 hours of debate.

Mr. FASCELL. Mr. Chairman, I have two speakers over here, the gentleman from Mississippi [Mr. TAYLOR] and the gentlewoman from Ohio [Ms. OAKAR]. May I ask, can the gentleman complete this in 1 minute?

Mr. KANJORSKI. Yes, Mr. Chairman, I can.

Mr. FASCELL. I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, what happens is that the counties and the cities of America get in about the seventh pecking order. After it goes through four pecking orders, the second one of which goes to foreign countries, it has to go down to the bottom of the Pentagon, and then it gets to the Federal agencies of the United States. Then it goes down a further order to another pecking order of special interest groups in the United States and abroad, and then it gets declared. If nobody else wants the equipment, they get the surplus, and then finally the poor counties, cities, and States can go in and get their equipment.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield, I understand his grips, but the thing that is being done here is just too darned broad and too sweeping. You are taking it all away and doing just the other side of it. You have got to find some balance, and that is why I offered the amendment I did. We will have plenty of other chances on other bills to come along and do what the gentleman wants to do in some modest and reasonable fashion, but this is a very gutting amendment to the program that is currently the excess program.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Mr. FASCELL. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to thank the chairman of this committee, and especially the gentleman from Indiana [Mr. HAMILTON], for including humanitarian assistance in the foreign aid bill for Lebanon. The people there have suffered. There are many, many innocent people in Lebanon who have humanitarian needs and physical needs, and the aid that was put in the bill will go to humanitarian organizations.

In addition, I want to thank the gentleman for accepting my amendment in the en bloc amendments that would take my recommendation to have a study done relative to acknowledging the American University at Beirut, which has served as an intellectual, cultural, and humanitarian institution among the people of that region for 125 years and helped the people to survive.

Mr. Chairman, I am very, very grateful, and I thank the gentleman very much for his help.

Through thick and thin the American University of Beirut has been an anchor of stability in Lebanon. It is one of the finest academic institutions in the world. This amendment is consistent with the Foreign Affairs Subcommittee on Europe and the Middle East's report, which states,

The subcommittee supports continued funding for AUB from non-ASHA funds. The subcommittee also feels it is incumbent on U.S. AID and State Department officials, together with AUB officials, to explore stable funding options for AUB for the future so that this university and its hospital can continue to perform a key role in the extraordinarily difficult situation in Lebanon.

This amendment is also consistent with last year's foreign operations appropriation's report, which recommended that the Agency for International Development address the American University in Beirut's deficit through ASHA [American Schools and Hospitals Abroad] and non-ASHA AID funds.

My amendment would simply take these recommendations a step further, by requiring AID to make recommendations in writing in the form of a report to Congress.

The American University of Beirut has served as an intellectual, cultural, and humanitarian bridge between the peoples of the Middle East and the United States for 125 years. AUB has consistently worked to foster the tolerance and open dialog that are essential to a democratic society. The American University of Beirut hospital has played an extremely important role in healing the people of Lebanon. During the worst fighting in the last few years, the hospital treated nearly 21,000 of Beirut's injured, from both Christian and Muslim sectors of the city, in 1 year. Currently, the hospital is playing a leading role in providing prosthetic medicine.

Supplemental funding for AUB is needed to allow it to revitalize its operations after more than 15 years of turmoil in Lebanon, to provide leadership in the physical, social, and medical rehabilitation of Lebanon, and to broaden its activities throughout the Middle East to provide the intellectual base on which democratic institutions can be built in that region.

I urge Members to support my amendment.

Mr. FASCELL. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

In this bill there are two nations that will receive more financial assistance from the United States of America this

year than my State. The amount of money in this bill is 5 times the annual budget of the State of Mississippi.

Enough is enough. There was a time when the rest of the world was devastated and we were wealthy and we gave the world our help, but there must also come a time when we start looking out for our own.

I am not asking that we reject the entire package. I am asking that a portion of those things that the President would like to give away to other nations remain in this Nation to address needs in this Nation for people who do not have running water in this Nation, for people who do not live on a paved street and need to have it graded on a regular basis in this Nation.

The need exists. This is not greed. This is just simply looking out for the people we stood in front of last October and said, "We will be there for you if you need us." Those people need us. Those people have real needs. Let us take this equipment that the citizens of the United States of America have paid for and keep it here in America. That is a very simple request. To do what the gentleman from Florida [Mr. MCCOLLUM] asks for is to give the President the authority to willy-nilly give this equipment away, in addition to the \$25 billion in this bill.

Mr. Chairman, I say to the gentleman from Florida [Mr. MCCOLLUM] that that is too much. We have to draw the line somewhere. I think we need to draw the line on this construction equipment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] to the amendment, as modified, offered by the gentleman from Mississippi [Mr. TAYLOR].

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

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. STAGGERS) having assumed the chair, Mr. MCDERMOTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other pur-

poses, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, I was unavoidably absent for the vote on restricting aid to India unless the President is able to verify that India is not pursuing nuclear weapons capability. If I had been present and voting, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. MCCOLLUM. Mr. Speaker, I take this time to address the House for 1 minute for the purpose of ascertaining the schedule for next week. I yield to the gentleman from Pennsylvania [Mr. GRAY] for the purposes of explaining the schedule.

Mr. GRAY. Mr. Speaker, if the gentleman will yield, let me say to the gentleman that tomorrow the House will not be in session. There is no legislative business on tomorrow.

On Monday, the House will meet at noon, and there is no legislative business scheduled.

On Tuesday, the House will meet at noon. We will take up the Treasury, Postal Service, general government appropriations bill for 1992. Then we will consider the bill authorizing foreign assistance and related programs for fiscal years 1992 and 1993. We would expect to complete consideration of the foreign assistance bill.

There is one suspension bill scheduled, the Federal Maritime Commission authorization bill for fiscal year 1992.

Then on Wednesday, the House will meet at 10 a.m. and consider the Foreign Operations appropriations bill for fiscal year 1992, which, of course, is subject to a rule.

Then on Thursday, the House will meet at 10 a.m. and bring up H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991.

On Friday, the 21st, the House will meet at 10 a.m., but there is no legislative business scheduled.

Mr. MCCOLLUM. Mr. Speaker, I might inquire if the gentleman expects us to be in session late on Tuesday night.

Mr. GRAY. Mr. Speaker, it is our expectation that we will be in session late on Tuesday evening in order to complete consideration of the bill authorizing foreign assistance and related programs for fiscal years 1992 and 1993.

Mr. MCCOLLUM. It appears, then, that the gentleman from Florida does not need to make a further comment. So we all know we are going to be in session late Tuesday night, unfortunately, but that is the way we work around here.

Mr. Speaker, I do not have any other questions. I think the gentleman has explained the schedule adequately.

ADJOURNMENT TO MONDAY, JUNE 17, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GRAY. 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 Pennsylvania?

There was no objection.

A TRIBUTE TO THE BALTIMORE GAS AND ELECTRIC COMPANY ON ITS 175TH ANNIVERSARY

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

Mrs. BENTLEY. Mr. Speaker, I rise to honor the 175th anniversary of the Baltimore Gas & Electric Co. Before the coming of the railroad, before Samuel Morse telegraphed his first message from inside of this building, before the Erie Canal opened its locks, the Gas Light Co. of Baltimore, BG&E's direct predecessor, was lighting the streets of Baltimore. In fact, it was America's first gaslight company.

Although BG&E has had a luminous history, we should not just concern ourselves with their past. The company currently is concerning itself with the energy needs of this country, bringing the central Maryland area natural gas, hydroelectric power and nuclear energy, and in doing so, lessening our dependence on foreign oil. BG&E provides over a million people with reliable energy at prices among the lowest on the eastern seaboard.

However, BG&E's most visionary strides are taking place at the moment. The company has embarked on an extensive conservation program to mitigate the need for additional power generation, searching the horizon for new and better ways to serve its customers.

But these are not the only resources that BG&E provides Maryland. The company not only supports local charities and the arts, but also its employees—over 9,000 strong—comprise one of

the largest volunteer forces in the State.

Happy birthday BG&E, and thank you for lighting up our lives!

□ 1840

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the special order given today by the gentleman from Indiana [Mr. HAMILTON].

CONGRESSIONAL INTERNSHIPS

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

Mr. RAY. Mr. Speaker, I rise today to highlight some of the fine work done by student interns.

I believe it is important that we give special attention to the young people and future leaders of our nation.

In this House we debate the merits of various educational programs. Many times we cannot see the effect of these programs for years.

However, because of Congressional internships, we have a chance to directly affect the life of a young man or a young woman every day. Every Member of this House can give a young person the opportunity to come to Washington and experience an exciting new world and to be introduced to the legislative process.

Most Americans don't live in big cities. Most Americans are like the folks in my district. They live in small towns and rural places. It is particularly beneficial to these young Americans to learn what life in a big city is like.

Local businesses in the Third District of Georgia have been generous in their support of students wishing to work in Washington. Students from Lagrange, Columbus, and Fort Valley State Colleges leave their homes and come to Washington each year.

As these young students learn their way around the Nation's Capital, they discover the roots of American history. They read the immortal words of Abraham Lincoln inscribed in his memorial. They listen to the debates of our time, here, on the floor of this House. They write their impressions of this, and they take back with them a vision of what has been, and what may be.

I would like to submit for the RECORD two papers. The first was done by one of my current interns, Miss Joanne Phillips of Cochran, GA, and a student of Presbyterian College in South Carolina. It is an enlightening biographical history of some of Georgia's greatest leaders. The second is an

impressive look at the current debate over fast-track done by Sherry Young, a student at Fort Valley State College in Fort Valley, GA.

I commend the work of both of these young women, and I commend all of my colleagues who encourage young people to come to Washington to learn, to dream, and to take part in this great experiment in democracy.

CHRONOLOGY OF MEMBERS OF CONGRESS REPRESENTING THE THIRD DISTRICT OF GEORGIA (By Joanne Phillips)

This paper is a chronology of members of Congress representing the Third District of Georgia. This paper includes a short biography of the forty-six Congressmen that have occupied this seat. This chronology begins in 1799 and continues to the present.

The Third Congressional District of Georgia was first developed in the Seventh Congress. The first occupant was Benjamin Taliaferro. He was born in Virginia in 1750. During the Revolutionary War, he served as a Lieutenant in the Rifle Corps. He moved to Georgia in 1785. He served in the State Senate, and was President. He was a delegate to the State Constitutional Convention in 1798. He was elected as a Republican to the Seventh Congress and served from March 4, 1799-1802. He died in Wilkes County, Georgia on September 3, 1821.

Samuel Hammond was born in Farnham Parish, Richmond County, Virginia on September 21, 1751. He was a soldier in the Continental Army during the Revolutionary War. He was the Surveyor General of Georgia in 1796. Mr. Hammond was a member of the Georgia House of Representatives from 1796-1798, and a member of the State Senate from 1799-1800. He was elected to the Eighth Congress and served from March 4, 1803-February 2, 1805. He served as Civil and Military Governor of the Upper Louisiana Territory. He died in Augusta, Georgia on September 11, 1842.

Peter Early was born in Madison, Virginia on June 20, 1773. He attended Lexington Academy and Princeton College. He graduated from Princeton College in 1792 and began his Law Practice in Wilkes County, Georgia. He was elected to the Ninth Congress, January 10, 1803-March 3, 1807. After his term in Congress, he served as Justice of the Supreme Court and Governor of Georgia from 1813-1815. He was a member of the State Senate from 1815-1817. He died on August 15, 1817 in Greene County, Georgia.

Dennis Smelt was born in Savannah, Georgia in 1750. He participated in the Revolutionary War. He occupied the third district seat during the tenth and eleventh Congresses. This was from September 1, 1806-March 3, 1811. This is all the information found on Congressman Smelt.

William Barnett was born in Amhearst County, Virginia on March 4, 1761. He moved to Columbia County, Georgia when he was a young child. During the Revolutionary War, he joined a military company under LaFayette. He was present at the surrender of Cornwallis at Yorktown. He returned to Elbert County, Georgia after the war. He was a member of the State Senate. He was elected as a Republican to Twelfth Congress and served from October 5, 1812-March 3, 1815. He died in Montgomery County, Alabama in April of 1832.

Alfred Cuthbert was born in Savannah, Georgia on December 23, 1785. He graduated from Princeton College in 1803. He was the Captain of a Company of Volunteer Infantry-

men in 1809. Cuthbert was a member of the State House of Representatives from 1810-1813. He was elected as a Republican to the Thirteenth Congress and served from December 13, 1813-November 9, 1816. He was a member of the State Senate from 1817-1819. He served in the United States Senate from January 12, 1835-March 3, 1843. He died in Monticello, Georgia on July 9, 1856.

Zadock Cook was born in Virginia on February 18, 1769. He moved to Hancock County, Georgia in 1772. He and his family were among the first settlers of Clark County. Cook was a member of the Washington County Militia in 1793. He was a member of the State House of Representatives from 1806-1807 and again in 1822. He was a member of the State Senate from 1810-1814, and from 1823-1824. He was elected to the Fifteenth Congress, and served from December 2, 1816-March 3, 1819. He died in Watkinsville, Georgia on August 3, 1863.

Joel Crawford was born in Columbia County, Georgia on June 15, 1783. He studied law at Litchfield Law School. He began his law practice in Sparta, Georgia in 1808. He moved to Milledgeville, Georgia in 1811. He served as a second Lieutenant in the war with the Creek Indians. Crawford was a member of the State House of Representatives from 1814-1817. He was a Republican elected to the Sixteenth Congress, serving from March 4, 1817-March 3, 1821. He was a member of the State Senate from 1827-1828. He died in Blakely, Georgia on April 5, 1858.

George Gilmer was born in Lexington, Georgia on April 11, 1790. He was a second Lieutenant in the forty-third regiment of the United States Infantry from 1813-1815. He practiced law in Lexington, Georgia beginning in 1818. He was a member of the State House of Representatives in 1818, 1819, and 1824. He was member of the Seventeenth Congress, serving from March 4, 1821-March 3, 1823. He served as Governor of Georgia from 1829-1830. He died in Lexington, Georgia in November of 1859.

Thomas Cobb was born in Columbia County, Georgia in 1784. He studied and then practiced law in Lexington, Georgia. He later moved to Greensboro, Georgia. He was elected to the Eighteenth Congress, and served from March 4, 1823-December 6, 1824. He was elected to the United States Senate to fill the vacancy caused by the death of Nicolas Ware. He served from December 6, 1824-1828. He died in Greensboro, Georgia on February 1, 1830.

John Forsyth was born in Fredericksburg, Virginia on October 22, 1780. He went to the graduate college of New Jersey and graduated in 1799. He practiced law in Augusta, Georgia. He was Attorney General of Georgia in 1808. He was a Republican to the Fourteenth Congress and served from March 4, 1813-November 23, 1818. He was a Republican to the U.S. Senate, serving from November 23, 1818-February 12, 1819. He was Minister to Spain from 1819-1823. He was reelected to the Nineteenth Congress, serving from March 4, 1823-November 7, 1825. Forsyth was Governor of Georgia from 1827-1829. He was a Jacksonian to the U.S. Senate to fill the vacancy caused by the resignation of John MacPherson Berrien. He served from November 9, 1829-June 27, 1834. He was Secretary of State under Presidents Jackson and Van Buren. He died in Washington, D.C. on October 21, 1841.

Richard Wilde was born in Dublin, Ireland on September 24, 1789. He immigrated to the United States in 1897, moving to Baltimore, Maryland. In 1802, he moved to Augusta, Georgia. He engaged in mercantile pursuits while he was studying law. He began his law

practice in Augusta. He was solicitor general of Superior Court of Richmond County from 1811-1813. He was elected to the Twentieth Congress to fill the vacancy caused by the resignation of John Forsyth. He served the remainder of this term, but was not re-elected in this district. He died in New Orleans, Louisiana on September 10, 1847.

Henry Lamar was born in Clinton, Georgia on July 10, 1798. He practiced law in Macon, Georgia. He was a State Superior Court judge and a member of the State House of Representatives. He was elected as a Jacksonian to the Twenty-First Congress to fill the vacancy caused by the resignation of George Gilmer. He died in Macon on September 10, 1861.

Wilson Lumpkin was born in Dan River, Virginia on January 14, 1783. He moved to Oglethorpe County, Georgia in 1784. He taught school and farmed for a few years before beginning a law practice in Athens, Georgia. He was a member of the State House of Representatives from 1804-1812. He was a member of the Twenty-Second Congress, serving from March 4, 1827-1831. He was Governor of Georgia from 1831-1835. He served in the U.S. Senate from November 22, 1837-March 3, 1841. He died in Athens, Georgia on December 28, 1870.

Thomas Foster was born in Greensboro, Georgia on November 23, 1770. He graduated from Franklin College in 1812. He studied law at Litchfield Law School and began practicing law in Greensboro. He was a member of the State House of Representatives from 1822-1825. He was elected to the Twenty-Third Congress. His term lasted from March 4, 1829-March 3, 1835. He died in Columbus, Georgia on September 14, 1848.

William Schley was born in Frederick, Maryland on December 15, 1786. He moved to Georgia in 1790. He began practicing law in Augusta, Georgia in 1812. He was judge of the Superior Court from 1825-1828. He was a member of the State House of Representatives in 1830. He was a Jacksonian to the Twenty-Fourth Congress, from March 4, 1833-July 1, 1835. He was Governor of Georgia from 1835-1837. After this, he became President of Georgia Medical College. He died in Augusta, Georgia in 1858.

Thomas Glascock was born in Augusta, Georgia on October 21, 1790. He practiced law in Augusta. He was a delegate to the Constitutional Convention in 1798. He was Captain of Volunteers in the War of 1812. He was a member of the State House of Representatives in 1821-1823, 1831-1834, and in 1839. He was Speaker of the House in 1833-1834. He was a Democrat to the Twenty-Fifth Congress, serving from October 5, 1835-March 3, 1839. He died in Decatur, Georgia on May 19, 1841.

Walter Colquitt was born in Halifax County, Virginia on December 27, 1799. He later moved to Mount Zion, Georgia. He attended Princeton College, and began practicing law in Sparta and Cowpens, Georgia. He was judge of the Chattahoochee circuit in 1826 and 1829. He was a Methodist preacher in 1827. He was a member of the State Senate in 1834 and 1837. He was a Whig to the Twenty-Sixth Congress from March 4, 1839-July 21, 1840. He was a Democrat to the U.S. Senate from March 4, 1843-February 1848. He died in Macon, Georgia on May 7, 1855.

William Dawson was born in Greensboro, Georgia on January 4, 1798. He graduated from Franklin College in 1816. He began practicing law in Greensboro in 1816. He was a member of the State House of Representatives. He was a Whig to the Twenty-Seventh Congress, from November 7, 1836-November

13, 1841. He was a judge in the Ocmulgee Circuit Court in 1845. He was a Whig to the U.S. Senate from March 4, 1849-March 3, 1855. He died in Greensboro, Georgia on May 5, 1856.

Absalom Chappell was born in Mount Zion, Georgia on December 18, 1801. He graduated from the University of Georgia Law School in 1821. He practiced law in Sandersville, Georgia. He moved to Forsyth in 1824. He was a member of the United States Senate 1832-1833. He was a member of the State House of Representatives from 1834-1839. He was a delegate to the Knoxville Convention in 1836. He was a Whig to the Twenty-eighth Congress, serving from October 2, 1843-March 3, 1845. He died in Columbus, Georgia on December 11, 1878.

Seaborn Jones was born in Augusta, Georgia on February 1, 1788. He studied law at Princeton College and began his law practice in Milledgeville, Georgia in 1808. He was the solicitor general of Georgia in 1823. He was a Democrat to the Twenty-ninth Congress, serving from March 4, 1845-March 3, 1847. He died on March 18, 1864.

John Jones was born in Rockville, Maryland on April 14, 1806. He practiced medicine in Washington, Tennessee before moving to Monroe, Georgia in 1829. He was a member of the State House of Representatives in 1837. He was a Whig to the Thirtieth Congress, from March 4, 1847-March 3, 1849. He died on April 27, 1871.

Marshall Wellborn was born in Eatonton, Georgia on May 29, 1808. He attended the University of Georgia and studied law. He began practicing law in Columbus, Georgia after his graduation from college. He was a member of the State House of Representatives from 1833-1834. He was Judge of the Superior Court of Georgia from 1838-1842. He was a Democrat to the Thirty-first Congress, serving from March 4, 1849-March 3, 1851. He was a Baptist minister until his death on October 16, 1874.

David Bailey was born in Lexington, Georgia on March 11, 1812. He was elected to the State Legislature before he was twenty-one years old but he could not take this seat because it was a requirement to be at least twenty-one. He was a member of the State House of Representatives from 1835-1847. He was a member of the State Senate in 1838, 1849, 1850, and 1855-1856. He was a delegate to the Democratic County Convention in 1839 and 1850. He served as Secretary of the State Senate from 1839-1841. He was a State's Right's Candidate to the Thirty-second and Thirty-third Congresses, serving from March 4, 1851-March 3, 1855. He died on June 14, 1897.

Robert Trippe was born in Monticello, Georgia on December 21, 1819. He attended Randolph-Macon College and Franklin College. He graduated in 1839 from law school at Franklin College. He began practicing law in Forsyth, Georgia. He was a member of the State House of Representatives from 1849-1852. He was an American Party candidate to the Thirty-fourth and Thirty-fifth Congresses serving from March 4, 1855-March 3, 1859. He was a State Senator from 1859-1860. He died on July 22, 1900.

Thomas Hardeman was born in Eatonton, Georgia on January 12, 1825. He graduated from Emory College in 1845, and began practicing law. He was a member of the State House of Representatives in 1853, 1855, and 1857. He was an opposition candidate to the Thirty-sixth Congress. He served from March 4, 1859-January 23, 1861. He served in the Confederate Army during the Revolutionary War. He was a member of the State House in 1863, 1864, and 1874. In 1872, he was a delegate to the Democratic National Convention. He died on March 6, 1891.

The seat was vacant from 1861-1867 due to the Revolutionary War.

William Edwards was the first person to serve after the war. He was born in Talbotton, Georgia on November 9, 1835. He graduated from Collinsworth Institute in 1856, and began practicing law in Butler, Georgia. He was a member of the State Constitutional Convention in 1857-1858. He was a Republican to the Fortieth Congress, from July 25, 1868-March 3, 1869. He died on June 28, 1900.

Marion Bethune was born in Greensboro, Georgia on April 8, 1816. He practiced law in Talbotton prior to his becoming Probate Judge of Talbot County from 1852-1868. He was a member of the Constitutional Convention of Georgia at the time of the repeal of the ordinance of secession. He was a member of the State House from 1867-1871. He was elected as a Republican to the Forty-first Congress, serving from December 22, 1870-March 3, 1871 to fill the seat that William Edwards was declared ineligible to hold. He died in Talbotton, Georgia on February 20, 1895.

John Bigby was born in Newnan, Georgia on February 13, 1832. He graduated from Emory College in 1853, and began his law practice in Newnan. He was a member of the State Constitutional Conventions in 1867-1868. He was elected to the Forty-second Congress which was from March 4, 1871-March 3, 1873. He was a delegate to the Republican National Convention in 1876. He died on March 28, 1898.

Richard Whiteley was born in County Kildare, Ireland on December 22, 1830. He came to the United States in 1836, and settled in Georgia. He studied law and began his practice in Bainbridge. He was a member of the State Constitutional Convention in 1867. He was elected to the U.S. Senate in 1870 to fill the vacancy caused by the declaration that Nelson Tift was ineligible to fill the seat. Whiteley served as a Republican in the Forty-third Congress, from December 22, 1870-March 3, 1875. He died on September 26, 1890.

Philip Cook was born in Twiggs County, Georgia on July 30, 1817. He graduated from Oglethorpe University in 1837. He practiced law in Forsyth, Georgia in 1841-1842. He was a member of the State Senate from 1859-1860, and from 1863-1864. He was elected as a Democrat to the Forty-fourth, Forty-sixth, and Forty-seventh Congresses. He died on May 24, 1894.

William Smith was born in Augusta, Georgia on March 14, 1829. He practiced law in Albany, Georgia. He was Solicitor General of the Southwest circuit from 1858-1860. He was a Democrat to the Forty-fifth Congress, serving from March 4, 1875-March 3, 1876. He was the President of the Democratic State Convention in 1886. He was a member of the State Senate from 1886-1888. He died on March 11, 1890.

Charles F. Crisp was born in Sheffield, England on January 29, 1845. He moved to Georgia in 1845. He practiced law in Ellaville, Georgia. He was Solicitor General of the Southwestern Judicial Circuit from 1872-1877. He was judge of the Superior Court the southwestern circuit from 1877-1880. He was Democratic gubernatorial convention in Atlanta, in April of 1883. He was a member of the Forty-eighth through the Fifty-third Congresses. He served from March 4, 1883-October 23, 1896, when he died. He served as Speaker of the House during his term.

James Griggs was born in LaGrange, Georgia on March 29, 1861. He graduated from Peabody Normal College in 1881. He taught

school and studied law before beginning a law practice in Alapaha, Georgia. He moved to Dawson, Georgia in 1855, and became the Solicitor General of the Pataula judicial circuit in 1888. He was a delegate to the Democratic National Convention in 1892. He was a Democrat to the Fifty-ninth Congress, from March 4, 1896—his death (January 5, 1910).

Elijah Lewis was born in Coney, Georgia on March 27, 1854. He attended business school in Macon before moving to Montezuma in 1871. He was a member of the State Senate from 1894—1895. He was a Democrat to the Fifty-fifth through the Fifty-eighth Congresses. He served from March 4, 1897—March 3, 1909. He died on December 10, 1920.

Seaborn Roddenberry was born in Bainbridge, Georgia on January 12, 1870. He taught at South Georgia College for a year before being elected to the State House in 1892. He was the mayor of Thomasville, Georgia in 1903—1904. He was a Democrat to the Sixty-first Congress to fill the vacancy caused by the death of James Griggs. He served from February 16, 1910—September 25, 1913, when he died.

Dudley Hughes was born in Jeffersonville, Georgia on October 10, 1848. He graduated from the University of Georgia in 1870. He was a member of the State Senate from 1882—1883. He was a Democrat to the Sixty-second Congress, serving from March 4, 1909—March 3, 1917. He died on January 20, 1927.

Frank Park was born in Tuskegee, Alabama on March 3, 1864. He taught school from 1882—1885, before beginning his law practice in Atlanta. He was Chairman of the Democratic Executive Committee on Worth County from 1891—1902. He was the Chairman of the Democratic Executive Committee of the second district of Georgia. He was a Democrat to the Sixty-third Congress to fill the vacancy caused by the death of Seaborn Roddenberry. He served from November 5, 1913—March 3, 1925. He died on November 20, 1925.

Charles R. Crisp was born in Ellaville, Georgia on October 19, 1870. He was the Clerk of the Interior Department in Washington, D.C. from 1889—1891. He was Parliamentarian of the House of Representatives from 1891—1895. He practiced law in Americus before being elected as a Democrat to the Fifty-fourth Congress to fill the vacancy caused by the death of his father, Charles F. Crisp. He served from December 19, 1896—March 3, 1897. He was judge of the city court of Americus from 1900—1912. He was reelected to the Sixty-fourth—the Seventy-first Congresses. He served from March 4, 1913—October 7, 1932. He died in Americus, Georgia on February 7, 1937.

Edward Cox was born in Camilla, Georgia on April 3, 1880. He graduated from Mercer University Law School in 1902. He practiced law in Camilla and was elected Mayor of Camilla in 1904. He was a delegate to the Democratic National Convention in 1908. He was Judge of the Albany Circuit of the Superior Court from 1912—1916. He was a Democrat to the Seventy-second Congress, serving from March 4, 1925—December 24, 1952.

Bryant Castellow was born in Georgetown, Georgia on July 29, 1876. He graduated from the University of Georgia Law School in 1897, and began a practice in Fort Gaines, Georgia. He was Solicitor of the Clay County Circuit from 1900—1901, and Judge of this circuit from 1901—1905. He was a Democrat to the Seventy-third and Seventy-fourth Congresses. He died in Cuthbert, Georgia on July 23, 1962.

Stephen Pace was born in Terrell County, Georgia on March 9, 1891. He graduated in

1914 from the University of Georgia Law School. He was a member of the State House of Representatives from 1917—1920. He was a member of the State Senate from 1923—1924. He was a Democrat to the Seventy-fifth through the Eighty-first Congresses. He died in Americus, Georgia on April 5, 1970.

Elijah Forrester was born in Leesburg, Georgia on August 16, 1896. He began practicing law in 1919 in Leesburg, Georgia. He was Mayor of Leesburg from 1922—1931. He was a Delegate to the Democratic National Convention in 1948 and in 1952. He was a Democrat to the Eighty-second through the Eighty-eighth Congresses. He died on March 19, 1970.

Howard Callaway was born in LaGrange, Georgia on April 2, 1927. He graduated from West Point Military Academy in 1949. He served in Korea as Infantry Platoon Leader and Instructor in tactics at Infantry School. He was President of Callaway Gardens from 1953—1970. He was elected to the Eighty-ninth Congress, serving from January 3, 1965—January 3, 1967.

Jack Brinkley was born in Faceville, Georgia on December 2, 1930. He graduated from Young Harris College in 1949. He was a U.S. Air Force pilot from 1951—1956. He graduated from the University of Georgia Law School in 1959, and began practicing law in Columbus. He was a member of the State House of Representatives from 1965—1966. He was a Democrat to the Ninetieth—the Ninety-seventh Congresses. He served from January 3, 1969—January 3, 1983.

Richard Ray was born in Fort Valley Georgia on February 2, 1927. He served in the U.S. Navy from 1944—1946. He was a farmer from 1946—1950. He was Mayor of Perry from 1964—1970. He served as Administrative Assistant to Senator Sam Nunn from 1972—1982. He was elected as a Democrat to the Ninety-eighth—the One Hundred Second Congresses. He has served from January 3, 1983—the present.

THE NORTH AMERICA FREE TRADE AGREEMENT AND FAST TRACK NEGOTIATING AUTHORITY (By Sherry Young)

The North American Free Trade Agreement (NAFTA) is a proposed agreement to implement trade between the United States, Canada and Mexico. The Agreement would be considered under a "fast-track" procedure. This procedure has been stated to be the most important issue concerning free-trade negotiations. Fast-track authority means that, if the President has consulted closely with the Congress during negotiations, the Congress agrees to consider legislation to implement the trade agreement under expedited procedures. Fast-track negotiating authority is automatically extended unless at least one house of Congress adopts a resolution disapproving the extension. Such a resolution was considered by Congress and failed to gain a majority in either house. Because of this the President's fast-track negotiating authority has been extended through May 31, 1993 pursuant to his request.

The fast-track procedure is of relatively recent origin. It is directly derived from the 1974 Trade Act which allowed for the Executive Branch to have authority to negotiate with foreign countries, and Congress to implement legislation affecting commerce.

On March 1, the fast track authority under which the Administration had been conducting the current negotiating round of General Agreements on Tariffs and Trade (GATT) expired. The President requested an extension of his current fast-track authority.

On May 1, 1991, President Bush sent a letter to leaders of the U.S. Congress in an at-

tempt to respond to the concerns raised in Congress during the past six months about potential adverse consequences of a Free Trade Agreement with Mexico and Canada. Included in those concerns were questions about environmental destruction and suppression of labor rights.

Noting that the standard of living in Mexico is much lower than that in Canada, critics fear that Mexico's governmental need for improved economics may encourage the country to allow business investments with minimal environmental health and safety regulations.

An added weight to the environmental concerns is that of the maquiladora, a free trade zone that already exists on the border. This zone allows U.S. plant's operating within it to ship its products to the United States without paying any duties and to market them as if they were goods produced in the U.S. This duty-free transport across the border would apply to products produced in any part of Mexico under the proposed North America Free Trade Agreement. The downside is that these goods are produced without the environmental and worker safeguards required by U.S. law. Making them cheaper for the companies to produce but potentially dangerous to the public's health and environment. Because of the noxious high levels of pollutants coming from the maquiladora zone, Mexico's "New River" is now considered to be the most polluted river in North America.

Suppression of labor rights and standards is also on the list of grievances for those who oppose the fast-track proposal. The American Federation of Labor and Congress of Industrial Organizations say that the U.S.-Mexico free trade agreement would be a disaster for workers in both countries, and it would eliminate jobs in the United States, while perpetuating exploitation of workers and inflicting widespread damage on the environment in Mexico. The beneficiaries would be multinational corporations and large banks.

The problems faced by Mexican workers are demonstrated by the decline in the Mexican minimum wage, which is currently \$5.99 an hour. The devaluation of the peso has made Mexican wages, in U.S. dollar terms, among the lowest in the world.

DECLINE OF THE MINIMUM WAGE IN MEXICO

Year	Minimum wage (pesos)	Peso-to-dollar rate	Hourly minimum wage (48hr week)
1980	197.70	22.97	1.26
1981	257.30	24.52	1.53
1982	412.00	56.40	1.07
1983	606.70	102.10	0.74
1984	935.70	167.80	0.81
1985	1,456.70	257.90	0.83
1986	2,406.50	611.80	0.57
1987	5,410.90	1,378.00	0.57
1988	10,150.80	2,273.00	0.55
1989	11,439.90	2,461.00	0.58
1990	11,894.00	2,920.00	0.59

Source: Economic Commission for Latin America and the Caribbean.

There have been several studies on the proposed United States-Mexico free trade agreements, ranging from economics to agriculture. Non-supporters grudgingly admit that there will be a small net benefit to the United States, but note that there will also be losses.

Those losses are felt most intensely within the agricultural sector the primary opponent to the Agreement. The Agriculture Department is analyzing the impact of the NAFTA on different agriculture agro-processing sectors and the U.S. economy using different economic models. One productive crop that

the Agriculture Department notes may be negatively affected is peanuts.

The Georgia Agricultural Commission for Peanuts has asked U.S. Trade Representative, Carla Hills, to remove peanuts from the negotiations. Carla Hills has refused to do so. Because of her refusal, The Georgia Commission for Peanuts has announced its opposition to the extension of fast-track. They fear that current negotiations will lead to a GATT agreement that would be destructive to the peanut growers and the peanut economy in Georgia.

Other agricultural concerns lie within the cotton, dairy, sugar, wool and textiles industries. Opponents of the negotiations argue that these sectors may be traded away to achieve questionable and unspecified gains.

Proponents of fast-track feel that trade negotiations cannot be handled effectively without its addition. They feel that the fast-track procedure will eliminate delayed implementation of an agreement and prevent any unilateral revision of the agreement by Congress.

Opponents of fast-track say that its extension is not needed. They declare that many successful trade negotiations have been carried out without the use of the fast-track procedure and that its presence in Congress would do more harm than good.

A proposal introduced by Representative Byron Dorgan would have provided for a disapproval of the extension of "fast track" procedures for trade agreements entered into after May 31, 1991.

The bill has acquired approximately one hundred cosponsors. Among these are Georgia Representatives Richard Ray, Lindsay Thomas and Buddy Darden.

In addition to the possibility of simply disapproving the extension entirely, other possibilities for Congressional action which have been mentioned include allowing the extension only for GATT but not for Mexico talks (or vice versa), or allowing the extension for all negotiations but giving more specific guidance concerning the contents of the agreement.

House Resolution 146 was introduced by Representative Richard Gephardt on May 9, 1991. Its intent is to express support for fast-track authority on the expectation that the President will fulfill his commitments regarding labor, environmental, and health concerns in the United States-Mexico trade agreement. It also sets objectives to be achieved in future trade agreements. This resolution was passed by Congress on May 23, 1991 by a vote of 329 to 85.

The House defeated House Resolution 101 on a vote of 192 to 231.

As a result of the recent vote on fast track, the President now has the ability to utilize the fast track procedure in any future trade negotiations.

Opponents claim the fast-track procedure is simply "a fast-track to a dead end." Whether they are right or wrong remains to be seen. Only in the implementation of future negotiations will the truth be truly known.

INTRODUCTION OF THE FREE MARKET ASSISTANCE AND TECHNOLOGICAL INNOVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I introduce a bill today which encourages U.S. businesses to become more competitive, while providing

much-needed aid to firms located in the emerging democracies of Eastern Europe.

Further, and just as important, the bill extends for 1 year two provisions now provided by the Federal Government to promote technological innovation by U.S. firms: The R&E tax credit and the foreign allocation rules.

The bill would establish a 2-year, \$2 billion demonstration project to provide companies a special tax benefit. The companies must be willing to donate used or surplus equipment and machinery to privately owned firms in Eastern European emerging democracies.

The U.S. businesses would then be able to upgrade their own equipment or machinery, thereby improving their competitive position in the global marketplace.

One example which comes to mind is in the area of communications. Eastern European nations are in sore need of upgraded telephone systems, while in the United States there is a move to upgrade to the new digital technology from the older analog technology. U.S. communications companies could donate the older technology to firms in the emerging democracies and then upgrade to the newer technology. The older technology is still useful and would provide a significant improvement to firms located in Eastern Europe.

In my bill, the Commerce Department is charged with determining the needs of businesses in the emerging democracies, as well as with the distribution of tax benefits to U.S. companies who would like to fill those needs.

We hear frequent complaints that the United States can no longer compete with other nations—that we can't even compete with the Japanese when it comes to making a VCR. Extension of the R&E tax credit and allocation rule for R&E expenditures is crucial to spurring technological innovation in the United States. It should not be sacrificed at a time when we are encouraging U.S. businesses to become more competitive.

To pay for these provisions, I propose to, first, deny the deduction of losses by those who acquired savings and loan institutions if those losses have been reimbursed by the Government and, second, disallow losses from certain debt pool exchanges.

Below I am including a detailed description of the bill.

FREE MARKET ASSISTANCE AND TECHNOLOGICAL INNOVATION ACT

Purpose:

I. To establish a two-year, \$2 billion demonstration project to encourage U.S. firms to donate used equipment to Eastern European firms and replace such used equipment with new equipment.

II. To extend for one year the research and experimentation credit and the rule for allocation of research and experimental expenditures to promote technological innovation by U.S. firms.

III. To pay for the bill by: (1) denying deductibility of losses and expenses by those who acquired savings and loan institutions since January 1, 1981 and who have been reimbursed for those losses by FSLIC, the FSLIC Resolution Fund or RTC, and (2) disallowing losses from certain exchanges of debt pools.

TITLE I

A two-year, \$2 billion program to allow charitable deductions for corporate contribu-

tions to private businesses in Eastern European emerging free market countries.

Eligible contributions include property and related shipping services and expenses. The property must be used by the donee organization for carrying out a trade or business and cannot be sold or traded by the donee.

Qualified recipients are business organizations which are: organized under the laws of and headquartered in the emerging free market country and conduct substantially all of their activities within such country; majority-owned by individuals who are citizens of and reside in such country or by non-governmental organizations which meet the requirements of qualified recipients; and, not owned or affiliated with the donor.

The Secretary of State designates Eastern European emerging free market countries as those countries moving toward political pluralism, economic reform, respect for human rights, and willingness to build a friendship with the U.S. Designations must be published in the Federal Register.

Deductions of eligible contributions of inventory would get the same deduction allowance given certain contributions to charitable organizations—cost plus one-half of the value in excess of the cost, but not exceeding twice the cost.

The Secretary of Commerce, in consultation with the Secretary of State, shall establish an information collection and dissemination program to facilitate and coordinate free market assistance contributions. The program would collect information about the needs of qualified businesses in such countries.

The Secretary of Commerce allocates Free Market Assistance Contributions (FMAC) to qualified corporations based on the following criteria: need for the proposed assistance within the emerging free market country; date by which the application is received; extent to which the proposed assistance consists of used machinery and equipment; extent to which FMAC amounts have been allocated previously to such corporation or such country; and extent to which small businesses have been involved.

The Secretary of Commerce and Secretary of the Treasury shall issue regulations within 30 days of enactment to implement the program.

TITLE II

One-year extension of the research and experimentation tax credit and the allocation rule for research and experimental expenditures—to promote technological innovation.

The official Joint Tax Committee estimate of the costs of a one-year extension of the R&E tax credit is \$1.1 billion over a five-year period. Preliminary estimated costs of a one-year extension of the allocation rule for research and experimental expenditures are \$600 million over a five-year period.

TITLE III

Clarifies that acquirers of savings and loan institutions cannot deduct losses or expenses that have been reimbursed by the FSLIC, FSLIC Resolution Fund or the Resolution Trust.

Covers FSLIC financial assistance paid with respect to assets disposed of on or after January 1, 1981.

Preliminary estimates suggest that this title could raise \$3.5 billion over five years.

TITLE IV

Disallows losses to be taken by any corporation from the transfer of any debt pool in exchange for a substantially identical debt pool.

A "substantially identical debt pool" is defined as a pool which has the same effective interest rates and maturities, and the same overall risk in terms of nonpayment.

A "debt pool" is defined as any pool of debt obligations involving the obligations of 25 or more persons and are not traded on an established securities market.

Preliminary estimates indicate that this title will raise \$500 million over five years.

IN PRAISE OF THE WICHITA STATE UNIVERSITY SHOCKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, I rise in recognition of the Wichita State University Shockers baseball team, which completed an outstanding season in 1991, finishing in second place in the college world series. This was the team's third appearance in the college world series in the last 4 years.

These fine young men have brought great pride to the University, the community and to Kansas. Since 1978, coach Gene Stephenson has led an excellent coaching staff, culminating with a college world series championship in 1989. This year's team is as follows: Billy Hall, Mike Jones, Jim Audley, Tony Mills, John Lewallen, Jose Ramos, Chris Wimmer, Todd Dreifort, Tommy Tilma, Joey Jackson, Scott McCloughan, Doug Mirabelli, Charlie Giadrone, Jaime Bluma, Spike Anderson, Kennie Steenstra, Jason White, Tyler Green, Darrin Paxton, Brian Buzard, Steve, Smith, Shane Dennis, Morgan Leclair, Darren Dreifort, and Brian Morrow. The coaching staff includes Gene Stephenson, head coach; Brent Kernitz, pitching coach; Loren Hibbs, assistant coach; Greg Miller, assistant coach; and David Chadd, graduate assistant.

The WSU Shockers were ranked No. 1 in the Nation for much of the season and finished with a record of 66 and 13. Billy Hall, who was named All-American, led the nation in stolen bases. Tyler Green, who finished with a 15-0 regular season record, was drafted in the first round by the Philadelphia Phillies. Over the years, many Shocker baseball players have gone on to play in the major leagues, and I'm sure this year's team will have its fair share.

Just as important as the accomplishments of the team on the field, were their accomplishments in the classroom as student-athletes. In fact, 11 members of this year's team made the honor roll at Wichita State.

I'm proud to represent WSU in Congress. My congratulations for yet another fine season to President Warren Armstrong, coach Stephenson, and the 1991 Shocker baseball organization.

RETIREMENT OF BARBARA LEWELLYN CAVAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is a special and bittersweet occasion for me and the Committee on Merchant Marine

and Fisheries. Our chief clerk, Barbara L. Cavas, is retiring.

Barbara has been on Capitol Hill for over 23 years, has worked with me for over 17 years, and has served as chief clerk of the committee for over 10 years.

Yesterday's committee markup was the last one Barbara will clerk. No longer will we enjoy the clear, measured way she called the roll for recorded votes.

She has done an outstanding job, is intensely loyal, and will be sorely missed.

She has handled the many and often thankless administrative needs of the committee in a highly competent and cheerful way.

I can't tell you how many times members of this committee and people who deal with it have said how well run it is; much of the credit for that goes to Barbara.

She has had much to do with bringing the committee into the computer age.

A particular interest of hers has been refurbishing and beautifying the public spaces of the committee. Through her many friends in the arts community of North Carolina, she obtained the loan of the beautiful paintings for display in our hearing room and elsewhere in the committee premises. Tonight the committee will honor her with a special reception in our beautiful hearing room.

Barbara, you've meant so much to me and the committee. We'll all miss you very much. Thank you and Godspeed.

Mr. THOMAS of Georgia. Mr. Speaker, I had very mixed emotions when I heard that Barbara Cavas, chief clerk for the House Committee on Merchant Marine and Fisheries, would be retiring from her service in the Congress.

While I certainly wish Barbara well in all her future endeavors, which I understand will include traveling, gardening, and spending time with her three grandchildren, I know that everyone here in the Congress will miss Barbara and her dedication to the important work that she does.

I came to know Barbara through my service on the House Merchant Marine Committee from 1983-87. Barbara joined the committee staff in 1981, after spending 7 years working in Chairman WALTER JONES, personal office. Prior to that, she worked for Congressman Joe Kilgore of Texas and Congressman Homer Thornberry of Texas.

When I came to the Congress as a new Member in 1983 and was lucky enough to secure a spot on the Merchant Marine Committee, Barbara was very helpful to me. She took me under her wing and showed me the ropes in the Congress and on the committee level. Barbara has always had good advice for me, and she is someone who I have always liked and trusted. The committee is losing a very gracious lady and an outstanding staff person.

Mr. Speaker, I would like to extend to Barbara, on behalf of the citizens of the First Congressional District of Georgia, my most sincere congratulations and commendations. She certainly leaves behind a legacy of good will and accomplishments, and I wish her well for the future.

AMERICA'S PATRIOT MISSILE MOVES TO GERMANY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, last week we honored the veterans of Operation Desert Storm with a parade down Constitution Avenue. The President and General Schwarzkopf reviewed the troops and nearly a million people turned out to cheer our military. It was a beautiful sight to see our trim fighting men and women. Each one of us stood a little taller viewing our troops who had performed so magnificently in the Persian Gulf.

Included in the parade was a dazzling display of America's military might. As the Stealth bomber flew over Constitution Avenue, everyone, including young and old viewers, cheered wildly.

The hit of the parade after General Schwarzkopf, was the Patriot missile. As the Patriot was towed by, everyone, including Congressmen and Congresswomen, leaped to their feet cheering, whistling and applauding. We all swelled with pride as we remembered the Patriot on television as it defended Israel by knocking down Iraq's terrifying Scud missiles.

Americans were not aware as they watched the Patriot defend Israel that only three Patriots were available at the beginning of Operation Desert Shield and Desert Storm.

So we owe our thanks to the employees of the Raytheon Corp., who rolled up their sleeves and worked to deliver the needed Patriots to the war zone. The President even made a trip to the Raytheon plant to personally thank the workers for their efforts.

Because of Raytheon's workers, America had the Patriot missiles to defend Israel and Saudi Arabia.

Now that is coming to an end. Based on current budget considerations our only ground to air missile assembly line will be shut down by 1992 and the Patriot's hardware will be produced in Germany. Some software already comes from Japan.

How could this happen? Americans think the Patriot is a perfect example of American know-how. It proved that American technology knows no bounds—except for the budget and the actions of Congress.

In the early 1980's Congress induced an effort to persuade NATO allies to become more involved in defense and so we transferred some of our capabilities over to them. About 4 years ago, the Armed Services Committee of the other body initiated a NATO Cooperative Program and at that time Raytheon entered into an agreement with Deutsche Aerospace's subsidiary, Telefunken Systeme Technik.

According to the Washington Post "the German company may ultimately participate in full-scale development

and production. The next generation Patriot missile is designed to shoot down 'stealth' aircraft as well as cruise and tactical missiles and will be field tested next month."

Recently Dr. Steve Bryen, former Deputy Undersecretary of Defense wrote in the Wall Street Journal that:

The Patriot depends upon a number of critical technologies, including advanced radar waveguides, microwave devices, high-speed analog to digital converters, microprocessors precision gimbals for the missile-seeker system, highly miniaturized radio-frequency communications, onboard sensors and advanced signal-processing systems.

For the past decade, sales of such advanced technologies have been restricted to friendly countries that promised they would not resell the high technology to third countries.

On that score we are all right. Approximately 58 percent of the Patriot is subcontracted out, with many parts coming from foreign suppliers. There are some American mom and pop suppliers who will be out of business when the assembly line shuts down. The foreign manufacturers will fare better even though it is American tax money footing the bill.

It is to Raytheon's credit that Raytheon has been trying to raise a public concern for the Patriot and the fact that so many parts come from foreign concerns. When the GAO looked into the allegations it found that Department of Defense takes no special action to maintain visibility into foreign sourcing dependency.

Now doesn't anybody care that the Patriot missile production is moving to Germany while American employees once again are left holding the sack. Americans pay the taxes for these weapons but our workers are not reaping the benefits of jobs and the Treasury loses the taxes. We all lose in this deal.

It is sad to think that if the Mideast erupts again, the coproduced Patriot will be shipped from Germany in defense of Israel—or perhaps Japan, which is licensed to produce the Patriot.

INTRODUCTION OF BILL TO REDESIGN COINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today to introduce legislation with my good friend and colleague, ESTEBAN TORRES, to redesign the Nation's circulating coins to celebrate the 200th anniversary of the ratification of the Bill of Rights. This legislation is being introduced as a companion measure to S. 198, introduced earlier this year by Senators MALCOLM WALLOP and ALAN CRANSTON. Similar legislation was introduced in each of the two previous Congresses and has been approved numerous times by the other body. The effort to bring about these changes has strong bipartisan support.

The intent of this bill is very specific: It requires a change in the designs of our circulating coins. The bill calls for replacement of the current reverse designs, some of which date to the Great Depression, with themes depicting the bicentennial of the ratification of the Bill of Rights. These themes set forth the ideals which are very timely, not only to celebrate the 200th anniversary of the ratification of the Bill of Rights, but which are themes for which people continue to die around the world. The design changes would be phased in over a 6-year period of time. In honor of the Bicentennial of the ratification of the Bill of Rights, the first coin to be redesigned will display a theme for 2 years commemorating this momentous occasion in U.S. history. Thereafter, the bicentennial coin will be changed to reflect themes from the Bill of Rights consistent with the new designs on the other circulating coins.

This measure also allows for modifications of the obverses of our five circulating coins. It does, however, require that those great American Presidents currently depicted remain.

My legislation will not change the size, shape, color or denomination of our present circulating coins. It specifically preserves all present inscriptions: "In God We Trust"; "E Pluribus Unum"; "United States of America"; and "Liberty"—as mandated by law.

In addition to the aesthetic and celebratory benefits to this legislation, the bill will raise revenue which will be dedicated to the purpose of reducing the national debt. The U.S. Department of the Treasury has estimated more than \$200 million in revenue from the numismatic sales and seigniorage, which is the difference between the manufacturing cost of producing a coin and its face value. Furthermore, because the profits from seigniorage increase the Treasury's cash reserves, borrowing and, consequently, interest payments would be reduced. According to the Treasury, seigniorage could reduce Federal interest costs by an estimated \$100 million over the next 6 years.

Mr. Speaker, the designs on our coins depict symbols that speak loudly about us as a people to our Nation and to the world, now and for generations to come. They illustrate our hopes, our dreams, our ideals, and our aspirations. They honor our great leaders, they celebrate our achievements and portray the beliefs that unite us as a nation.

In 1963, I accompanied President Kennedy to Dallas and was with him when he was shot. I was with his wife as the surgeons tried desperately to save him, and it is an experience I can never forget. One of my constituents, who knew the personal pain I was having as well as the pain the National was sharing, asked if a coin could be minted to honor our slain leader. When I returned to Washington, I met with Chairman Patman and suggested a new coin; in a matter of months, we had the Kennedy half dollar, which we still use today.

The Kennedy half dollar honors President Kennedy and has shown the Nation and the world that we loved this man who had awakened this country as no man had before to the vibrancy of our constitutional ideas. We honored a man who had mobilized us to acting on our beliefs, and we sent a message to the world that the message of President Kennedy would live on, and that because we are a

strong nation, firmly rooted in a strong Constitution which reserves power in the American people, our Nation would endure intact. In this day, when some would destroy symbols of our patriotism, when indeed some would destroy the Constitution, the Bill of Rights, and the other amendments that have become part of the Constitution, what better symbolic way could we have than to re-dedicate ourselves to our constitutional principles and proudly display images that reaffirm our commitment to our country, our freedom, and our responsibility to democracy as citizens of the leader of the free world.

I urge my colleagues to join Mr. TORRES and me in this effort, to commemorate the 200th anniversary of the ratification of the Bill of Rights and to reaffirm our Nation's commitment to the principles of freedom and democracy on which this Nation was founded.

□ 1850

PUERTO RICAN PLEBISCITE

The SPEAKER pro tempore (Mr. STAGGERS). Under a previous order of the House, the gentleman from New York [Mr. SERRANO] is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, I will try to be as brief as possible, but it is with much sadness and a certain bit of anger that I rise before this body today to alert Members to the fact that just yesterday, for the second time this year, the other body took action which in fact kills any possibility for the present future of the Commonwealth of Puerto Rico getting the right to self-determination through a vote. Yesterday a committee in the other body stated that the bill would not be dealt with this year. In doing so, I think it is a reflection of not only one body or two bodies, but certainly of this American society, a society which applauded yesterday the fact that Boris Yeltsin was elected President of Russia in the first ever election held in the Soviet Union and Russia, and continues, as was stated here just a little while ago, to rejoice in our victory in the Persian Gulf, and yet at the same time we refuse to allow the people of Puerto Rico, 3.6 million American citizens, the right to simply determine whether they want to remain a commonwealth of this country, become a 51st State, or become an independent nation.

A recent poll taken on the island indicates that 63 percent of the people want an immediate plebiscite and that the rest of the percentage, most of them want a plebiscite before 1995. Yet, it is sad to see in today's Congressional Monitor statements which claim that part of the problem all of a sudden is that there is a belief that perhaps statehood would be the winning option, and for some people in this society statehood then becomes a problem, a problem of language, a problem of culture, a problem of differences between people.

It is interesting to note that these kinds of problems arise after 93 years of a relationship. Puerto Rico is one of the very few remaining territories in the entire world where the vestiges of colonialism still prevail. In 1899, after almost four centuries of colonialism under Spanish domination, Puerto Rico became a colony of the United States during the Spanish-American War. Following the Spanish-American War, the Treaty of Paris formally freed Puerto Rico from Spanish control and placed it under our jurisdiction. The United States created a new government structured for Puerto Rico, provided by an act of Congress which went into effect on May 1, 1900.

From 1898 to 1902, however, the island of Puerto Rico was occupied and governed by the United States military. It was not until March 2, 1917, that the Puerto Ricans and all other persons born thereafter on the island were granted United States citizenship by the Jones Act.

In 1952, Puerto Rico was given the option to enter into a commonwealth relationship with the United States. Independence and statehood were not options. Puerto Ricans voted for the offered commonwealth status, which granted new, significant, but not total governmental autonomy as a free associated State.

Nevertheless, this status still left the island subject to the power of Congress under the territorial clause. Today, the aspirations of the people of Puerto Rico remain a contradiction in this Nation that prides itself on promoting the cause for self-determination throughout the world. The latest action by this Congress on this crucial matter of self-determination for the island appears to indicate that we prefer as a nation the perpetuation of the colonial status of the island.

It is sad and ironic that on the same day that the President announced the liberation of Kuwait, and the House scheduled a vote condemning the violation of human rights in Cuba, the first vote of rejection was taken by the other body in this Congress, a proposal to grant a political self-determination to 3.6 million United States citizens in the Commonwealth of Puerto Rico.

Consider the fact that that was taking place at the same time that 15,000 United States citizens from Puerto Rico were in the Persian Gulf fighting on behalf of our Nation and honoring their own citizenship to restore the independence of Kuwait. Puerto Rico has waited patiently for a true and fair opportunity to determine its political status. This Nation and the Congress have a duty to provide the people of Puerto Rico the opportunity to determine the political future of their island. Puerto Ricans should have the right to decide whether they want to remain a commonwealth of the United States or become an independent na-

tion or become the 51st State. The self-determination act would simply reaffirm our country's democratic principles by granting the people of the island their rightful voice in determining their own political destiny.

What appeared to be Puerto Rico's opportunity to decide its status once and for all now seems to have lost all momentum completely due to the fears expressed by many people in this society considering the plebiscite bill. These folks have expressed concern about whether Puerto Rico should be made at this time the 51st State. It is important to note that this legislation does not provide solely for the option of statehood for the island. Many Members of this body and Americans in general feel uneasy about the possibility of Puerto Rico becoming a State.

Statehood should not be considered an obstacle. Our role after 93 years of this relationship with Puerto Rico should be to allow the island to vote.

To make statehood an obstacle, to create the feeling that if statehood wins then that would create a problem for many Americans and for this country is to first of all assume that statehood would win, and secondly to actually not honor our commitment to self-determination. If you believe in self-determination, then you deal with the results of a plebiscite. If you believe in self-determination, you do not ask what the results will be before you submit yourself to supporting self-determination.

After all, we now have invited Boris Yeltsin to the White House. We have asked him to come and to share with us that victory. Had his opponent defeated him, would we have then decided that we were only looking for one result in that election and not honored what is and appears to be a fair election? No. If statehood is used as an obstacle for allowing self-determination, then, in fact, we as Americans are acting in the worst way possible. We are acting out of fears. We are wondering whether that congressional delegation would be larger than other congressional delegations. There are people bringing up the issue of language, of culture.

For 93 years Puerto Ricans have spoken a different language. I speak a different language I would say 40 percent if not 50 percent of the time. I speak Spanish and I speak English. That does not make me less of an American. Certainly I feel as American as anyone else, and I speak two languages. But to suggest at this time that because the island primarily speaks a different language other than English is to suggest that perhaps for 93 years we used the people of the island and we never asked them questions of language. After all, when the 15,000 Americans from Puerto Rico were sent to the Persian Gulf, no one in English or in Spanish asked them whether they spoke English or

not. Many young men and women who have died for this country, for our country, for our democracy, died and spoke their last words in Spanish.

On the issue of culture, again, for 93 years Americans have been proud of the fact, it seems to me, that the island of Puerto Rico has a separate culture. It is an American culture, but it is a Spanish culture. And for 93 years supposedly that has not bothered us. Now all of a sudden it is going to bother us.

I am submitting that we are not in fact concerned about these differences. What it is we are concerned about is granting self-determination to all.

We are going to have to come to grips with this issue, because our country cannot continue to double talk. Our country cannot outside the Longworth Building exhibit a piece of the Berlin Wall, our country cannot chase Saddam Hussein out of Kuwait, our country cannot continue to pressure Cuba to change its ways, our country cannot be happy about the changes in Nicaragua and at the same time tell 3.6 million citizens in Puerto Rico that they, and only they among all of the people that we talk to on a daily basis, will not be given the opportunity for self-determination.

I find myself in a unique situation. I am the only Puerto Rican Member of Congress. I was born on the island.

When I wear, as I do in my heart, that hat as a Puerto Rican, I want my island to have a vote.

□ 1900

When I wear, as I do on a daily basis, that hat as an American Congressman, I ask: Can we be proud in 1991 to still have a colony in the Caribbean?

We will continue to tell the world to change their ways, and we will continue to influence changes, because we are, after all, the greatest democracy on Earth, and we know that.

We have proven recently that we are the greatest military power. We had Chinese students quoting Lincoln and Jefferson. We have people in Europe using our form of government as an example for changes they want. How is it going to look when, very soon, some of those very people who have now changed their ways begin to question us about 3.6 million American citizens who are held in colonial status?

I would say that it would cost us nothing to allow a plebiscite to take place in Puerto Rico. The results may be statehood, and then we will decide if we want to grant statehood. The result may be a continuation of the Commonwealth, and then we will decide if we want that continuation. The result may be independence, and we would have to deal with that. But the result that we cannot deal with is the result of continuing to neglect what we stand for and to continue to glaringly have in the Caribbean a territory, a colony,

which has not been given the opportunity to self-determination.

I suspect that during the next few months, certainly within the next year, the issue of Cuba and Fidel Castro will become a very strong issue in these Chambers, and rightfully so. I suspect that as our work in the Persian Gulf begins to dwindle down a little bit, to some foreign affairs and other things that we have to do, the issue of Cuba will become a very hot issue.

Not far from Cuba there is an American territory; not far from Cuba there is a place where the people have not been allowed to determine their political future.

I am not in any way trying to suggest that the treatment of my country, the island where I was born, is similar to the treatment of Fidel Castro and the Soviet Union toward the people of Cuba, but if we really analyze it in terms of what it is that we tell the world that we live in, that we believe in, it is not that different, because if Fidel will not give his people a chance to determine whether they want him or not, I do not see that as much different if this Congress will not allow the people of Puerto Rico to determine whether they want to continue to be part of this country or not.

It has been rumored in Puerto Rico, strangely enough, that the Statehood Party, which is, I guess, of all the parties the most pro-American party, after all, they want to become part of this Nation forever, may take this case to the United Nations. How embarrassing it would be for us to see, of the three parties, the one that wants to be part of us for the rest of the existence of our democracy to take their case to the United Nations and suggest that Puerto Rico is, indeed, a colony and has not been given a right to self-determination.

How do we deal then with South Africa? How do we deal with Cuba?

The issues before us should not be taken lightly. The Congress should not take this issue lightly.

I will continue to speak on this issue, because it falls on me, by virtue of the place where I was born, not only to represent the South Bronx, the poorest district in the Nation, but to represent, indirectly, 3.6 million people on the island of Puerto Rico. We will continue to press for a plebiscite. We will continue to press for our country to live up to its tradition, and every time that we tell the world how to behave, I will stand up and remind ourselves that we should behave the same way we ask other people to behave.

Let democracy work. Let Puerto Rico take a vote and let us act on that vote. Let us not ignore their right to self-determination, and let our democracy stand not only throughout the world but within our own country.

Mr. Speaker, I hope that we listen to these words today and pay attention to

what we have done in the last 24 hours and that we, indeed, deal with democracy and grant the Commonwealth of Puerto Rico their right to self-determination.

ENVIRONMENTAL AND ENERGY STUDY INSTITUTE TASK FORCE REPORT "PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT: A NEW U.S. AGENDA FOR INTERNATIONAL DEVELOPMENT AND ENVIRONMENTAL SECURITY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. HAMILTON] is recognized for 60 minutes.

Mr. HAMILTON. Mr. Speaker, I call the attention of my colleagues to a blueprint for congressional action to promote world environmental protection and economic development. An important new task force report, "Partnership for Sustainable Development: A New U.S. Agenda for International Development and Environmental Security," has just been released by the Environmental and Energy Study Institute [EESI]. As a member of the task force, I am pleased to commend it to the consideration of Congress.

From the smoldering oil fires in Kuwait to the illegal toxic waste dumps just across the United States-Mexico border, it has become painfully clear that economic development and environmental concerns are closely linked. Progress on the policy agenda set forth in this report would provide the U.S. leadership that will be necessary if meaningful international agreements are to result from the 1992 U.N. Conference on Environment and Development in Brazil.

The United States must begin integrating a concern for environmental sustainability into its policies on world trade, debt, investment, and financial systems, as well as into its development assistance policies. New mechanisms must be devised to assure that U.S. domestic energy policies and international policies on energy efficiency and environmental protection are consistent and properly articulated. The EESI report offers a number of useful proposals for improved coordination of these policies.

As cochairman of the Task Force on Foreign Assistance of the House Foreign Affairs Committee—which completed its report in 1989—I have been particularly concerned about the effectiveness of U.S. bilateral assistance programs in contributing to environmentally sustainable development in the Third World. Two of the recommendations—numbers 1 and 12—in the new EESI report address this issue, and I am particularly interested in working for their adoption. Both of these recommendations call for improved coordination of U.S. aid disbursement for projects that foster sustainable development—economic growth which improves living standards without degrading the environment.

Recommendation one calls for the United States to launch a capacity-building assistance initiative designed to transfer technical, scientific, and planning assistance to the Third World. These transfers would be administered either through the revival of AID's Institute for Scientific and Technical Cooperation or

through the creation of an autonomous grantmaking U.S. Foundation for Sustainable Development. Recommendation 12 advocates the formation of a body to better coordinate all major U.S. programs affecting developing countries and to oversee the funding of initiatives that promote sustainable development. The creation of such a high-level body, either as a Cabinet-level council or a special unit in the Executive Office of the President, would address the lack of interagency coordination documented by the Foreign Affairs Committee in its 1989 study. Such an organization would also fulfill another need by serving as a developing clearinghouse to perpetuate a cooperative relationship between the United States and developing countries even after they have graduated from the U.S. aid program.

Very few countries can afford the luxury of offering development assistance. Budgetary restraints have forced cuts in our own aid budget. The United States dedicates a lower percentage of its GNP to foreign aid than any other OECD country. Global deforestation and atmospheric contamination are accelerating as foreign aid allotments shrink. The United States and other aid donors must at the very least assure that our available funds are wisely spent.

The Foreign Affairs Committee study stressed that economic aid to developing countries should focus on four policy objectives: economic growth, environmental sustainability, poverty alleviation, and political, social, and economic pluralism. What we are now seeing is that these goals are compatible and inclusive. The moment has arrived to focus more attention on our responsibilities as stewards of this planet's natural resources in a manner that promotes all four of these goals. The implementation of the EESI task force's agenda would represent a major step toward making sustainable development a primary objective of U.S. foreign policy.

I would also like to acknowledge the other members of the Task Force on International Development and Environmental Security who can provide valuable assistance to congressional Members wishing to follow up on this report: James Gustave Speth, the task force chairman and president of the World Resources Institute; Peter D. Bell, president, Edna McConnell Clark Foundation; Richard Benedick, senior fellow, World Wildlife Fund/Conservation Foundation; Robert O. Blake, senior fellow, World Resources Institute; Deborah Bleviss, executive director, International Institute for Energy Conservation; Thomas Ehrlich, president, Indiana University; BEN GILMAN, U.S. House of Representatives; Jay D. Hair, president, National Wildlife Federation; Cynthia Helms, board of directors chairperson, WorldWIDE.

Other members are: ROBERT KASTEN, U.S. Senate; Thomas E. Lovejoy, assistant secretary for external affairs, Smithsonian Institution; C. Payne Lucas, executive director, Africare; Thomas W. Merrick, president, Population Reference Bureau; CLAIBORNE PELL, U.S. Senate; JOHN EDWARD PORTER, U.S. House of Representatives; John Sewell, president, Overseas Development Council; John J. Sheehan, legislative director, United Steelworkers of America; W. Ross Stevens, environmental affairs manager, DuPont de Ne-

mours & Co.; Russell E. Train, board of directors chairman, World Wildlife Fund/Conservation Foundation; and Michaela Walsh, trustee, Women's World Banking. Project Director Gareth Porter and Project Assistant Derek Denniston are staffing the implementation of this EESI report.

Mr. GILMAN. Mr. Speaker, I am pleased to join with my colleagues who served on the EESI Task Force on International Development and Environmental Security in introducing to the House of Representatives some of the task force's package of policy initiatives. At a moment in history when mankind faces very serious challenges to its ability to sustain the Earth for future generations, the world needs leadership from the United States. The task force's report provides a blueprint for such U.S. leadership. Its recommendations for U.S. initiatives are timely and realistic, and they address a number of issues to which we have paid too little attention in the past.

It is clear the fate of the global environment will be determined by both advanced industrialized countries and developing countries. By early in the next century, the developing countries will use nearly half the fossil fuels consumed worldwide, and they are already the source of most of the world's biological resources. As the task force report has observed, these developing countries are unlikely under current conditions to give international environmental goals high priority. They will do so only if the United States and other industrialized countries forge a global partnership that will not only address global environmental challenges but help them achieve sustained and equitable growth, and alleviate poverty and provide food security for all people.

The major forces that determine the rate of environmental and resource degradation include trade patterns, debt burdens, and flows of financial resources, and population pressures as well as domestic inequalities and government policies. The task force has called for a new partnership between industrialized countries and developing countries to address these issues in tandem.

What the task force is calling for is not a giveaway program or a one-way relationship but a true partnership for the mutual benefit of industrialized and developing countries. The common element in its key recommendations is mutual commitments and benefits: Developing countries must make new efforts to conserve their resources and contribute to global environmental protection, while the industrialized countries must provide increased support of various kinds.

Most of the initiatives the task force is urging the administration to adopt are multilateral plans or programs. They include a global partnership to save tropical forests, a multilateral debt authority, an action plan to raise the status of women in developing countries, a network of energy training and research centers in developing countries and negotiations of greater market access for manufactured and processed exports from developing countries.

However, there are some initiatives that the United States can do on its own through domestic or bilateral policies to foster sustainable development projects, for the adoption of domestic economic incentives through Govern-

ment policies to encourage energy efficiency, for a National Commission on Environment and National Security and for high-level coordination of all U.S. policies and programs affecting sustainable development.

Mr. Speaker, I am particularly interested in implementing the task force's recommendation for the creation of a National Commission on Environment and National Security. It is increasingly recognized that a new and very serious threat to our well-being and security is emerging: the degradation of the global environment and natural resources.

At the same time, the cold war with the Soviet Union has at least come to an end. Yet there has been no systematic national debate on the implications of this fact, and no congressional committee or executive branch office is charged with examining the changed nature of national security in this light. I plan to introduce legislation in the very near future to create a National Commission on the Environment and National Security to examine environmental problems that affect our security, to reassess the meaning of security, and to make policy and budgetary recommendations to Congress based on its findings. I have been planning on doing this for some years and now with the task force's support I'm certain we will succeed.

A second task force recommendation on which I plan to take the initiative is the adoption by the United States of a coordinated capacity-building assistance initiative. When the Task Force on Foreign Assistance of the House Foreign Affairs Committee, chaired by Representative LEE HAMILTON and myself, looked into the state of U.S. foreign assistance in 1988, we found that there was too little focus in our assistance efforts. There were 33 different objectives in the Foreign Assistance Act, and the U.S. Agency for International Development had a list of no fewer than 75 priorities for development assistance. We concluded that we needed to focus on four goals: economic growth, sustainable development, poverty alleviation, and popular participation or pluralism.

As this task force report observes, one of our comparative advantages in development assistance is the transfer of planning and other techniques, as well as human resource development. We should be applying our own resources more fully to the task of helping developing countries to take sustainable development paths. A number of Federal agencies already have some sort of technical assistance or cooperation relating to sustainable development issues, and we need new legislative authority for those agencies to strengthen and expand those activities. We also need a new institution to be the focal point within our foreign assistance program for capacity-building activities, whether it is something along the lines of AID's Institute for Scientific and Technical Cooperation—which is on the books but has never been implemented—or a new institution based on the foundation model that can give grants to nongovernmental organizations [NGO's] to support sustainable development.

Another issue on which the Hamilton-Gilman Task Force on Foreign Assistance took a strong position was the need for a high-level unit for coordinating all U.S. policies and programs on sustainable development. Currently

no agency or interagency group is responsible for devising an overall strategy to support sustainable development that integrates trade, debt, science, technology as well as development assistance policies.

A high-level body, possibly in the Executive Office of the President, should be coordinating all these policies and programs and devising new ones to support sustainable development. This is an issue on which the President himself must ultimately act, but we in Congress can highlight the need in various ways.

Mr. Speaker, I am happy to introduce this entire package of initiatives in support of a partnership for sustainable development to my colleagues in the House. If the global partnership called for by the Task Force is to have any chance of coming into being, it is important that the Congress play its role in urging action on these recommendations—and in taking legislative action on them itself where appropriate. I look forward to working with many of my colleagues on the implementation of these and other recommendations over the next year.

Mr. PORTER. Mr. Speaker, I am pleased to join with my colleague, Representative HAMILTON, with whom I served as a member of the EESI Task Force on International Development and Environmental Security, in introducing the task force's recommendations to our colleagues in the House of Representatives. I am proud to have served with Representative HAMILTON and Representative GILMAN, as well as Senator PELL, and Senator KASTEN on this task force, which was chaired by Gus Speth, president of the World Resources Institute an which included outstanding figures from the environmental, development, population, scientific, and academic communities. I congratulate the Environmental and Energy Study Institute for assembling the task force, facilitating and guiding its work and producing this report.

The EESI Task Force report is, to my knowledge, the first agenda for U.S. action that addresses the broad range of issues and policy instruments that affect the prospects for sustainable development in developing countries and puts forward concrete, realistic policy proposals that we in government can act on immediately. The report makes proposals for policy instruments ranging from bilateral assistance to multilateral financial institutions' programs, from debt management policy to trade policy. The task force report, "Partnership for Sustainable Development: A New U.S. Agenda for International Development and Environmental Security," contains a package of 12 recommendations for U.S. policy which I hope my colleagues will read and support.

Mr. Speaker, these recommendations provide thoughtful, realistic approaches to the interlinked global crises of poverty, economic stagnation, and environmental decay. Congress and the American people are increasingly concerned about the rapid deterioration of the world's natural resources, most clearly represented by the threatened loss of the world's primary forests and the wealth of biological resources that are located within them, and deterioration of natural systems, including the ozone layer that protects us from harmful ultraviolet rays and the stability of the world climate system. But as the task force's report points out, these objectives cannot be

achieved without the full cooperation of developing countries.

Nearly all the world's tropical forests and their biological diversity are found in developing countries. Developing countries will consume nearly 40 percent of all energy by the year 2025. Inefficient use of energy in the developing world could cancel out all the reductions in potential greenhouse gas emissions carried out by industrial countries, including the United States, over the next few decades. But developing nations will be unwilling and unable to do their part to solve these environmental problems without assistance from industrial countries in addressing their own economic difficulties and interests.

If the task force report has one theme that should be emphasized, therefore, it is that protection of the global environment cannot be separated from problems of poverty and economic growth in developing countries. What the task force report has done is to focus on a set of social and economic problems that influence whether or not developing countries will be willing and able to participate fully and effectively in global cooperative efforts to halt environmental threats.

Mr. Speaker, I would like to place in the RECORD at this point the summary from the task force report, including its 12 recommendations:

SUMMARY

The Four Horsemen of the modern age have been the Cold War and the nuclear arsenals it has spawned, the widespread suppression of human rights, global poverty and hunger, and humanity's unrelenting assault on the environment. In developments of great historical significance, the Cold War is at last winding down, and democracy is rising around the globe. But no comparable progress has been made in reducing world poverty and reversing environmental deterioration.

Nowhere are these problems more acute than in the developing world. One billion people in developing countries live in poverty and hunger. Forty thousand children die daily from causes related to this deprivation. Meanwhile, expanding populations and inappropriate development are destroying the fragile base of soils, water, forests and fisheries on which the future depends. The deserts are advancing, while the tropical forests, with their immense wealth of life forms, are in retreat. One and one-half acres of these forests disappear every second; scores of species are committed to extinction every day. Each of these problems is deepened by the addition of almost a billion people in the world's population every decade.

A new era of international cooperation is urgently needed to address these challenges, and the United States should play a major role in bringing it about. The time is ripe for a new U.S. mission internationally, one focused on promoting cooperative action to sustain the earth and its people.

Expanded U.S. cooperation with developing countries should be part of a larger North-South partnership founded on the mutual interests of all countries in economic progress and environmental protection. Leading the way toward such a global partnership for sustainable development is decidedly in the U.S. interest. In a world that is growing ever more interdependent, this country's economic fate is inextricably tied to that of the developing countries. So is the fate of the en-

vironmental niche Americans inhabit. The United States can no more keep its climate within the comfort zone without developing countries' cooperation than developing countries can revive their flagging economies and relieve the vicious circle of poverty and resource degradation without America's cooperation.

Given the herculean challenges of the developing countries and the United States' stake in helping to meeting those challenges, our country needs a bold, integrated program to cooperate with and assist developing countries. Unfortunately, the United States lacks such a program. U.S. funding of development assistance has been declining as a proportion of gross national product (GNP) for many years, and serious gaps exist in U.S. policies affecting sustainable development.

It is vitally important to our nation's future that these trends be reversed now and that the United States support initiatives for international cooperation in environment, development and population that match the grave challenges at hand. Major new U.S. initiatives are urgently needed. America's task must be to help stimulate the kind of economic growth that will provide sustainable livelihoods for the poor and to promote concerted actions that conserve the resource base, guard public health, reduce population pressures and mitigate global environmental threats.

Within this framework, our Task Force has developed a broad agenda for U.S. action that we recommend for consideration by the Congress, the administration and the public. Specifically, the Task Force recommends that the United States:

1. Launch a new capacity-building initiative designed to help both low- and middle-income developing countries shift to environmentally and economically sustainable development paths.

2. Support the creation of "sustainable development facilities" within the multilateral development banks to catalyze an increase in the quality and number of projects aimed at conserving natural resources and increasing their productivity.

3. Propose the negotiation of a global partnership to save tropical forests, involving national plans for halting the loss of tropical forests linked to debt reduction and other financial and technological support.

4. Create a multilateral authority to reduce developing country debt—both official and commercial—while promoting policy reforms for sustainable development.

5. Help stabilize world population in the next century at the lowest possible level by sharply increasing U.S. support for meeting the global demand for family planning services.

6. Launch a global initiative to raise the social and economic status of women in developing countries.

7. Urge increased market access for labor-intensive and processed developing country exports in multilateral trade negotiations.

8. Work to make the world trade regime, the General Agreement on Tariffs and Trade (GATT), more responsive to environmental needs and objectives.

9. Adopt strong domestic economic incentives to increase U.S. energy efficiency and reduce U.S. emissions of carbon dioxide and other atmospheric pollutants.

10. Promote the building of a network of centers for training and research on energy efficiency and renewable energy in the developing countries.

11. Create a National Commission on Environment and National Security to reassess

"national security" in light of changed political and military conditions and new environmental threats.

12. Establish a high-level body within the federal government to integrate these and other needed initiatives into a coordinated U.S. program of cooperation with developing countries.

Several of these recommendations are relevant to the deliberations leading to the "Earth Summit"—the 1992 United Nations Conference on Environment and Development (UNCED)—and to current international negotiations on various economic and environmental issues. They should be pursued by the United States in these and other appropriate settings as well as through other congressional and presidential actions.

These recommendations represent the task force's efforts to develop realistic approaches to removing or reducing many of the key obstacles to sustainable development worldwide. They are particularly timely in light of the U.N. Conference on Environment and Development, the so-called Earth Summit in Rio de Janeiro, which is now only 1 year away. That conference represents an historic opportunity for the international community to take the first steps toward global cooperation on these interlinked global challenges of poverty, economic stagnation, and environmental decay. If we fail to seize this opportunity, the deterioration of the global environment is bound to accelerate, and the chances of reversing that trend will become very poor indeed.

The U.S. role in preparations for the 1992 conference is crucial to its success. The world naturally looks to us for leadership on these issues, and the United States must respond with some major initiatives that touch on both environment and development issues. The package of proposals contained in our task force report includes a series of such major initiatives that would help to create at the U.N. conference greater optimism and greater willingness to cooperate on the part of other countries, both industrial and developing.

I will not elaborate on each task force's 12 recommendations at this time, though I commend them to the attention of my colleagues. I would like to highlight three of them which I believe are especially important to U.S. international leadership in supporting sustainable development, and which I intend to take an active role in promoting within Congress and the executive branch.

Recommendation number three calls for negotiation of a global partnership to bring deforestation under control. It is now estimated that 40 million acres of tropical forests are being lost annually worldwide—1½ acres every second. Without international cooperation starting very soon, there will be only patches of primary tropical forest remaining by early in the 21st century. The task force proposes that the major industrial nations form a consortium to negotiate directly with tropical forest countries on a package of financial support for national plans aimed at slowing and ultimately halting the loss of their forests. These national plans would specify targets for the preservation and sustainable management of forests over a period of at least 10 years and indicate what policies and programs bearing on deforestation would be undertaken to achieve those targets. In return, the consortium of industrial nations would not only provide support for

specific projects and programs, but also more general financial support for a transition to sustainable management of forests. One of the types of financial support contemplated by the plan is relief of part of the debt burden of participating countries, since indebtedness has been a significant source of pressure on developing countries to mine their forests in the past. External support to provide the tropical forest countries with adequate incentives to draw up such plans would require significantly greater commitments of financial resources to this problem by the United States and other industrial countries.

Mr. Speaker, it is vital that the international community undertake a program similar to this one, and that the U.N. Earth Summit Conference provides the opportunity to discuss it. Developing countries have expressed strong reluctance to negotiate an international legal instrument on the world's forests to be signed at the 1992 conference, and I am not suggesting that the United States attempt to rush an agreement or program through in time for that event. Nevertheless, the coming year could be profitably spent in beginning to build consensus among both developed and industrial States on cooperation roughly along these lines. Again, it will be up to the United States to lead that effort. I will be urging the administration to make this concept part of its brief for the Preparatory Committee meetings for UNCED in August and again next March. I will also seek the support of my colleagues in this body for such a plan of action through congressional action.

Recommendation five of the task force report deals with the necessity for the world community to take action now in the coming years to meet the worldwide demand for family planning services, in order to stabilize world population in the next century at 9 to 10 billion people rather than at 14 billion people. The difference between these two scenarios of worldwide population growth could be the difference between a world that still has the capability to solve its development and environmental problems and one that has lost the capacity to do so.

The task force report calls for the United States to increase its own funding to support the goal of making family planning services available to 75 percent of the couples in most countries, compared to 50 percent today, by the year 2000. That goal would achieve replacement-level fertility worldwide by 2015 and stabilize world population at the lowest possible level. To do this, the United States needs to be spending approximately \$1.2 billion annually for this purpose by the end of this decade. To move deliberately to that goal, our spending for family planning services should increase to at least \$500 million within the next 2 years.

I am happy to note that the provisions of the Kostmayer-Morella bill for additional funding in the coming fiscal year are in line with this recommendation, and have been included in the foreign aid bill marked up by the Foreign Affairs Committee. I urge my colleagues to support those provisions as a crucial element in a global sustainable development strategy.

Finally, Mr. Speaker, I wish to draw the attention of my colleagues to recommendation No. 6, which calls for the launching of a

"Global Action Plan on the Status of Women." As the report points out, neither major improvements in the control of fertility nor the successful management of local natural resources can take place without raising the social and economic status of women in developing countries. Their marginal economic status in developing countries is closely linked with higher fertility rates.

The international community must do much more to raise the status of women in developing countries through programs that are specifically targeted at giving them their own sources of income.

The EESI Task Force recommends that these programs should be coordinated by a committee that includes representatives of principal development assistance agencies, U.N. agencies, developing countries and non-governmental organizations. The EESI Task Force proposes that such an action plan should set appropriate targets for antipoverty programs to promote equal participation by women; for more development assistance resources to be directed to literacy and other educational, training, and recruitment programs for women; for the reform of policies and laws discriminating against women; and for increasing lending for microenterprises, which has already improved the economic status of millions of poor women.

Mr. Speaker, I have included language in the foreign operations appropriations legislation that would urge support for such an action plan to be made part of the United States policy. Clearly, the executive branch has the primary responsibility for formulating and carrying out the recommendations in this report, but we in Congress also have a responsibility to be involved in the process.

Again, I congratulate EESI for their role in bringing together the task force and helping to forge a consensus among its membership on a package of strong recommendations for U.S. support for sustainable development. I urge my colleagues to read the report and to give all of its recommendations careful consideration.

Mr. GEJDENSON. Mr. Speaker, I want to recommend to our colleagues that they take a look at a report prepared by the Environmental and Energy Study Institute entitled "Partnership for Sustainable Development."

In a few short pages the report makes clear and cogent recommendations for action that can be taken now to enhance international cooperation in environment, development, and population.

I was particularly impressed with their fourth recommendation on what can and should be done to link resolution of the international debt crisis, the environment, and sustainable development. Specifically, the report proposes the establishment of an International Debt Management Authority to purchase debt on the secondary market in return for commitments from the debtor nations to adopt policies and programs supporting sustainable development.

Although the Reagan administration opposed such a plan in 1988, the Treasury Department under President Bush has shown signs of a willingness to consider these types of new approaches to the debt crisis. Witness, for example, the Enterprise for the Americas Initiative. In that proposal, the Treasury took

the significant step of recognizing that official debt owed by these countries to the United States has to be written down and not just endlessly rescheduled. Treasury also proposed directly linking debt to protection of the environment.

Enterprise for the Americas, however, is still a modest proposal as far as debt reduction and environmental protection is concerned. Much more can be done to link these two issues with sustainable development, as the Environmental and Energy Study Institute report illustrates.

Mr. Speaker, with your permission I have attached an excerpt of their report, "Partnership for Sustainable Development." It reads as follows:

The debt of developing countries, which increased from just over \$50 billion in 1970 to \$1.2 trillion in 1990, has taken a heavy toll on social and economic development and on the environment and natural resources in many developing countries.

The 1980s was a lost decade for less-developed nations with heavy debt burdens. Because of debt obligations, unprofitable investments, rising interest rates and the drying up of commercial bank loans, the \$42.6 billion transferred annually from industrialized to heavily indebted developing countries early in the decade had by 1988 turned into a \$32.5 billion transfer from the developing countries to industrialized countries. The result has been stunted economic growth and even contraction. Debtor countries grew at 4 percent annually in the 1960s and 1970s, but their annual growth rates in the 1980s averaged 1.5 to 2 percent—less than their population growth. Because of heavy indebtedness in the region, Latin American countries actually suffered a drop in per capita income of almost 1 percent a year from 1981 to 1990.

To repay their loans, heavily indebted countries have to create trade surpluses through increased exports, often at the expense of the natural resource base. Limited economic growth and government austerity measures, two consequences of large debt and adverse capital flows, have put more burdens on the poor and placed new strains on soil, water and fuelwood resources. They also have weakened governmental programs that might have promoted conservation and environmental protection.

Meanwhile, the value of developing country debt held by commercial banks has declined rapidly on the secondary market since the early 1980s. The weighted average of the value of Latin American debt has dropped from 64 percent of its original value in 1986 to 28 percent by 1990. Argentina's debt sold for 66 percent of its book value in 1986, and by 1990 was worth only 13 percent of the original value. Brazil's had declined from 74 percent of original value in 1986 to 22 percent by 1990.

The priority that developing countries place on reducing their debt burdens, the linkage between debt and resource degradation in those countries and the growing secondary market in developing country debt all point toward an opportunity for developed countries to use debt reduction to support sustainable development.

RECOMMENDATION

The United States should propose that a consortium of aid-giving nations establish an International Debt Management Authority to purchase significant debt obligations of selected countries on the secondary market. The authority would negotiate with the

debtor countries in question to forgive those debt obligations gradually over a period of years. In return, the countries in question would adopt policies and initiate programs supporting sustainable development. The authority also could negotiate the forgiveness of official bilateral debt where appropriate.

The International Debt Management Authority recommended here would be very similar to the authority suggested by Congress in the Omnibus Trade and Competitiveness Act of 1988. The major difference would be that the policy reforms required for debt forgiveness would emphasize sustainable development. Depending on the nature of the indebted nation's needs, the policies to be encouraged might include implementation of a national plan to control tropical deforestation; appropriate energy pricing and least-cost energy strategies; a strategy for reducing population growth; land tenure reform; measures to raise the legal, social and economic status of women; and manufacturing strategies emphasizing job creation. Debt would be forgiven progressively over a period of five or more years, on the basis of performance on agreed policy commitments.

The needed policy reforms would have to be supported with special sectoral loans and other support through multilateral development banks and development agencies. For this and other reasons, the authority's activities would have to be closely coordinated with those of other international development institutions.

The cost of such an authority would depend on the scope of the program. Japan, the European Community and other OECD members would be expected to provide 75 to 80 percent of its costs (the same percentage contribution they currently make to bilateral development assistance and the World Bank), while the United States could provide the remainder. Purchase of debt on the secondary market provides a high degree of leverage for the amount invested. For example, the authority could buy \$100 billion of developing country commercial bank debt (face value) for about \$30 billion at current secondary market prices. If spaced over five years, such purchases would not impose an unmanageable burden on participating countries. In this example, the U.S. share would be \$1.2 billion annually.

Despite the U.S. Treasury's decision to reject the plan in the 1988 law for an international debt management authority, the time is ripe for this approach. The United States, through the "Enterprise for the Americas" initiative, has offered some reduction in the official indebtedness to the U.S. government. Moreover, the international loan position of the commercial banks, which at one time were vulnerable to big losses from lending to developing countries, has improved dramatically. Banks now have reserved heavily against these losses and are better able to take them either by disposing of their developing country debt holdings through secondary market sales or by write-offs.

Mr. TORRICELLI. Mr. Speaker, it is a privilege to join in this special order to discuss a topic that is literally crucial to the survival of our nation and our planet.

I congratulate the gentleman from Indiana [Mr. HAMILTON], ranking majority member of the Foreign Affairs Committee, for his service on the Task Force on International Development and Environmental Security and for taking the initiative that permits us to have this discussion today. On this as on so many issues, he is a true leader.

Mr. Speaker, I hope we will all draw several conclusions from the task force's report, Partnership for Sustainable Development. The first is that environment and development are complementary, not antithetical, concepts. Perhaps we are finally reaching the point where we can accept this fact.

Development that is not environmentally sound is not sustainable. Indeed, it is not development at all. The record is clear that it leaves countries worse off, at least in some respects, than they were before.

I have the honor to chair the Subcommittee on Western Hemisphere Affairs. Members who have spent any time in the region of the subcommittee's jurisdiction will readily recognize the consequences of environmentally unsustainable development: overexploitation of arable land; expansion of subsistence agriculture into environmentally sensitive areas; destruction of critical habitat to support export agriculture; deforestation and all the problems that go with it, including flooding and the extinction of indigenous species; mass migration to unsustainable urban conglomerations; massive air and water pollution; reappearance of previously eradicated diseases, such as cholera—the list could go on and on.

If this be development, I am not sure Latin America and the Caribbean can stand much more of it.

A second conclusion is that sustainable development and environmental security require cooperative action by all nations, rich and poor. The developed countries cannot expect the poor countries to bear the burden of environmental protection by themselves. The less developed countries cannot expect aid without appropriate environmental and developmental conditions. We must all get together and decide cooperatively what is in our mutual interest and how we will share the costs of achieving our interests.

Third, environmentally sustainable development requires an integrated policy. All the environment and development programs in the world will do no good unless the economic growth and assistance policies of donor and recipient nations alike are environmentally and developmentally conscious.

Finally, this is a matter of national security. We simply can no longer afford the political luxury of posturing against assistance for sustainable development as a foreign giveaway.

Our country has a vital interest in sustainable development. Success is as crucial as it was in the Persian Gulf—and we must be as willing to commit the resources necessary to ensure victory.

Mr. Speaker, we in Congress have a responsibility—not only to vote the necessary funds but, even more important, to exercise the necessary oversight. We must not accept unquestioningly that policies that are advertised to us as promoting sustainable development actually do so. We have to pay more attention to where our foreign aid money goes and what it is used for.

I intend to seek hearings on the Foreign Affairs Committee on this very useful report. Should that not be possible, I would be prepared to hold hearings of the Subcommittee on Western Hemisphere Affairs on the regional implications of the report.

Again, I congratulate the gentleman for his leadership and thank him for giving me this

opportunity to share these thoughts with my colleagues.

Mrs. MORELLA. Mr. Speaker, I applaud the efforts of the Task Force on International Development and Environmental Security in recommending a U.S. agenda for sustainable development. The task force lays out a plan for cooperation and assistance with underdeveloped countries. Issues of the environment extend beyond cultural, religious, and racial differences and affect all people who share our world. The United States must assist developing countries in fighting poverty and lowering population levels toward sustainable Earth goals. General security measures must not merely focus on defense initiatives but must encompass protection of the environment.

I support the 12 task force recommendations toward a sustainable Earth. I particularly support the importance of launching a global initiative to raise the social and economic status of women in developing countries. Women are the main providers for two-thirds of the poorest households in developing countries and produce 60 percent of the food grown locally. The education of women in developing countries would give women more options in regard to employment and reproductive health care. With education, women could make better family planning choices, thereby taking a critical step to address the fundamental issues of poverty and overpopulation. In addition, general health care and nutritional needs of families in developing countries would be better met.

It is our obligation as representatives of the United States to pass legislation and oversee implementation in accordance with these 12 recommendations. It is imperative that the United States take the initiative and be a world leader on this issue. Developing countries need our cooperation and assistance to meet these sustainable Earth goals. Developing countries currently account for four-fifths of the world's population and burn one-half of the world's fossil fuels. Furthermore, as the task force states, it is in the economic interests of the United States to follow the task force's guidelines. The recommendations do not stifle growth to allow for environmental benefits. The United States increasingly relies on the environmental and economic policies of developing countries. Global warming does not honor country borders.

In conclusion, the task force's sustainable Earth recommendations present a pragmatic and workable approach to one of the most pressing issues of our century. I urge your support in making them become a reality.

Mr. SCHEUER. Mr. Speaker, the report of the Task Force on International Development and Environmental Security convened by the Environmental and Energy Study Institute under the chairmanship of Gus Speth, provides the Congress with a valuable agenda for U.S. actions to advance the national and global interest in sustainable development.

This blue-ribbon panel of leaders from business, labor, environmental, development and population organizations and a bipartisan group of Members of the House and Senate, has presented a package of twelve recommendations that would, if implemented, help developing countries to improve their

management of natural resources and contribute to global environmental protection.

The Task Force report includes several proposals that should be offered by the United States at the Preparatory Committee meetings for the United Nations Conference on Environment and Development to be held in Brazil in 1992. This proposal for a global action plan to raise the status of women in developing countries, is precisely the kind of action that belongs in the Earth Summit Conference's "Agenda 21" of worldwide actions to support sustainable development.

Some of these actions include:

Funding of family planning services worldwide to meet the goal of providing such services to all families who desire it;

A proposed Multilateral Debt Authority to reduce developing country debt burdens in return for commitments to sustainable development policies; and,

A proposed network of Energy Training and Research Centers that would contribute to the ability of countries to use energy resources more efficiently and save them enormous capital for development purposes.

I urge the administration to adopt these proposals as part of the United States position in the coming Preparatory Committee meeting in Geneva in August. It would be a tragic mistake if the United States fails to take advantage of this timely document by incorporating its recommendations into the U.S. position in the UNCED negotiations.

I urge my colleagues to join in supporting these initiatives.

Mr. WYDEN. Mr. Speaker, the Environmental and Energy Study Institute has produced a thoughtful report on sustainable development, complete with a powerful action agenda to promote international growth in a manner consistent with environmental protection.

While each of the 12 points in the plan is important, I would like to focus on one in particular—the need to make the international trading system more environmentally sensitive.

Mr. Speaker, we cannot protect the environment by restricting trade, by refusing to deal with countries that do not meet every point on our checklist of good environmental citizenship, or by pursuing a "limits-to-growth" agenda. Trade will be the most important economic growth issue of the 1990's, and without that growth neither the United States nor any other country will have sufficient resources to protect the environment adequately.

By the same token, as Representative HAMILTON and Representative GILMAN have noted in the past, growth which is not environmentally sustainable cannot be economically sustainable in the long run. It makes no sense to generate resources in the short term if some of them are not plowed back into the environment to assure its survival in the long term. The environment is part of our global capital stock. It must be nurtured, husbanded and augmented. Just as no business can sell off its capital assets to pay operating expenses and remain viable over time, neither can we cash in the environment for short-term consumption needs and expect our economic system to thrive.

But it is a lot easier for us to agree on that principle among ourselves than to sell it to

countries with incomes a mere fraction of ours. Stewardship is an easier concept to accept on a full stomach: One must trust the sincerity of developing country leaders who say they would like to protect the environment but must first protect their people.

However, one must also verify the leaders' assurances that, as their countries develop, they will make environmental protection a priority. It is not acceptable to abuse our common heritage for short-term economic or political gain. My major concern during consideration of fast-track negotiating authority for the United States-Mexico talks was to lock in commitments from both governments that environmental issues would not be subjugated to development efforts, that environmental problems caused by increased trade arising from the agreement would be dealt with in the body of the agreement, and that the two governments would agree on a joint border cleanup plan, complete with a timetable and commitments of resources. So far, the responses of both governments have been somewhat vague, but I intend to hold them to a high standard of enforceable environmental protection before I support any trade treaty.

I want to see Mexico develop. I want to see the rest of Latin America prosper, and Southeast Asia and Africa as well. But I don't believe it is in anyone's interest to buy that development through reckless attrition of our environmental resources. Where trade and the environment come together, the operating phrase need not be hands off, but it should at least be handled with care.

So this is the deal that must be struck. Developed countries will support trade and economic growth in developing countries. In return, developing countries will devote an appropriate level of the resources generated to protect the environment. This is not economic imperialism. It is not a devious attempt to keep poor countries poor. It is an attempt to ensure that future generations in all countries will be able to pursue increased living standards, that they will be able to use the same environmental capital stock that we have, and that they will pass on that stock to their descendants for continued sensible, sustainable use.

Mr. Speaker, some economists are leery about linking environmental issues to international trade. There is absolutely no reason for that. Incorporating environmental protection into trade policy merely internalizes the costs of environmental degradation, a necessary step to ensure the efficient allocation of resources and promote the optimum pattern of long-term international development. We recognize the need to advance the principle of polluter pays for the health of our domestic economy and environment; we should do the same for the international economy. The laws of economics do not disappear when commerce flows across national borders.

The difficulties arise when policymakers try to determine what types of environmental protection are appropriately addressed through trade policy. Some environmental problems are not relevant to international trade and should not be addressed in trade treaties. Some trade distortions are presented as environmental protection measures but are truly nothing more than protectionist stalking horses. And in some cases, a lack of environ-

mental standards can distort trade and arguably be classified as a production subsidy. The problem is to separate the contenders from the pretenders, to figure out a legitimate package of trade policies that promote growth and efficient resource allocation but protect the environment, and to muster the political will among our trading partners to incorporate it into trade agreements.

This is a tough problem. It will require a lot of thought and work by politicians, businessmen and academics. But it is not an insurmountable problem. I am discouraged when I hear Administration officials and members of the business community say we should not pursue trade and the environment because we don't yet know how best to do it. It reminds me of the argument those opposed to arms control made that we should not pursue treaties on intermediate range weapons and cruise missiles because we did not yet know how to verify them. Well, we responded to that by bringing the experts together and working out verification measures that were acceptable to all sides. We were able to do that because we believed that arms control was too important to be ignored.

We can do the same thing with trade and the environment but we have to make a similar commitment of energy, resources and brainpower. And the EESI action agenda is an important beginning.

Mr. Speaker, we need a four step program to develop a workable policy for trade and the environment.

First, we need to develop a body of knowledge. Congress, the Administration, businesses and NGO's must study how various trade laws and barriers affect environmental protection and develop tools for implementing and enforcing a workable trade and environment program. All four groups must have a mandate and develop the expertise to address trade/environment relationships.

Second, we must formalize the standing of environmental issues in trade negotiations. This will require an active role for environmental working groups at the talks to work with negotiators to make agreements sensible from trade/environment and international resource allocation standpoints. It will also require the development of a GATT environmental code.

Third, we should identify ways to help developing countries become environmentally responsible as quickly as possible, including direct aid, technology transfer, technical assistance and education programs.

Fourth, we need to improve our domestic performance on environmental protection, energy conservation and sustainable development to give us the authority to insist on improvements in other countries. Self-righteous hectoring and sanctimonious lecturing won't sell well overseas. We need to lead by example.

Mr. Speaker, we should use the Uruguay round negotiations and the U.S.-Mexico talks to break new ground on trade and the environment. The United States should support efforts to reconvene the GATT environmental working group and should expand consideration of environmental issues in the NAFTA talks. The EESI report gives us a good starting point from which to advance trade and environ-

mental issues. We should all make this a priority from here on out.

Mr. YATRON. Mr. Speaker, I join my colleagues in commending the outstanding report of the EESI Task Force on International Development and Environmental Security. The recently released report, "Partnership for Sustainable Development", is unique in that it systematically links environmental and development problems and provides practical and feasible solutions to the American people. It is truly one of the most relevant, thorough, and comprehensive reports on the issue of sustainable development that I have had the opportunity to review.

As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, which has jurisdiction over global environmental problems, I have found this study particularly useful. It will make a valuable contribution to the ongoing debate on these issues. The recommendations of the report are most timely, as the world will witness one of the most important conferences of our time—the 1992 U.N. Conference on Environment and Development [UNCED].

The 21-member task force brought together some of the most distinguished leaders from the business, labor, academic, scientific, environmental, and development communities. It also contained five Members of Congress who are respected for their work in this area.

The report's principal theme is that major new U.S. initiatives are urgently needed to address the global environmental threats to humankind. Climate change, the loss of biological diversity, deforestation, and the deterioration of natural resources cannot be resolved without the full participation of developing countries. Unfortunately with the economic and social needs so overwhelming, developing countries are unable to confront their own environmental problems, and thus cannot play their critical international environmental role. Only by developing a new strategy which combines economic and environmental factors will progress be achieved.

The report provides 12 recommendations to improve U.S. cooperation with developing countries to deal with these global environmental problems. They discuss possible changes in development assistance, debt management, technology transfer, trade, and investment policies. They also detail important initiatives for multinational development institutions, GATT, international research and training centers, and other valuable factors.

I urge all my colleagues to review this most worthwhile report.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of illness.

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 Mrs. BENTLEY) to revise and

extend their remarks and include extraneous material:)

- Mr. MICHEL, for 5 minutes, today.
- Mr. BURTON, of Indiana, for 60 minutes, on June 25, 26, and 27.
- Mr. LIVINGSTON, for 60 minutes, on June 19.

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

- Mr. HOAGLAND, for 5 minutes, today.
- Mr. GLICKMAN, for 5 minutes, today.
- Mr. ANNUNZIO, for 5 minutes, today.
- Mr. JONES, of North Carolina, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RITTER on H.R. 2608 dealing with National Institute of Standards and Technology in the Committee of the Whole today.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

- Mr. YOUNG of Alaska.
- Mr. VANDER JAGT, in two instances.
- Mrs. MORELLA.
- Mr. MARLENEE.
- Mr. DAVIS.
- Mr. PURSELL.
- Mr. SMITH of New Jersey.
- Mr. CAMP.
- Mr. PORTER.
- Mr. PACKARD.
- Mr. GOODLING.
- Mr. RAMSTAD, in two instances.
- Ms. ROS-LEHTINEN, in two instances.
- Mr. GEKAS.
- Mr. SLAUGHTER of Virginia.
- Mr. BLILEY.
- Mrs. BENTLEY.
- Mr. GOSS.
- Mr. SANTORUM, in two instances.
- Mr. GILMAN, in two instances.
- Mr. BARTON of Texas.

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

- Mr. ACKERMAN.
- Mr. FORD of Michigan.
- Mr. CARDIN, in two instances.
- Mr. PENNY.
- Mr. HOYER.
- Mr. MURTHA.
- Mr. STARK.
- Mr. THOMAS of Georgia.
- Mr. BORSKI.
- Mr. BOUCHER.
- Mr. RANGEL.
- Mr. SARPALIUS.
- Mr. FAZIO.
- Mr. TORRES.
- Mrs. MINK.
- Mr. SKELTON.
- Mr. EVANS.
- Mr. KENNEDY.
- Mr. BROWN.
- Mr. FOGLIETTA.
- Mr. BONIOR.
- Mr. HAYES, of Illinois, in two instances.

- Mr. HOAGLAND.
- Mr. RAY.
- Mr. MAVROULES.
- Mr. CLEMENT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 909. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; to the Committee on the Judiciary.

S. 1284. An act to make certain technical corrections in the Judicial Improvements Act of 1990; to the Committee on the Judiciary.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 111. Joint resolution marking the 75th anniversary of chartering by Act of Congress of the Boy Scouts of America.

JOINT RESOLUTION 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 joint resolution of the House of the following title:

On June 12, 1991:
H.J. Res. 219. Joint resolution to designate the week beginning June 9, 1991, as "National Scleroderma Awareness Week."

ADJOURNMENT

Mr. SERRANO. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, June 17, 1991, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1546. A letter from the Administrator, Farmers Home Administration, transmitting the third annual report summarizing the Agency's Housing Preservation Grant Program activities, pursuant to 42 U.S.C. 1490m(j); to the Committee on Agriculture.

1547. A communication from the President of the United States, transmitting amendments to the fiscal year 1992 request for appropriations for the African Development Fund, the Departments of Agriculture and the Treasury, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102-100); to the Committee on Appropriations and ordered to be printed.

1548. A letter from the Department of the Army, transmitting a report on the value of

property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1, 1991, through March 31, 1991, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

1549. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102-99); to the Committee on Appropriations and ordered to be printed.

1550. A communication from the President of the United States, transmitting an assessment of possible additional nuclear risk reduction measures, pursuant to Public Law 101-510, section 1441(c) (104 Stat. 1691); to the Committee on Armed Services.

1551. A letter from the Secretary of the Treasury, transmitting the National Advisory Council on International Monetary and Financial Policies Annual Report for the fiscal year 1989; to the Committee on Banking, Finance and Urban Affairs.

1552. A letter from the Department of Health and Human Services, transmitting the 1989 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

1553. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of a meeting related to the International Energy Program; to the Committee on Energy and Commerce.

1554. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Arthur Hatden Hughes, of Nebraska, career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Yemen, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1555. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Christopher W.S. Ross, of California, career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Syrian Arab Republic of Seychelles, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1556. A letter from the U.S. Advisory Commission on Public Diplomacy, transmitting its 1991 report on the U.S. Information Agency and the activities of the U.S. Government concerning public diplomacy, pursuant to 22 U.S.C. 1469; to the Committee on Foreign Affairs.

1557. A letter from the Chairman, Board of International Broadcasting, transmitting the semiannual report of activities of the inspector general covering 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.

1558. A letter from the Deputy Assistant Secretary (Requirements and Resources), Department of Defense, transmitting the 1990 annual report on the financial status of the Military Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1559. A letter from the Chairman and Chief Executive Officer, Farm Credit Administra-

tion, transmitting the semiannual report of activities of the inspector general covering 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.

1560. A letter from the Secretary of the Treasury, transmitting the semiannual report of activities 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. 2515, 2526); to the Committee on Government Operations.

1561. A letter from the Administrator, Small Business Administration, 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.

1562. A letter from the Executive Director, State Justice Institute, transmitting the Institute's financial statements and schedules, September 30, 1990 and 1989; to the Committee on Government Operations.

1563. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend title 28, United States Code, with respect to the admissibility in evidence of foreign records of regularly conducted activity; to the Committee on the Judiciary.

1564. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for recovery by the United States of the cost of medical care and services, and for other purposes; to the Committee on Veterans' Affairs.

1565. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to target the rehabilitation program entitlement to service-disabled veterans rated at 30 percent or more; target eligibility of stepchildren for Survivors' and Dependents' Educational Assistance to natural and adopted children; and for other purposes; to the Committee on Veterans' Affairs.

1566. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation 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.

1567. A letter from the Secretary of Health and Human Services, transmitting the 1990 annual report of the Federal Advisory Committees which provided advice and consultation in carrying out his functions under the Social Security Act, pursuant to 42 U.S.C. 1314(f); jointly, to the Committees on Ways and Means and Energy and Commerce.

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. DINGELL: Committee on Energy and Commerce. H.R. 2194, a bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, with amendments (Rept. 102-111). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER of New York. House Resolution 176, a resolution waiving certain

points of order during consideration of H.R. 2622, a bill making appropriations for the Treasury Department, and United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-112). Referred to the House Calendar.

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. STAGGERS (for himself, Mr. BONIOR, Mr. BRYANT, Mrs. COLLINS of Illinois, Mr. GUARINI, Mr. HENRY, Mr. HORTON, Ms. KAPTUR, Mr. JONTZ, Mr. KOLTER, Mr. LIPINSKI, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. PERKINS, Mr. PICKETT, Mr. QUILLEN, Mr. RAHALL, Mr. SERRANO, Mr. SKELTON, Mr. SLAUGHTER of Virginia, and Mr. SPENCE):

H.R. 2634. A bill to prohibit the importation of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. MARLENEE (for himself, Mr. YOUNG of Alaska, Mr. RHODES, Mr. HANSEN, Mr. DAVIS, Mr. SKEEN, and Mr. EMERSON):

H.R. 2635. A bill to establish a Commission to study existing laws and procedures relating to mining, other than coal mining, and in particular the effects of existing laws and procedures relating to location and disposition of minerals on public lands of the United States and their effect on the policy statement set forth in the Mining and Minerals Policy Act of 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ (for himself and Mr. TORRES):

H.R. 2636. A bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the bicentennial of the Bill of Rights; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KOSTMAYER (for himself and Mr. MILLER of California):

H.R. 2637. A bill to withdraw lands for the waste isolation pilot plant, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services.

By Mr. SANTORUM (for himself, Mr. RIGGS, Mr. RAMSTAD, and Mr. POSHARD):

H.R. 2638. A bill to amend the Federal Election Campaign Act of 1971 to create a more balanced and fair campaign financing system, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Post Office and Civil Service.

By Mr. BOUCHER (for himself, Mr. BILLEY, Mr. BRUCE, Mr. OXLEY, Mr. McCLOSKEY, Mr. ROGERS, Mr. MURPHY, Mr. WISE, Mr. PERKINS, Mr. HUBBARD, Mr. BEVILL, Mr. RAHALL, Mr. PAYNE of Virginia, Mr. SLAUGHTER of Virginia and Mr. HOPKIN):

H.R. 2639. A bill to reduce the Nation's dependence on petroleum by enhancing the use of coal; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. BREWSTER:

H.R. 2640. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insur-

ance companies; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. ARCHER, Mr. MATSUI, Mrs. JOHNSON of Connecticut, and Mr. GUARINI):

H.R. 2641. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2642. A bill to amend section 547 of title 11, United States Code, to provide that certain withdrawal transactions made by depositors from certain financial institutions not be avoided as preferential transfers; to the Committee on the Judiciary.

By Mr. FAWELL (for himself, Mr. PENNY, Mr. ARMEY, Mr. STENHOLM, Mr. BURTON of Indiana, Mr. COX of California, Mr. HANCOCK, Mr. HASTERT, Mr. KASICH, and Mr. WALKER):

H.R. 2643. A bill to rescind unauthorized appropriations for fiscal year 1991; to the Committee on Appropriations.

By Mr. FAZIO:

H.R. 2644. A bill to grant a Federal charter to the National Academies of Practice; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. YOUNG of Florida):

H.R. 2645. A bill to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts, and for other purposes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GUARINI, Mr. SHAYS, Mr. SHARP, and Mr. RHODES):

H.R. 2646. A bill to amend the Internal Revenue Code of 1986 to allow small- and medium-sized manufacturers to expense certain acquisitions of productive equipment; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself and Mr. BARRETT):

H.R. 2647. A bill to require a feasibility study of a proposed four-lane expressway between Scottsbluff, NE, and Rapid City, SD; to the Committee on Public Works and Transportation.

By Mr. KENNEDY (for himself, Mr. EVANS, and Mr. STAGGERS):

H.R. 2648. A bill to direct the Secretary of Veterans Affairs to establish and maintain certain programs for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. MICHEL:

H.R. 2649. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for corporate contributions to private businesses in Eastern European emerging free market countries, and for other purposes; jointly, to the Committees on Ways and Means, Foreign Affairs, and Energy and Commerce.

By Mr. PANETTA:

H.R. 2650. A bill to amend title 38, United States Code, to establish a grant program to provide assistance to States in providing veterans with advice and assistance concerning veterans' benefits; to the Committee on Veterans' Affairs.

By Mrs. SCHROEDER (for herself and Ms. SNOWE):

H.R. 2651. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLAUGHTER of Virginia (for himself, Mr. BATEMAN, Mr. BLILEY, Mr. BOUCHER, Mr. MORAN, Mr. OLIN, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. SISISKY, and Mr. WOLF):

H.R. 2652. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey:

H.R. 2653. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to carry out model volunteer service credit projects; to the Committee on Education and Labor.

By Mr. TORRES:

H.R. 2654. A bill to require the clear and uniform disclosure by depository institutions of interest rates payable and fees assessable with respect to deposit accounts; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SCHROEDER (for herself and Ms. SNOWE):

H. Con. Res. 166. Concurrent resolution expressing the sense of the Congress with respect to contraception and infertility; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

185. By the SPEAKER: Memorial of the Legislature of the State of Hawaii, relative to the outlook for jobs and employment in Hawaii; to the Committee on Education and Labor.

186. Also, memorial of the Legislature of the State of Hawaii, relative to temporary general-fund positions within the Department of Education; to the Committee on Education and Labor.

187. Also, memorial of the General Assembly of the State of Illinois, relative to higher education; to the Committee on Education and Labor.

188. Also, memorial of the General Assembly of the State of Illinois, relative to the centrally controlled government in Belgrade, Yugoslavia; to the Committee on Foreign Affairs.

189. Also, memorial of the Legislature of the State of Nebraska, relative to the business of insurance; to the Committee on the Judiciary.

190. Also, memorial of the Legislature of the State of Louisiana, relative to the desecration of the American flag; to the Committee on the Judiciary.

191. Also, memorial of the General Assembly of the State of Tennessee, relative to traffic and motor vehicle safety; to the Committee on Public Works and Transportation.

192. Also, memorial of the Legislature of the State of Hawaii, relative to Hawaii's garment manufacturing, wholesaling, and retailing industries; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RAVENEL:

H.R. 2655. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rules XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. MANTON, Mr. SKELTON, Mr. MCNULTY, Mr. BERMAN, Mr. SABO, Mr. DIXON, Mr. STARK, Mrs. MINK, Mr. LAROCO, Mr. CONYERS, Mr. PALLONE, Mr. TRAFICANT, Mr. BONIOR, Mr. KENNEDY, and Mr. REED.

H.R. 110: Mr. DORNAN of California, Mr. TORRES, and Mr. GILCREST.

H.R. 311: Mr. BURTON of Indiana and Mr. DANNEMEYER.

H.R. 330: Mr. DIXON, Mr. EDWARDS of California, and Mr. LEWIS of Georgia.

H.R. 431: Mr. CLINGER, Mr. HENRY, Mr. GILCREST, and Mr. WEBER.

H.R. 537: Mr. ENGEL.

H.R. 642: Mr. CARDIN.

H.R. 652: Mr. WAXMAN.

H.R. 670: Mr. MCNULTY, Mr. JEFFERSON, Mr. CONYERS, and Mr. HUGHES.

H.R. 706: Mr. COLEMAN of Texas and Mr. HUTTO.

H.R. 709: Mr. CONYERS, Mr. ESPY, Mr. VALENTINE, and Mr. JONTZ.

H.R. 784: Mr. ANDREWS of New Jersey.

H.R. 791: Mr. LEWIS of Georgia.

H.R. 842: Mr. TORRICELLI.

H.R. 853: Mr. HAYES of Illinois, Mr. SAVAGE, Mr. LEHMAN of Florida, Mr. ACKERMAN, Mr. KLECZKA, Mr. DE LUGO, Mr. RANGEL, Ms. NORTON, Mr. FORD of Tennessee, Mr. DYMALLY, Mr. OWENS of New York, Mr. MARTINEZ, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. JEFFERSON, and Mr. TOWNS.

H.R. 870: Mr. DE LUGO, Mrs. MORELLA, Ms. NORTON, Mr. VENTO, Mr. WHEAT, and Mr. SOLARZ.

H.R. 871: Mr. DEFAZIO and Mr. NEAL of Massachusetts.

H.R. 872: Mr. DEFAZIO, Mr. DE LUGO, Mr. SOLARZ, and Mr. VANDER JAGT.

H.R. 873: Mr. DEFAZIO, Mr. DE LUGO, Mr. MACHTLEY, and Mr. SOLARZ.

H.R. 919: Mr. HANSEN.

H.R. 967: Mr. MURTHA, and Mr. BARTON of Texas.

H.R. 978: Mr. MOLLOHAN, Mr. JOHNSTON of Florida, and Mr. TORRES.

H.R. 1067: Mr. MCGRATH, Mr. KLUG, Mr. YATES, Mr. HEFNER, Mr. JONES of North Carolina, Mr. CONYERS, Mr. FASCELL, Mr. WEISS, Mr. TAUZIN, Mr. LEACH, Mr. HUCKABY, Mr. BOEHLERT, Mr. WILLIAMS, Mr. HOLLOWAY, Mr. BOEHRNER, Mr. RAHALL, Mr. OXLEY, Mrs. COLLINS of Michigan, Mr. LIPINSKI, Mrs. MINK, Ms. HORN, Mr. SKELTON, Mr. BILBRAY, Mr. GOSS, Mr. STOKES, and Mr. LANTOS.

H.R. 1130: Mr. BRYANT, Mr. FROST, Mr. FALOMAVEGA, Mr. JEFFERSON, and Mr. STALLINGS.

H.R. 1154: Mr. ENGLISH, Mr. JOHNSON of South Dakota, Ms. SLAUGHTER of New York, Mr. BRUCE, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. REGULA, Mr. KENNEDY, Mr. OBERSTAR, Mr. HOAGLAND, Mr. PRICE, and Mr. DARDEN.

H.R. 1202: Mr. ECKART, Mr. PENNY, Mr. KOLTER, Mr. MFUME, Mr. LANCASTER, Mr. FAZIO, Mr. MOLLOHAN, Mr. JONTZ, Mr. MCCLOSKEY, Mr. LEWIS of Georgia, Mr. VENTO, Mr. KILDEE, Mr. WHEAT, Mr. LEHMAN of Florida, Ms. SNOWE, and Mr. MARTINEZ.

H.R. 1414: Mr. LAROCO.

H.R. 1456: Mr. MILLER of Ohio, Mr. BRYANT, Mr. SISISKY, Mr. McMILLEN of Maryland, Mr. KASICH, and Mr. SHUSTER.

H.R. 1468: Mr. LAGOMARSINO.

H.R. 1472: Mr. HORTON, Mr. HOUGHTON, Mrs. PATTERSON, Mr. DOOLITTLE, Mr. BAKER, Mr. BARNARD, Mr. DERRICK, Mr. BROOMFIELD, Mr. GOSS, and Mr. MARTIN.

H.R. 1478: Mr. HOLLOWAY.
 H.R. 1516: Mr. ROWLAND, Mr. KOLBE, and Mr. MONTGOMERY.
 H.R. 1584: Mr. ROTH.
 H.R. 1598: Mr. LENT and Ms. ROS-LEHTINEN.
 H.R. 1655: Mr. HENRY and Mr. THOMAS of Wyoming.
 H.R. 1684: Mr. FROST, Mr. JEFFERSON, Ms. NORTON, and Mrs. COLLINS of Michigan.
 H.R. 1733: Mr. JONTZ.
 H.R. 1771: Mr. CHAPMAN, Mr. FRANK of Massachusetts, Mr. GUNDERSON, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mrs. MEYERS of Kansas, Mr. MRAZEK, Mr. PETERSON of Florida, Mr. SYNAR, Mr. TOWNS, and Mrs. VUCANOVICH.
 H.R. 1799: Mr. MCDERMOTT.
 H.R. 1820: Mr. SWIFT, Mr. JONTZ, Mr. HUTTO, and Mr. MAVROULES.
 H.R. 1860: Mr. KLUG, Mr. SARPALIUS, Ms. LONG, and Mr. SPRATT.
 H.R. 2027: Mr. DELLUMS and Mrs. LOWEY of New York.
 H.R. 2063: Mrs. MORELLA.
 H.R. 2137: Mr. DEFAZIO, Mr. PAYNE of New Jersey, Mr. ECKART, and Mr. KLUG.
 H.R. 2179: Mr. HOCHBRUECKNER, Mr. MOLLOHAN, and Mr. LEWIS of Georgia.
 H.R. 2188: Mr. BURTON of Indiana, Mr. WALSH, Mr. KOLTER, Mr. KLECZKA, Mr. DAN-NEMEYER, Ms. MOLINARI, Mr. EDWARDS of Oklahoma, Mr. JONES of Georgia, Mr. HERTEL, Mr. MAVROULES, Mr. SENSENBRENNER, and Mr. HAYES of Louisiana.
 H.R. 2279: Mr. ATKINS and Mrs. UNSOELD.
 H.R. 2294: Mr. ALLARD, Ms. SLAUGHTER of New York, Mr. RIGGS, Mr. GORDON, Mr. WILSON, Mr. MAZZOLI, Mr. ESPY, Mr. ROBERTS, Mrs. LOWEY of New York, and Mr. HUCKABY.
 H.R. 2333: Mr. PENNY and Mr. ORTON.
 H.R. 2361: Mr. SCHAEFER.

H.R. 2363: Mr. LIGHTFOOT and Mr. KILDEE.
 H.R. 2389: Mrs. JOHNSON of Connecticut and Mr. FROST.
 H.R. 2391: Mr. PALLONE.
 H.R. 2392: Mr. PALLONE.
 H.R. 2455: Mr. KOLTER, Mr. HOLLOWAY, Mr. WASHINGTON, and Mr. EVANS.
 H.R. 2463: Mr. STUMP, Mrs. VUCANOVICH, and Mr. EMERSON.
 H.R. 2470: Mr. KLUG, Mr. WALSH, and Mr. SOLOMON.
 H.R. 2492: Mr. TRAFICANT.
 H.R. 2493: Mr. FAWELL, Mr. ARMEY, and Mr. SCHIFF.
 H.R. 2518: Mr. CONYERS.
 H.R. 2542: Mrs. VUCANOVICH, Mr. RANGEL, Mr. HOCHBRUECKNER, and Mr. GALLO.
 H.R. 2579: Mr. LEWIS of Florida.
 H.R. 2604: Mr. ARMEY, Mr. ROBERTS, Mr. BREWSTER, Mr. CUNNINGHAM, Mr. COX of California, Mr. HOBSON, and Mr. ZIMMER.
 H.J. Res. 83: Mr. SHUSTER, Mrs. ROUKEMA, Mr. INHOFE, Mr. DELAY, Mr. BEVILL, and Mr. PACKARD.
 H.J. Res. 188: Mr. BATEMAN, Mr. TAUZIN, Mr. LEHMAN of California, Mr. YATRON, Mr. WYDEN, Mr. LIVINGSTON, Mr. GORDON, Mr. ANNUNZIO, Mr. LEWIS of California, Ms. PELOSI, Mr. BARNARD, Mr. BEVILL, Mrs. BYRON, Mr. HUCKABY, Mr. BERMAN, Mr. BILBRAY, Mr. COSTELLO, Mr. KENNEDY, Mr. CARDIN, and Mr. WOLF.
 H.J. Res. 201: Mr. MANTON, Mr. LAFALCE, Mr. LANCASTER, Mr. DWYER of New Jersey, Mr. KENNEDY, Mr. FUSTER, Mr. PURSELL, Mrs. UNSOELD, Mr. TRAXLER, Mr. POSHARD, Mr. GUARINI, Mr. MORRISON, Mr. PRICE, Mr. HUGHES, Mr. FORD of Michigan, Mr. TORRICELLI, Mr. HEFNER, Mr. GONZALEZ, Mr. JONTZ, and Mr. TALLON.
 H.J. Res. 228: Mr. LEVINE of California, Mr. APPELEGATE, Mr. KASICH, Mr. OXLEY, Mr.

RICHARDSON, Mr. COX of California, and Mr. GILLMOR.

H.J. Res. 235: Mrs. LOWEY of New York.
 H.J. Res. 242: Mr. WAXMAN.
 H.J. Res. 263: Mr. BENNETT, Mr. KLECZKA, Mr. EDWARDS of Oklahoma, Mr. MAVROULES, Mr. GILMAN, Mr. MCGRATH, Mr. BUNNING, Mr. TRAFICANT, Mr. SMITH of Florida, Mr. ABER-CROMBIE, Mr. SENSENBRENNER, Mr. PERKINS, Mr. MCNULTY, Mr. ECKART, and Ms. SLAUGHTER of New York.
 H.J. Res. 264: Mr. CLEMENT, Mr. SCHEUER, Mr. MARKEY, Mr. CARDIN, Mr. MCNULTY, Ms. NORTON, Mr. BILBRAY, and Ms. PELOSI.
 H. Con. Res. 43: Mr. LEWIS of Georgia.
 H. Con. Res. 122: Mr. MAZZOLI.
 H. Res. 155: Mr. TALLON and Mr. SANDERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 392: Mr. PURSELL.
 H.R. 953: Mr. PORTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

90. The SPEAKER presented a petition of Filipino-American WWII Veterans Association, Houston, TX, relative to the Filipino World War II veterans; which was referred to the Committee on Veterans' Affairs.