# 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



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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 survivial 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 President 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 highay 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, killing 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, constitutents 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. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. 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 fingerpointing 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 calender 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. Selmser. 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 gentleman 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 professionl 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. Congressman 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(l)(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(l)(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(l)(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 OCDETF. 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. Insepction 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, implement, 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 ws 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. Compaints 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 repealed 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 viturally 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 gentleman 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.

Alsc 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 Arizona [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 recommendatins 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 assisting 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 gentlewoman 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 nonscience. 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 presentation 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. consul 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. consul 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 overstrained 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 fo 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 as 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 |
| Acquisiton 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 Expenses" 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 undestand 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 Committee, 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 forborne 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 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 Department 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 Court established under the Regional 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 wa 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 CONGRESSION 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 of 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 indepth 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 undermined 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 become 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 binational 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 exchange 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 asume 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, consultants, 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 jouneyed 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. Congesss, 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. MCCRERY].

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. MCCRERY] 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 democractic 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.

□ 1320

The CHAIRMAN pro tempore (Mr. GEJDENSON). 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 be 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. MCCRERY], 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 form 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.

PARLIMENTARY 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 woud 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.

□ 1340

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 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 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 monent, 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 attempting 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 disserves 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 positionng 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 on 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. ROHRABACHER. 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 overhwelming 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 Departmentof 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
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bennett
Bentley
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CA)
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Erdreich
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Gilchrest
Glickman
Goss
Gradison
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hubbard
Hunter
Inhofe
Jacobs
James
Johnson (TX)
Kasich
Klug
Kyl
Lagomarsino
Leach
Lewis (FL)
Luken
Marlenee
McCandless
McEwen
McMillan (NC)
Meyers
Miller (OH)
Moorhead
Neal (NC)
Nichols
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Rhodes
Riggs
Roberts
Rohrabacher
Roth
Santorum
Saxton
Schaefer
Schroeder
Schulze
Sensenbrenner
Shays
Shuster
Slattery
Slaughter (VA)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wylie
Zeliff
Zimmer

NOES—295

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Collins (IL)
Collins (MI)
Conyers
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yatron
Young (AK)
Young (FL)

NOT VOTING—14

Coleman (TX)
Davis
Gaydos
Hopkins
Kleczka
Lehman (CA)
Moakley
Quillen
Rostenkowski
Roukema
Savage
Washington
Waters
Yates

□ 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 "Departments 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. PANETTA) 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 semitropical 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. PANETTA). 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 acquaculture 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 acquaculture 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
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goss
Gradison
Grandy
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hunter
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Nichols
Nussle
Oxley
Packard
Paxon
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shays
Shuster
Skeen
Slaughter (NY)
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Tallon
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Zeliff
Zimmer

NOES—267

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Goodling
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Ridge
Roe
Roemer
Ros-Lehtinen
Rose
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Shaw
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yatron
Young (AK)
Young (FL)

NOT VOTING—13

Coleman (TX)
Gaydos
Hopkins
Houghton
Kleczka
Moakley
Neal (NC)
Quillen
Rostenkowski
Roukema
Serrano
Synar
Yates

□ 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. PANETTA). 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
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Coleman (MO)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha

Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schulze
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOES—80

Allard
Archer
Armey
Baker
Ballenger
Barton
Bentley
Bunning
Burton
Campbell (CA)
Clinger
Coble
Combest
Cox (CA)
Crane
Dannemeyer
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Fawell
Fields
Franks (CT)
Gallegly
Gilchrest
Glickman
Hancock
Hansen
Hefley
Henry
Herger
Holloway
Hubbard
Hunter
Inhofe
Jacobs
Johnson (TX)
Kasich
Klug
Kyl
Lagomarsino
Lewis (FL)
Luken
Marlenee
McCandless
McEwen
Meyers
Miller (OH)
Moorhead
Nichols
Nussle
Oxley
Packard
Pallone
Penny
Petri
Ramstad
Rhodes
Riggs
Roberts
Rohrabacher
Roth
Santorum
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Slattery
Solomon
Stump
Sundquist
Swett
Taylor (NC)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—13

Clay
Coleman (TX)
Gaydos
Green
Hopkins
Houghton
Moakley
Quillen
Rostenkowski
Roukema
Serrano
Synar
Yatesse

□ 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.

## REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2622, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1992

Mr. BEILENSON, 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 amendments 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

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 nonproliferation conference. Clearly, India's intransigence and refusal to seriously cooperate on nuclear nonproliferation 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 amendments 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 purser 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 Pakistans. 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 cant'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 agreeement 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 do 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 cummunity's unequiivocal 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 nonproliferation 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 unhinging 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, sujch 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 singlehandedly 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 clearly 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 nonproliferation 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 possible 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 nucler 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 poltical 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
Alexander
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bennett
Bevill
Bliley
Boehner
Borski
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Carper
Carr
Chandler
Chapman
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeLay
Dickinson
Dingell
Dooley
Doolittle
Dreier
Duncan
Durbin
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Fawell
Fazio
Fields
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gekas
Geren
Gillmor
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Harris
Hayes (LA)
Hefley
Hefner
Henry
Herger
Holloway
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken
Markey
Martin
Martinez
McCurdy
McMillan (NC)
Mfume
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Myers
Neal (NC)
Nichols
Nowak
Oakar
Ortiz
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Petri
Pickle
Porter
Poshard
Price
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Russo
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Walker
Weber
Weldon
Williams
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—141

Ackerman
Allard
Anderson
Aspin
Atkins
AuCoin
Bacchus
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bilirakis
Boehlert
Bonior
Boucher
Boxer
Broomfield
Byron
Campbell (CA)
Cardin
Clement
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (CA)
Coyne
Darden
Dellums
Derrick
Dicks
Dixon
Dorgan (ND)
Dornan (CA)
Downey
Dwyer
Dymally
Eckart
Edwards (CA)
Engel
Fascell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Gallo
Gejdenson
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Gray
Hall (OH)
Hamilton
Hastert
Hayes (IL)
Hertel
Hoagland
Hobson
Hochbrueckner
Horton
Hyde
Johnson (SD)
Johnson (TX)
Jones (GA)
Jontz
Kennedy
Kennelly
Klug
Kolbe
Kopetski
Lantos
Leach
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Long
Lowey (NY)
Machtley
Manton
Mazzoli
McCloskey
McCollum
McCrery
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mineta
Mink
Molinari
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Payne (NJ)
Pease
Peterson (MN)
Pickett
Rangel
Roe
Roybal
Sabo
Savage
Sawyer
Scheuer
Shays
Sikorski
Sisisky
Smith (FL)
Solarz
Stallings
Stokes
Taylor (MS)
Torres
Towns
Vento
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wolpe

NOT VOTING—48

Barnard
Berman
Clay
Clinger
Coleman (TX)
DeFazio
DeLauro
Donnelly
Early
Gallegly
Gaydos
Gephardt
Green
Hansen
Hatcher
Hopkins
Houghton
Jefferson
Johnston
LaRocco
Lehman (FL)
Marlenee
Matsui
Mavroules
McCandless
McDade
Meyers
Miller (CA)
Moakley
Murphy
Orton
Panetta
Pelosi
Pursell
Quillen
Rahall
Rose
Rostenkowski
Roukema
Schaefer
Smith (IA)
Synar
Thomas (WY)
Traxler
Unsoeld
Wise
Wyden
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. KENNELLY, Mr. KENNEDY, Mr. WAXMAN, Mrs. BOXER, and Mr. FOGLIETTA 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 rollcall 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, Chairmam 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 gentlewoman 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 form 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 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 REIMBURSEMENT 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 nonmilitary 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 1985, 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 Development 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 allowances, 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 620(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 620(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 620(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.";

(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 miltiary 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 miltiary 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 ILLICIT 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 the 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 form 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 so 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. OAKAR 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 Relations 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) reconfirms 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 agenies 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-relaed 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 pemits 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 Repubic 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 conditions 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 revivified. 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 importune them to do that.

I thank the chairman and the commmittee 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 retribution 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 deplores 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 SECTON 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 support 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 piepline 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 explain 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 welfare, 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 gentlewoman yield?

Ms. OAKAR. I am delighted to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentlewoman 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 reexamination 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 gentlewoman 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 different 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 important 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. KANJORKSI. Yes, Mr. Chairman, I can.

Mr. FASCELL. I yield 1 minute to the gentleman from Pennylvania [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 purposes, 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 move to Columbia County, Georgia when he was a young child. During the Revolutionary War, he joined a military compnay 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 Infantrymen 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 reelected 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 pursuent 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 attempt 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 it's 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 $.59 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 | 0.65 |
| 1989 | 11,439.90 | 2,461.00 | 0.68 |
| 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 contributions 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 Shocker 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 Giaudrone, Jaime Bluma, Spike Anderson, Kennie Steenstra, Jason White, Tyler Green, Darrin Paxton, Brian Buzard, Steve, Smith, Shane Dennis, Morgan Leclair, Darren Dreifoot, and Brian Morrow. The coaching staff includes Gene Stephenson, head coach; Brent Kemnitz, 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 bicentiennial 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' 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 nation 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 at 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 SUBSTAINABLE 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 Substainable 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 smouldering 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 Government 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 committeed 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 environmental 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 environment 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 nongovernmental 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 environmetnally 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 handle 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 environmental 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/enviroment 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 Yeman, 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 Christoper 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 Administration, 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. BLILEY, 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. LAROCCO, Mr. CONYERS, Mr. PALLONE, Mr. TRAFICANT, Mr. BONIOR, Mr. KENNEDY, and Mr. REED.

H.R. 110: Mr. DORNAN of California, Mr. TORRES, and Mr. GILCHREST.

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. GILCHREST, 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. BOEHNER, 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. FALEOMAVAEGA, 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. LAROCCO.

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. DANNEMEYER, 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. APPLEGATE, 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. ABERCROMBIE, 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.

# SENATE—*Thursday, June 13, 1991*

*(Legislative day of Tuesday, June 11, 1991)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer.

Let us pray:

*If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him. * * * the wisdom that is from above is first pure, then peaceable, gentle, and easy to be intreated, full of mercy and good fruits, without partiality, and without hypocrisy.*—James 1:5, 3:17.

God of all wisdom, almost everywhere one looks in the world he sees crisis: oppression, violence, brokenness, economic uncertainty, poverty, moral and ethical confusion, racial tension, fear. At the center of this maelstrom of crises stands the U.S. Senate. One hundred servants of God, stewards of the people, with the inescapable burden of dealing wisely, constructively, redemptively with this mountain of issues. Meanwhile, their lives, public and private, are under the relentless scrutiny of press and media, the opposition, constituents, and many powerful, conflicting special interests, as well as enemies who would destroy them.

Grant to these, Your servants, and their staffs the wisdom of God in responding to this overwhelming responsibility. And give them humility to acknowledge their need and ask You for wisdom.

In His name Who is the Way, the Truth and the Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD]. The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 13, 1991.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time to be controlled by the majority leader or his designee.

Mr. SANFORD. Mr. President, as the temporary designee, I yield myself 5 minutes to make a morning business statement.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

## IN REMEMBRANCE OF D-Day

Mr. SANFORD. Mr. President, I rise today, several days late, to correct what I feel was an oversight on the part of the U.S. Senate. In the flurry of excitement and preparations last week for the parade recognizing our Desert Storm troops and celebrating their return home, we failed to pause and remember those brave soldiers who fought so valiantly in another war and another time. We let the anniversary of D-day, June 6, 1944, pass by without so much as a word.

D-day saw the greatest military assault in the history of the world, and we owe it to those who fought to ensure that this massive effort for the sake of freedom is not forgotten. I regret that many of our youth today are not even familiar with the events which took place on this day, a day destined to change the course of history.

D-day was the final product of several years of intense planning and calculations, conversion of our industrial might to a wartime footing, altered strategies, elaborate coordination and Allied cooperation, in determining how to bring down Hitler's Atlantic Wall. A decisive victory here was imperative to ending the Nazi tyranny, and on June 5, in the midst of a gale of "almost hurricane proportions," General Eisenhower was left to make the historic decision to proceed with the attack on June 6. Assured by Captain Stagg and the meteorologic staff that there would be a calm spell in the weather, perhaps lasting up to 36 hours, Eisenhower, alone, silently reviewed his options and finding that "the inescapable consequences of postponement were almost too bitter to contemplate," decided to give the attack order.

General Eisenhower spent June 5 poring over his decision, questioning whether it would succeed or end in disaster. He even scrawled out a note that afternoon, anticipating the possibility of failure, which stated, "If any blame or fault attaches to the attempt it is mine alone." The rest of the evening, up until midnight, he spent with the troops of the 101st Airborne, offering reassurances, giving encouragement, giving a word of praise and a word of cheer and a word of hope to all of them.

Similarly, British Field Marshal Sir Bernard L. Montgomery offered an inspirational message to his troops on the eve of the invasion, saying, "To us is given the honor of striking a blow for freedom which will live in history, and in the better days that lie ahead men will speak with pride of our doings." I am here today to "speak with pride" of these courageous men who deserve to be remembered with gratitude, not only by our generation, but on through the long years of history.

The price paid by these valiant warriors was not cheap. The losses we suffered on D-day alone were enormous: 1,465 soldiers were killed, 3,184 wounded, and 1,928 were reported missing. Estimated casualties including our allies were around 10,000.

But if going to war has ever been justifiable, the invasion of Normandy on June 6, 1944, must stand out as one of the purest, most irreproachable assaults on evil ever undertaken in history. Never before, nor since, has our country been in such complete accord with our allies, banding together to overcome a truly villianous leader. As President Roosevelt said of our soldiers in his D-day prayer, delivered over the radio to all Americans, "They fight not for the lust of conquest. They fight to end conquest. They fight to let justice arise, and tolerance and good will among all Thy people."

And so, Mr. President, as the Desert Storm parade bleachers are taken down, as the tanks pull away and the celebration ends, let us reflect for a moment on conquests past. The cause of the Allies in World War II was just and their liberation efforts were historic. For a brief moment in time, most countries were able to set-aside their differences to fight against a tyr-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

anny and for the hope of freedom, human rights, and a new world order.

On D-day, Eisenhower sent out a message of encouragement to his troops, ending his statement with words of hope for the future: "Thus shall we lay the foundation for a lasting peace, without which our great effort will have been in vain."

Out of that ordeal came destruction of Adolf Hitler and his Nazi dictatorship of brutality and arrogance, but out of that ordeal also came the United Nations, which is the foundation for a lasting peace hoped for by General Eisenhower and millions of others around the world who combined to end the Nazi evil.

If we are to have a New World Order Mr. President, we need to nourish the instruments of peace. June 6 is a day in history to remind ourselves of that chance.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WE CAN WORK TOGETHER

Mr. KOHL. Mr. President, last night, the President went to the Rose Garden and favored a select audience with some comments about the Congress. I was not selected to be in the audience so I did not get to listen to the President personally. And no TV station broadcast his speech and, as far as I know, no newspaper ran a complete text. So I am not sure I fully understand what I assume was a very sophisticated and a very subtle message.

But based on the incomplete reports I have received and reviewed, I believe I can say this: I think it would help if the President reviewed his inaugural address and his campaign rhetoric.

The inaugural talked about extending a hand to the Congress and eliminating partisan bickering. The campaign talked about a kinder and gentler America. But the conduct of his Presidency seems to involve a different line of argument: bash the Congress.

I would be the first to say that there are problems in the way the Congress operates. But the President and the Congress are not supposed to be adversaries. We are supposed to be allies in a cooperative effort to address the needs of the American people. If the President can extend $1.5 billion in agricultural credits to the Soviets, if he can argue that we ought to grant China most-favored-nations status—if he can cooperate with people who have been and I am afraid still are our adversaries, then why not cooperate with the Congress?

The President told us that if he could win the war with Iraq in 100 hours, we could pass a highway bill and a crime bill in 100 days.

That is nice rhetoric, but it is bad reasoning.

The war took more than 100 hours. It took more than 100 days. Planning started years ago, an active effort to create options started in August, it took months to get the troops in position—and there a few hundred thousand Kurds who would say that the war is not over yet.

The same thing is true of legislation. We need to think about the President's proposals, we need to consider options, we need to hold hearings, we need to debate various plans—and we need to convince the President not to veto what we do, something he has already threatened.

I believe I heard the President say last night that the election has already started. And I believe I have already heard the Director of OMB say that we cannot deal with the crisis in health care until after the 1992 elections are over—and that is more than a year away. The American people expect more from us. They want more from us, and they deserve more from us.

Politics may be a fun game for the players, but the fans are leaving the stands—they are not watching us anymore.

I think we need a time out. We ought to stop playing politics and start making some policy for this country. I do not think last night's speech contributed to that goal. Perhaps after all of this we can work toward and create a record that the American people can be proud of.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I ask unanimous consent to have an object on the floor of the U.S. Senate for a moment. I am advised by the folks here that I need the consent of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## THE CHICAGO BULLS

Mr. DIXON. Mr. President, how about them Bulls? How about them Bulls, Mr. President?

This basketball, which I will now treasure for the balance of my lifetime, Mr. President, is autographed by Michael Jordan, Air Jordan.

I come here today, Mr. President, representing the great State of Illinois and the great city of Chicago to express our profound pride in them Bulls. Mr. President, how about them Bulls?

Mr. President, it took them many years to get there, but the Chicago Bulls organization is where it belongs, on top of the National Basketball Association.

As a team, Michael Jordan, Scottie Pippen, John Paxson, Horace Grant, Bill Cartwright, Coach Phil Jackson and supporting cast, came together and took this championship in high style. First they swept the Knicks, won four out of five from the Seventy-Sixers, stomped and swept their old rivals the Pistons, and won four out of five from the Lakers. Mr. President, it can be argued that if not for a pair of fluke three pointers by opposing teams, the Bulls would have swept the playoffs. In short, they simply dominated their opponents.

And how about Michael Jordan? Not enough can be said about this individual—not only a superhuman basketball player but a true class act. When Disney World approached him for the traditional post game plug he turned them down; if his whole team wasn't involved, he wouldn't do it. Michael Jordan won most valuable player for the season and most valuable player for the postseason playoffs, his talent as a basketball player is overwhelming. But more than that, the way he carries himself on and off the court is a source of great pride to the city of Chicago.

And how about last night's game against the Lakers? It was vintage Bulls basketball, tenacious defense, and an outstanding transition game. John Paxson in the clutch shot the lights out, Scottie Pippen shined on breakways, and Michael Jordan commanded the overall charge.

Mr. President, on behalf of myself, Chicagoans, Illinoisans, and all Bulls fans everywhere, I would like to thank the Chicago Bulls organization. They have provided us with a team of winners and integrity, that we cheer for and be proud of.

I yield the floor to my distinguished friend from Ohio.

Mr. METZENBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois yields the floor.

The Senator from Ohio is recognized.

PRESIDENT GEORGE BUSH

Mr. METZENBAUM. I thank my colleague from Illinois.

Mr. President, two things were happening last night. One was great, one was not so great. The great one was the Chicago Bulls and the magnificent victory. The one that was not so great was the fact that our President last night in the tone of a disappointed schoolteacher scolded Congress for failing to pass a highway bill and a crime bill in 90 days.

Mr. President, before a handpicked crowd of adoring admirers the President lectured us about good government and urged us to find a better way.

I would like to find a better way of doing business myself. But the way I see it, President Bush is the problem, not the Congress of the United States.

One hundred days ago, George Bush threw down the gauntlet and talked tough. If our forces could win the ground war in 100 hours, he said, then surely the Congress can pass this legislation in 100 days.

It was the usual tough talk of our President, a no-action posture on domestic issues we have grown to expect from the White House—nothing positive but just this negativism, this criticism.

The President says pass a crime bill. Maybe we could if President Bush worked with us instead of threatening a veto on behalf of the National Rifle Association. Pass a highway bill. He has threatened to veto that one, too, while the leadership of this Senate has been working diligently morning, noon, and night to try to pass just such a highway bill.

And I do, indeed, believe that it will be passed. As a matter of fact, the only domestic policy action that appeals to the President seems to be the veto. He sleeps at night and dreams about the veto. He wakes up in the morning talking about the veto. He literally breathes the veto. The veto is his constant companion.

I am frank to say that every Member of this body, including this Senator, thinks that the President has a magnificently wonderful wife. I think Barbara Bush is one of the finest ladies that any of us have ever come to know. But I want to say to Barbara Bush, whom I consider a friend, "Be careful, Barbara. The President is going steady with someone else, known as veto." That is his constant companion. He offers no solutions or suggestions. He simply hops his plane, flies somewhere, gives a speech, and hammers home the veto threat. It is a crass, cynical, counterproductive way of doing business.

So what is George Bush concerned about? He wants most-favored-nation status for China. That nation's record on human rights is a tragic and horrible story. Who can forget the courageous young man facing down the gun barrel or a tank in Tiananmen Square? George Bush can. He says if Congress adds any human rights conditions to the bill, he will veto it.

My own bill, S. 55, which would outlaw the use of permanent replacements during a strike, also received the veto threat. That bill is an important piece of legislation for hundreds of thousands of decent working men and women, who have given much of themselves to the employers for whom they have worked over a period of years. But George Bush is not worried about them. He is not worried about their jobs or their pensions. He is not worried about whether they can afford a home or pay to educate their children.

The problem is at home, but George Bush wants to go on the road. Foreign affairs is his specialty. Why is it that George Bush, our President, champions the rights of the trade unionists in Eastern Europe but defends greedy union busters throughout America with his ever-present veto threat?

Take a look at the legislative agenda of the 102d Congress, and you will see the list of bills George Bush has threatened to veto. The civil rights bill. There were so many of us in this body—Democrats and Republicans alike—who want to pass a civil rights bill, and I am hopeful that we still will, but hanging over it all is this constant threat of a veto. The Family and Medical Leave Act—veto threat; cable reregulation, to make it possible for the people of this country to get cable services at a reasonable rate and on a fair basis, and to eliminate some of the monopolistic practices that are taking place—veto threat; housing legislation, defense spending bills, you name it, the list goes on and on. The threats are almost immediate, practically automatic.

In today's Wall Street Journal, one item reads:

> House Democrats intend to introduce legislation that would tighten reviews of foreign acquisitions of defense-related U.S. companies, but Bush officials threaten a veto.

Does the President not know anything other than the threat of a veto, as far as governing this country is concerned? That is the drill around here. Before a bill is even intrcduced, a veto is threatened, as indicated by the Wall Street Journal today.

Candidate George Bush never missed an opportunity to talk about how he would practice bipartisanship with Congress. President Bush has never missed a chance to snipe at Congress and use his veto pen. From the day he took office, George Bush has taken a hostile attitude toward Congress.

Just listen to some of the bills he vetoed in the last Congress: the civil rights bill, the parental leave bill, Amtrak authorization, minimum wage increase, textile bill, the Orphan Drug Act, and there are more. I fail to understand why George Bush chooses to govern in the negative. He has vetoed more public laws than any other elected President over the same length of time in nearly 40 years. Our President has set a record.

Mr. President, and Mr. President of the United States, as well, there are many serious problems facing this Nation, and in Congress we are working toward solutions. I am not going to say to you that we always have the best answer or the right answer, that we have the correct answer, but I say to you, Mr. President of the United States, that we are prepared to negotiate with you, we are prepared to work with you, we are prepared to see what is reasonable and to throw out what is unreasonable. But we cannot do it just by your threatening a veto. It is necessary that we sit down and work together for this country.

This country is in rough economic trouble, and the savings and loan crisis is exacerbating that problem every day of the week. The threatened bank crisis is not helping the situation. And there is even a potential problem with respect to the insurance industry.

We could be working together to do something positive for this country. We are working on the highway bill, and we want to work together with the President. We are working on the civil rights bill; it is time for negotiations to bring about a solution on that bill. We are working on a crime bill, and we ought to be able to do it together, not in opposition, and to see who has enough votes to override a Presidential veto.

We are working on legislation to ease the health care crisis that millions of Americans are facing. If ever there was a subject that called for cooperation, for negotiation among the administration and the Congress and the medical industry, the doctors, the hospitals, and the health care associations, that is it. We could be saving billions of dollars, if we can bring about legislation in that area.

But, no, the administration is unwilling to sit down to talk and negotiate. Instead of working with us on these bills, George Bush continues to be indifferent and obstinate toward the domestic needs of this country. He only seems interested in problems that begin where the U.S. border ends. If the Chinese Government wants something, they will get it. If the Soviet economy is in trouble, we help them. If the Mexican President wants a free-trade zone, it is his. But whatever the Democratic Congress proposes and passes, the President almost for certain seems ready to veto.

Why the difference between the way you work and treat our international partners, or those who are not even partners of ours but with whom we have a political relationship, and we here in the Congress of the United States, you are not able to sit down and work out positive legislation with

us? Maybe it is time for this Congress to start standing up for itself and muster the courage to override the veto.

I have said this publicly before, and I will say it again: in connection with legislation that I have been supporting, do not tell me about the President possibly vetoing. I am not interested in what the President is going to veto. That is his business. It is our business here in the Congress to enact the legislation, and let the President decide for himself what he wants to do. I hope that he will recognize that the country would be much better served without the threat of a veto, and by sending his people down here to negotiate positive legislation to deal with some of the weighty problems facing the people of this country. That, I think, would serve all of this Nation well.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I want to associate myself with the remarks made by the distinguished Senator from Ohio. He said it very well. The Senate does wish to work with the White House. The Senate has a strong desire to work with this particular President. The Senate realizes the agenda that we have before us as a country, and we want very much to have the kind of bipartisan cooperation that is essential if this country is to confront these problems, as we must, successfully.

## THE DOMESTIC STRUGGLE

Mr. DASCHLE. Mr. President, last night we heard what sounded suspiciously like the opening salvos of the 1992 Presidential campaign. Unfortunately, those salvos, as fired by the President, were not fired from the high ground of legitimate debate. They were fired again, as were his heaviest salvos in 1988, smack from the middle of the low road.

I had thought, and surely hoped, we had heard enough about Willie Horton. I had thought Willie and the Bush 1988 campaign team efforts to distort and demean the Democratic record—low road tactics that Willie Horton came to symbolize—had been packed away for good.

But to paraphrase Mr. Bush's mentor, "here we go again."

Do not get me wrong. Democrats certainly welcome President Bush to the domestic struggle. He should have joined us long ago.

If President Bush is now prepared to give the domestic struggle the time and attention he gave the war with Iraq, maybe we can be as successful on the home front as we were in the Persian Gulf.

If President Bush will show the same willingness to cooperate, to work with, and, yes, even to lead the Congress as he did his administration and his military generals, I know we will be successful.

There are so many pressing domestic problems that need attention. The administration and Congress should be seeking common ground to meet these needs.

The American people need affordable, accessible health care. More than 90 million Americans have no health insurance or inadequate health insurance. These Americans and their families are concerned about crime in our streets. But they are also concerned about the fact that even a minor illness, or a pink slip, could mean financial disaster for them and their families. Senate Democrats have introduced legislation to address these fears. We are waiting on President Bush. Just last week, much to my disappointment, Budget Director Richard Darman said that we may have to wait until 1992 for the administration to develop a health care plan 1992. That has an interesting ring to it, does it not, Mr. President?

I do not have to remind anyone that we are still in a very deep recession. More and more American workers are struggling to make ends meet. Last week we learned that the unemployment rate had shot up to 6.9 percent; 8.6 million Americans are now out of work. They, too, are concerned about crime. But their biggest concern is just finding jobs good jobs.

Democrats have introduced an anti-recession/economic growth package that addresses these problems. Again, we are waiting on President Bush.

Domestic problems abound, and all of them demand attention.

The United States has one of the highest illiteracy rates of any industrialized country in the world. We have youngsters graduating from high school who cannot afford to go to college and Americans graduating from college who cannot find jobs.

Congressional Democrats are addressing these problems with comprehensive education legislation to ensure that all Americans have access to quality education and with legislation that will spur economic growth.

We need a new civil rights bill, as the distinguished Senator from Ohio indicated. It would be helpful to have the administration working with us, not against us. Time and time again, the President's efforts have been directed at frustrating congressional effort for political gain rather than compromising for responsible progress.

The way President Bush has handled the civil rights bill is a prime example.

Another example is the President's use of the veto pen, as the Senator from Ohio said. Indeed, it seems that President Bush has spent more time in vetoing bills than signing them.

Look at the record. Time and again we have enacted important legislation, only to see it fall victim to the veto pen.

In the last session alone, Congress passed a minimum wage bill; the President vetoed it. Congress passed a family leave bill; the President vetoed it. Congress passed a textile bill; the President vetoed it. And, of course, Congress passed a needed, important civil rights bill, and the President vetoed that, too.

Nor was that the end. There were more vetoes. Many more. In just one session of Congress, there were 21 of them, and threats to veto dozens more, including the clean air bill, Amtrak reauthorization, the 1990 farm bill, and an anti-drug measure, and all sorts of legislation affecting the domestic agenda for which he has no proposals. In this session of Congress, President Bush has threatened to veto a much-needed campaign finance reform proposal, another civil rights measure, family leave, and a multitude of other pieces of legislation that we have a majority in this Senate to support.

So, who is not cooperating with whom?

We are passing a transportation bill this week, and we will get it to the President by the real deadline, October 1, when the current law expires. We will not be rushed into making mistakes by attempting to meet an artificially imposed Presidential deadline. The President would not want that; we do not want it either.

Congress is also already working on a crime bill, and it will be a good one. But this is a complicated issue, and it will require much attention, hearings, and debate. This is the way our system works. I cannot say how long it will take, but I can say it would be easier, and much more productive, if the administration would work with Congress rather than fight us.

It is time, Mr. President, for leadership, not gamesmanship. It is time for cooperation and progress, not partisanship and division.

I make no claim that my party is blameless, or that, among our hundreds in Congress, there are not voices prone to partisan attack where partnership is needed.

But to a President whose voice has led America overseas, I say, why not try the same here at home? Sure, we will disagree at times. But all of us, Democrats and Republicans alike, seek the best for all of our people.

If attacked, we Democrats, like all Americans, will defend ourselves vigorously. But if challenged by our President to join in leading the Nation, we will proudly do so.

I hope that the President of the United States will choose the high ground. I hope he will invite us to join him there. After last night, we are still waiting, but we are ready.

Mr. President, in the last couple of days our leadership has constructed a

compendium of legislation the Senate and House have addressed already this year. It is entitled "Setting the Record Straight," and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SETTING THE RECORD STRAIGHT

(Issued by the Offices of House Speaker Thomas Foley, Senate Majority Leader George Mitchell and House Majority Leader Richard Gephardt)

President Bush's 100 day challenge is a cynical attempt to divert attention from the Administration's lack of a domestic agenda.

"I hope it is not just a political gimmick and the beginning of a period of 1992 Presidential campaigns that are centered around Congress bashing." Speaker Foley, 6/11/91

"It is purely arbitrary date picked by the President for what, it now is obvious, was a political reason." Senate Majority Leader Mitchell, 6/12/91

"That is a President who prefers rhetoric to action, symbols to substance, vetoes to progress and campaigning to governing." House Majority Leader Gephardt, 6/12/91

While the Republicans have been engaged in politics, the Democratic Congress has passed meaningful legislation that will effect the lives of working American families:

WHAT THE 102D CONGRESS HAS DONE

*Benefits for Persian Gulf Troops and families*

Congress passed a comprehensive program to provide benefits for the men and women who served our country by serving in Desert Storm and Desert Shield. They worked to secure our nation's security—it is our nation's obligation to ensure that their futures are secure.

*Veterans Benefits*

Congress passed legislation which provides a 5.4 percent cost-of-living adjustment (COLA) for veterans' service-connected disablity compensation.

*Agent Orange*

Congress passed legislation which addresses the concerns of Vietnam Veterans who suffer from the effects of Agent Orange.

*Civil Rights*

The House has adopted—and the Senate will shortly take up a bill to redress inequities in the legal position of women and minorities who have been victims of workplace discrimination, and it provides new legal remedies against reverse discrimination.

*Campaign finance reform*

The Senate has passed legislation to end the "money chase" of political campaigns by limiting campaign spending, while at the same time, reducing the disproportionate influence of special interests and the wealthy from the American political process and returning it back to the voter, the House will take up legislation in the near future.

*Budget*

Congress passed a budget resolution which will strengthen the American family by providing additional resources to enable American children to obtain a better education, families to obtain better health care, and American workers to obtain better skills and/or the retraining to compete in today's marketplace.

*Brady Handgun Violence Prevention Act*

The House has passed legislation to impose a seven day waiting period for the purchase of handguns. The Senate will consider related legislation as part of a comprehensive crime bill later this month.

*Fast Track Legislation*

To improve economic growth by removing trade barriers, Congress approved legislation to provide "fast-track" procedures for negotiating GATT and US/Mexico Trade Agreements.

*Appropriations*

The House has passed five appropriations bills which set the spending priorities for the U.S.; Senate committees have begun consideration of these measures.

THE 102D CONGRESS—CRIME AND TRANSPORTATION

The President's 100-day challenge to Congress to complete action on transportation and crime legislation is playing politics with issues of vital concern to the safety and security of the American people and for the growth of the American economy. To set the record straight, Congressional Democrats are actively and constructively working on both measures.

*Crime*

President Bush is concerned about crime—and he should be. During his Administration, the horrifying nightmare of drugs continue to destroy American families and kill American children. During his Administration, the United States established a national record for murder, a national record for rape, and a national record for violent crime.

These records come after 12 years of Republican Administrations. A dozen years of tough Republican talk, but little Administration action. The President's crime bill does not put one additional cop on the street. It does not add one new prosecutor. It does not build one additional prison cell.

One the other hand, the Senate Democratic Crime package is tough on crime. It calls for more police on the street, more prosecutors and more prison cells as well as increasing the number of offenses punishable under the death penalty. The Senate Democratic measure assists areas hit hardest by the drug epidemic, strengthens the fight against rural crime, and takes important steps to get guns out of the hands of criminals.

The Administration talks tough. Congressional Democrats are acting not only to get criminals off the streets, but to disarm them.

*Transportation*

Congressional Democrats are moving legislation forward to combat the ill effects of recession and to spur economc growth. A primary vehicle is the Surface Transportation Efficiency Act, which goes far beyond the scope of the Administration's proposal to simply shift responsibilities to the States. This comprehensive package will chart a course for rebuilding America's infrastructure to promote economic growth.

Senate Democrats will pass a transportation bill in a few days. Democrats would have seen earlier action on the measure had it not been for the efforts led by Senate Republicans to thwart their efforts to bring it to the floor.

The House and Senate will send the transportation legislation to the President by the real deadline—October 1. That's when the current law expires. Even if we sent the bill to the President today, it still would not take effect until October 1. Development of this legislation requires careful thought and planning—it would belie our commitment to middle income Americans who pay the bills to move imprudently to meet this artificially imposed Presidential deadline.

WHAT THE 102D CONGRESS IS DOING

But with our commitment to economic growth and the betterment of the American family, Congressional Democrats will not stop there. In this season of Congress, we also are committed to:

*Health*

Rising health care costs and the fear of losing health insurance is a growing concern to working Americans and their families.

In the face of this national crisis, Congressional Democrats have waited patiently for the Administration to display leadership on this issue of concern to so many Americans. For 872 days, however, Administration has failed to develop a policy that addresses an issue so vital to the well being of so many Americans. In fact, just last week, OMB Director Richard Darman said that the Administration may not introduce a health care package until 1992.

Senate Democrats recently proposed comprehensive legislation to curb the rising cost of health care services and to assure affordable health care for all Americans. House Democrats, likewise, are working on proposals that address this problem.

*Education*

The distance between rhetoric and reality in the Administration's domestic policy performances is nowhere greater than in education. After eight years of proposed Reagan-Bush Administration cuts in education funding, the President in September, 1989 outlined a series of goals to reform our education system. But then ignored the problem for the next 18 months.

Democrats have always been committed to ensuring that all Americans have access to quality education. In this Congress, we will pass comprehensive education legislation for elementary and secondary students. Republicans are intent on removing Pell grants from the higher education reauthorization bill. But the Democrats will strengthen higher education grants and loans to allow middle- and lower-income families the resources to afford the college of their choice.

*Anti-recession and economic growth*

With the second disastrous Republican recession in less than a decade, it is time to put America's economic house back in order. Last month, Congressional Democrats proposed an economic recovery and growth package that moves us in that direction. This proposal includes: tax relief to middle income Americans, investment in the nation's infrastructure, reforms in the unemployment insurance system, improvements in our educational system, a strengthening of the safety net, and an aggressive energy policy.

With this package, Congressional Democrats have again demonstrated that they care about the well being of American workers and their families, in times of recession as well as in times of prosperity—that they will not sit idly by while millions of our fellow citizens are crushed by an economic disaster which was not of their own making.

*Family and medical leave*

We are moving toward passage of the Family and Medical Leave Act, a measure that enjoys broad public support but has so far been opposed—and last year was vetoed—by President Bush. This bill, offering short-term, unpaid leave for families, would spare many thousands of working parents the painful choice between caring for a family member or other loved ones and losing their job.

*Environment*

Following on our success in the last Congress in enacting landmark Clean Air legislation, we will move forward in the current Congress on the vital Clean Water Act designed to stem the tide of pollution in our nation's waters.

While the Administration continues to ignore the warnings of international environmental experts about the nature and threat of global climate changes, Congress is already moving to address this most important issue.

*Banking*

Urgent action is needed to strengthen the banking system. With major failures like the Bank of New England, the Congressional Budget Office now predicts the federal insurance fund will go broke by year end.

Democrats are working on legislation to modernize the laws that govern our financial institutions to strengthen our banks here at home and in international markets. Rebuilding the Bank Insurance Fund (BIF) and a complete overhaul of the deposit insurance system must be the heart of a financial reform package.

When reforming deposit insurance, it is imperative that we avoid another massive taxpayer bailout and accomplish it without undermining confidence in our financial system. Administration proposals to limit deposit insurance and return to an era of financial deregulation will not solve the problem.

*Energy*

Events in the Persian Gulf have again demonstrated that energy security is essential to both national security and economic growth. We will move ahead in this Congress to pass long-term energy legislation to ensure economic growth and meet social needs—an action plan that conserves and diversifies our sources of energy, reduces our dependence on foreign oil and protects our climate and environment.

The President's long-awaited energy policy was revealed in February, in the third year of his Presidency. This followed a decade of a non-policy and neglect that has resulted in an increase in dependency on foreign oil.

Mr. DASCHLE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to commend and tell my colleague, the chairman of the Democratic Policy Committee, how much I appreciate, and I think all of us in the Senate appreciate, his leadership in that role, as well as the excellent speech he just made addressing himself to the problems that face this country and the need to move forward on a positive basis. I think he hit the nail on the head and it is a real privilege to have the opportunity to work with him here in the Senate.

Mr. DIXON. I share that view.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EDUCATION PARTNERSHIPS

Mr. COCHRAN. Mr. President, one of the key elements of President Bush's national education strategy, America 2000, is a program to encourage formation of partnerships in education. I am certain education partnerships can improve the quality of education in our Nation's schools.

Many States have begun to experiment with partnerships to link local elementary and secondary schools with business and industry, community organizations, and State and local government—with one common goal—to offer students better, innovative, and more challenging educational opportunities.

Education partnerships are a critical component in helping communities reach the national education goals established by the President and the Nation's Governors by the year 2000.

Partnerships have been developed in Mississippi which will help communities meet each of the six national education goals. I would like to highlight a few for the information of the Senate.

Goal 1: Children in America will start school ready to learn.

The Mississippi Department of Human Resources, the CREATE Foundation, and the Jackson Junior League have formed a partnership to adopt Missouri's Parents as Teachers Program. This program supports parents in their role as the child's first teacher and addresses children's overall development during the first 3 years of life.

Goal 2: High school graduation rate will increase to at least 90 percent.

Mississippi's goal is to move from being among those States with the highest dropout rates to the lowest by year 2000, and the Riordan and Ford Foundations, and IBM, in partnership with the State department of education, are helping. Their computer-based Writing To Read Program is being employed statewide to ensure that all children are able to read and write by the second grade. The theory behind this program is to provide students with a solid educational foundation from the beginning so they will be better equipped to continue and finish school.

Goal 3: Every school in America will ensure that all students achieve competency in the five core subjects.

Hughes Aircraft has joined a partnership with Jackson State University and the Mississippi Department of Education to further science instruction in public schools. Middle school teachers are given advanced training in the sciences at Jackson State; Jackson State professors and alumni visit students at their schools to serve as role models, particularly for minority students; and Hughes offers additional staff development for science teachers on the Jackson State campus.

Goal 4: U.S. students will be first in the world in mathematics and science achievement.

The Mississippi School for Math and Science, a model school serving the State's top scholars, is reaching other high schools by participating in Mississippi-2000, a two-way interactive fiber optic data system to teach classes in various parts of the State. In partnership with Mississippi Educational Television, South Central Bell, Northern Telecom, IBM, ADC Telecommunications, and Mississippi State University, teachers from the math and science school teach state-of-the-art courses to students hundreds of miles away.

Goal 5: Every adult in America will be literate.

Mississippi's goal is to be a totally literate State by the year 2000. The new opportunities adult literacy partnership began in 1987 between the Entergy Corp., State and local government, and local schools. Entergy has provided instructional materials and computers; volunteers provide the instruction; and schools provide the location.

Goal 6: Every school will be free of drugs and violence.

Project Aware has provided an innovative approach to educating young people across the state about the dangers of drug abuse. Volunteers from South Central Bell join with inmates from the State penitentiary, imprisoned on nonviolent drug charges to bring information about the consequences of illegal drug use to students. The prisoners are all involved in drug rehabilitation programs and are willing to discuss their experiences as part of their treatment. The teams counsel students over the telephone and at junior and senior high schools.

The Department of Education is in the process of creating a recognition program to spotlight successful partnerships from every State on a regular basis. I think this is an excellent idea.

Restructuring of our educational system will require involvement and commitment from everyone. If we are to meet the challenge of the national education goals by the year 2000, public-private partnerships must be considered by every community as one element to enrich educational excellence in the classroom.

Mr. President, I commend the President and the Secretary of Education for the way in which they are focusing the attention of the country on the importance of reform in our education institutions, inventing the best possible schools, establishing goals that not

only should be met but must be met if we are to make available to all of our students throughout this country the opportunities which they very definitely deserve.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

## THE SOVIET ECONOMY

Mr. CRAIG. Mr. President, anyone who understands the principles of the free market must applaud President Bush's recent overtures to the Soviet Union. One sure way to promote peace and security for America is to encourage market relationships to flourish between Americans and the rest of the world.

One usually does not wage war on a valued customer, or on a reliable supplier.

I think our President recognizes that it is not in our interests to have a crumpling and useless economy in the Soviet Union, and therefore has extended a helping hand.

The current situation in the Soviet Union is hazardous.

As Gorbachev's program of perestroika has progressed, the State-controlled economy of his country has truly crumbled. Without some positive response, there is a real hazard that the Russian people will conclude that the move toward a freer market and toward democracy is responsible for their economic ills and current living conditions.

There is real danger that Russians might come to fear market reforms and demand a return to old-style, Communist "planned/controlled" markets.

That is why I hope we will see a continuation of the administration's efforts to ease trade for the Soviets, and to help relieve the current crisis in the Soviet economy.

But, at the same time, it gives me pause to see our President do all that he can to encourage free markets and democracy on the opposite side of the globe, when we seem bent on destroying both concepts in our own society.

Much of the legislation that passes before us reflects almost a lemming-like behavior: The accumulation of private property and wealth is seen as an evil, a value to be condemned and taxed. Profit is seen as a dirty waste product of industry, rather than a tool that drives the even engine of a free economy. Many in Congress oftentimes feel that profits ought to be taxed away instead of accumulated and invested for the purpose of job creation.

Taxes are an inverse measurement, Mr. President, of our freedom of choice. The more we are taxed the less freedom we have to choose how we will dispose of the very thing that we produce.

It is enlightening to consider that many slaves of early America were allowed to keep 80 percent of that which they produced for themselves, and now the typical American taxpayer is allowed to keep less than 60 percent of that which he produces for himself or herself and their families.

So we look at legislation that over time mandates employee benefits, which dictates to business where they ought to, or more importantly where they will, place their profits, rather than a free approach that is looked at toward expanding jobs and the economy.

"Tax the rich" schemes, Mr. President, which punish the productive use of the successful labors of this country only drive us more toward a controlled State economy.

Our history has been one of individual rights and individual freedom. The act of being able to hold and maintain private property has given this country a tremendous latitude of freedom, a burst of growth in human freedom, of course, and it is what has made the rest of the world want to be like us.

Mr. President, perhaps it is time we stopped and reflected upon the principles that adorn all the buildings and monuments of this great community we call our Nation's Capital, principles which stress freedom, integrity, private ownership, and away from a controlled economy toward a free market economy. That is what spells opportunity in this country.

As we work to promote it for the rest of the world, Mr. President, it is my suggestion this morning that we consider allowing it to abide in abundancy here in this country.

I yield back the remainder of my time.

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

## CHICAGO STANDS TALL WITH THE BULLS

Mr. SIMON. Mr. President, I want to join my colleague from Illinois, Senator DIXON, who earlier spoke about the Chicago Bulls. This may be a strange subject to bring up on the floor of the U.S. Senate, but our society is made up of a great many facets, and it is not only the deadly serious, literally deadly serious, things we talk about; it is also symphony orchestras, it is operas, it is movies, it is also athletics.

I note the presence of Senator WIRTH on the floor, and I am sure in Denver they are paying a lot more attention these last few days to athletics because of Denver getting a major league team.

But while I confess I am more of a football fan than a basketball fan, I watched that game last night on television, and it was exciting and it was great to see. But I think as important as anything is the pride that provincially we have in Illinois in the Chicago Bulls. It is also great to see Michael Jordan and the players conduct themselves in a way that we want people to conduct themselves, as heroes for children. And that is what they are.

I sat next to a 10-year-old on the plane coming out here, and he was wearing a Chicago Bulls hat. He actually was from Denver, CO. I said, "Are you a Bulls fan?" And he said, "Yes. Anyone who is for the Lakers is weird." That is what the 10-year-old said. Well, obviously, that is not the fact.

But it is—and maybe I am a little old-fashioned, Mr. President—great to see a Michael Jordan who conducts himself, not only on that basketball court, but conducts himself off the court in a way that gives you great pride.

So I simply want to join my colleague, Senator DIXON, in congratulating the Chicago Bulls. We are very, very proud of them in Illinois.

Mr. President, I am proud to be an Illinoisan and proud to be a Chicago Bulls fan. Through a wealth of offense from 12 players, the Chicago Bulls defeated the Los Angeles Lakers and have given Chicago our first NBA title in our team's 25-year history.

The Chicago Bulls have beaten the rap that they are a one-man team and this morning, no one is more aware of that than the Los Angeles Lakers.

The Bulls' dominance can be reduced to three simple factors: Defense, Michael Jordan and a factor that has surprised many observers, their bench play.

The Bulls were as team-oriented on defense as much as on offense. Head coach Phil Jackson's troops followed a defensive scheme masterfully, they double-teamed effectively on James Worthy, Magic Johnson, Byron Scott and others, and they kept the Lakers away from their perimeter game. The Bulls shut down Earvin "Magic" Johnson. Michael Johnson and Scottie Pippen, through intensive full-court pressure, pushed Magic away from his game plan.

What was different about this season was that as great as Michael Jordan was, his team shared greatness, too. Plainly speaking, the Bulls were unbeatable.

If, Mr. President, it was possible for the legend of Michael Jordan to continue to grow, it has. In the words of a Los Angeles Times writer, Michael Jordan "was elevated from Bunyanesque to Herculean." This championship is a living tribute to a man who has attained all else in basketball.

Scottie Pippen really came into his own and is an MVP in his own right. The point guard duties were executed by John Paxson with brilliance, Billy Cartwright and Horace Grant's play underneath was solid.

This team won a franchise record 61 victories, and believe it or not, this was only the Bulls second division

title. This was the first time they had the best conference record; 1991 marks their first conference championship, and the most astonishing achievement, 26 consecutive home wins at a time when they have not had a spare seat in 5 years. I ought to know. I tried to get tickets and like the rest of my colleagues, I was forced to catch the series on television.

On behalf of the city of Chicago, the State of Illinois, and all basketball fans from across the Nation, we salute the Chicago Bulls, the 1991 NBA World Champions.

Mr. WIRTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PRESIDENT BUSH AND THE S&L CRISIS

Mr. WIRTH. Mr. President, last night the President of the United States criticized the U.S. Congress for our lack of attention to a number of important issues.

As those of us who have been working on this know, we have been working on the highway bill. The filibuster that delayed us, of course, was led by a Member of the President's own party. And we also have been working on crime and civil rights legislation. Some of us believe that we can address these issues with the help of constructive Members on the other side, and not get the crime and civil rights issues all tangled up in politics. We do not need to meet an arbitrary deadline set to score political points for the President.

I could not help but notice last night, that President Bush did not mention one important domestic issue: the S&L crisis. Remember that? I do not see how he could ignore this problem in any discussion of domestic issues when, after all, it is costing us more than $150 billion. Imagine what we could do if we were not spending that $150 billion. If we spent that money instead educating our children, building our bridges and highways, cleaning up the land we live in, fighting drugs, building housing, and so on.

When President Bush took office in January 1990, the S&L rescue was a top priority. He recognized the problem and sent up FIRREA, the bailout bill, and we passed it. They sent it up here and we moved rapidly. Unfortunately, since then there has been a deafening silence regarding this issue.

The S&L problem, however, is not going to go away. Even if President Bush does not mention it, it is out there, it is real, and unfortunately it has suffered from a real lack of attention by the President.

When President Bush came in, he told us it was only going to cost us only $40 billion. We are now up to $130, and counting. We heard yesterday from Mr. Seidman that the costs are going to go up even more dramatically. Senator RIEGLE and I asked Mr. Seidman what costs are coming down the line, and he told us that this year they are going to be in here asking for $50 billion more to bail out S&L losses, $50 billion more in working capital, probably a $20 billion loss for the bank insurance fund and at least $50 billion for the bank insurance fund's working capital, $170 billion in new money being requested, in this year alone, to address problems in the bank and thrift industries.

If things go right, the FDIC will be able to repay the $70 billion for the bank insurance fund—which comes on top of the $130 billion to $155 billion for the S&L's. The FDIC could repay these funds with income from the banking industry and by selling the assets of failed banks. But the example of the past 2 years makes me wonder if things will go right.

What is this administration doing about the S&L crisis? Precious little, Mr. President. Since FIRREA, we have not seen the S&L crisis receive the attention it demands. For example, when they had to set up the RTC oversight board, who was on that board? Three people who do not have very much time to devote to this issue—they have other important time-consuming jobs: the Secretary of the Treasury, the Secretary of Housing and Urban Development, and the head of the Federal Reserve; and then two independent members whom they did not even appoint for at least a year. The President knew for 4 months that Danny Wall was going to be leaving as the Director of the Office of Thrift Supervision, before appointing his replacement, 2 days after a court forced his hand.

The sale of RTC assets has gone on at a snail's pace. We have heard horror story after horror story about what businesses everywhere in the country face, trying to figure out how the RTC operates so that they can obtain simple information or do business with the RTC. We asked the Attorney General, what are you doing in terms of pursuing ill-gotten gain? We got very little response until the Congress passed a package putting more investigators, accountants, and prosecutors on the job and giving them more tools to work with. Clearly putting the S&L rescue on automatic pilot hasn't worked.

If the RTC doesn't operate efficiently, the costs of the S&L rescue will climb. We need to pay more attention to this issue. Several of us have proposed RTC reforms to streamline the confusing organizational move that the President asked for. Let me show you what kind of structure is in place. This chart is not a diagram for a computer, Mr. President. It's not a computer chip. This is the organizational chart for the S&L bailout structure.

This is what the S&L bailout effort looks like. No wonder you cannot do the job. No wonder it too often has seemed like no one was in charge or, worse, that several people thought they were. Let us simplify this.

Mr. MOYNIHAN. It is a memory chip.

Mr. WIRTH. It is not a memory chip. There is no memory, either, down there about the size and scope of the S&L organization. The Senator from New York says it is a memory chip; it is not. It is an organizational chart, believe it or not.

We are saying why not simplify this and make sure decisions can be made?

The point is not this chart. The point is not one incident. The point is the accumulation of inattention to the whole S&L crisis. The problem is getting worse. They are not doing the job that ought to be done. I did not hear the President of the United States talking about this issue last night. I wish he would.

## REVIEW OF SHIPPING ACT OF 1984

Mr. INOUYE. Mr. President, we now live in a New World—Asia has risen as an economic giant, Europe is embarking on a new political and economic path. Telecommunications have taken on an increasingly important role in the day-to-day activities of governments and businesses. Companies no longer claim loyalty to any one country; instead, they have offices in many countries and work instead on a global level.

The impact of these changes on the transportation industry, and on the shipping industry in particular, has been dramatic. To keep afloat companies have to be in the right places with the right assets, and, aided by the proper telecommunications systems, they must maintain cohesion between their ships, trucks, trains, and port facilities.

The Shipping Act of 1984 has helped America's shippers to maintain their competitiveness in the global market. The operating differential subsidy, or ODS, which was originally intended to strengthen the U.S. merchant marine industry, has on the other hand weakened it.

This year, as the Shipping Act of 1984 comes up for review, I ask that we give careful consideration to the new global order and its effect on our own shipping industry.

Mr. President, I ask unanimous consent that the text of the speech by Mr. Alex Mandl, chairman and chief executive officer of Sea-Land Services, Inc., be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY ALEX J. MANDL

Good afternoon. And thank you for the chance to be a part of the South Carolina International Trade Conference's 18th annual meeting.

When the invitation to speak first came in, it took me about 10 seconds to say yes. Charleston. Springtime. And a conference dedicated to some of the industry's most pressing issues. It's a potent combination.

In my time with you today I would like to take a quick tour of the industry. And in the course of that tour I'd like to make a couple of points. One . . . it most definitely is, as the title of this conference says a new world.

Second, this new world demands some new outlooks, some new strategies and some new thinking if the carrier industry is to efficiently meet the needs of you, our shipping customers.

And third, for those new ideas to have any lasting effect in a rough and tumble business, we need some equally new thinking by those who make the rules that govern our segment of this business—at least those of us flying the U.S. flag.

It hardly takes a degree in economics to see that there have been some changes in the world economic order in the past decade or so. Driven by stunning geopolitical and societal events, the balance of economic power has shifted and continues to shift.

Unfortunately, its been a shift away from us here in this room. The U.S. has long ago stopped being the 800 pound gorilla of international trade. We no longer dictate the rules. We no longer dominate the volume of goods moved around the world.

As the U.S. has stepped back, other parts of the world have stepped forward. Asia, driven by Japan's mighty industrial engine, emerged in the 80s as a world economic power. Japan alone represents a 2.8 trillion dollar market. A similar expansion has taken place in Korea, Hong Kong and Taiwan and now China and Southeast Asia are flexing their economic muscles.

Today, Europe is looming as one of the world's most formidable players as we steam toward 1991.

Even recognizing the current slow down, EC economists tell us that European economic growth could rise 6 percent a year through the year 2000.

An area covering only 2 million square kilometers will hold almost 325 million people and offer markets that could exceed 4 trillion dollars. But who could have guessed that The Berlin Wall, the symbol of all that divided nations and ideologies, would end up in pieces in German souvenir shops.

It's no surprise that the world's fastest growing trade lanes are intra-Europe, intra-Asia, Asia-Europe and Europe-Asia.

And these exploding new markets are there for companies willing to invest now for the long term. And increasingly, we're seeing companies who are showing that kind of staying power. I'm sure some of you here today are part of that group.

Years from now the historians and social scientists will still be arguing what fueled the political, social and economic changes of the past decade.

But high on anybody's list is certain to be the information revolution.

Actually, it's not even a revolution anymore. The revolution's over. And information won.

If there are any doubts of the pervasiveness of the revolution, consider just a few statistics.

Telecommunications . . . and I'm talking here about both voice and data . . . from the U.S. to international locations was 1.3 billion minutes in 1980. In 1989, it was 6.7 billion.

And those minutes will jump by 10 percent a year through the 90s.

Some 30 billion minutes of voice traffic crossed the globe in 1990. A 500 percent increase over 1980.

The world market for telecommunications products and services is growing at 12 to 15 percent a year.

Just 10 years ago, faxes were still new, almost a curiosity. Now, there are 4.2 million of them worldwide.

In the U.S. alone, there are 11.6 million electronic mailboxes. By the year 2000 there will be 46 million.

Clearly, there is a lot of communication going on around the globe. And you can bet that it's not to find out how everyone is at grandma's.

When he visited the U.S. in 1989, Poland's Lech Walesa was asked how the upheaval in Eastern Europe happened.

His reply was interesting.

"It's a result of civilization," he said. "Of computers and satellite TV and other innovations that present alternative solutions . . . Is it possible for a new Stalin to appear today who could murder people? It's impossible." What he's saying is that we would know what's going on and quickly put a stop to it.

Just as information in Eastern Europe has been able to stare down dictators, it has ushered in a whole new world where business imagination has combined with an awareness of what technology can do.

And the product of that fusion has been new ways of thinking about customers, markets, productivity and service.

It's changed the way business views the world. And the way the world views business.

There was a time . . . and not too long ago . . . when geography, time zones and national boundaries were fairly significant barriers to commerce.

Businesses had to shape their strategies and aspirations around what those barriers would and would not allow.

Not too long ago the top of the pyramid of international commerce was the multi-national corporation.

A firm that was based in one country with satellite operations around the world.

Today that structure is being replaced by a new form . . . the transnational company.

It's lean, on-line, and dispersed around the globe.

Rather than hierarchies, these global transnationals are information-intensive networks . . . where the components of a product might be built on one continent, assembled to another and marketed in a third.

Many companies are shedding the banner of national identity altogether. Rather than claiming themselves to be German, Japanese, or American, they are global . . . corporate citizens of the world.

And publicly or not, they tend to consider themselves to be independent of the economy of their nominal home base.

In a New York Times article a senior official at Colgate-Palmolive said simply "The United States does not have an automatic call on our resources."

It's a statement backed by the facts. Colgate now sells more toothpaste, soaps, and other toiletries outside the United States than inside.

Consider the fact that both Motorola and Hewlett Packard have claimed that they will not be directly affected if the United States does not grab the lead in high definition television—consumer electronics' new holy grail.

Their point is simple: wherever the technology is developed first, they'll simply put it in their products.

Companies like IBM, Ford, NCR, Motorola and even that quientessential American company, the Stanley Works, now collect some 30 percent or more of their revenues and large chunks of their profit from products produced outside the country.

And that profit is usually coming from high-tech factories that are far more sophisticated than the rudimentary assembly plant operations of earlier overseas expansion.

America is just one example. Overseas holdings are rising rapidly for just about every other industrial country.

The EC's competition commissioner, Sir Leon Brittan in March issued a warning to Japan.

The issue? Japan's investment in Europe is outpacing Europe's investment in Japan.

Now add to that global equation, alliances and joint ventures.

We see them in virtually every industry.

Automobiles, electronics, equipment, shipping . . . it's a very long list.

The world is so complex, and events are moving at such speed, that it makes no sense to go it alone.

As companies divide, spread out, and form new partnerships, efficient transportation becomes paramount.

And until—like on Star Trek we can say "beam me up a container of crank shafts, Scotty", transportation will be central to the new economic order I've just discussed. But micro-managing distribution, companies can use the advantages of lower cost sourcing and labor in remote locations. The enablers? A modern transportation industry and global information technology.

So, this leads to the obvious question:

What does it all mean for the transportation industry? Or more specifically, for carriers and our ability to meet the needs of you, our shippers,

At the most basic level, it means being in the right places with the right assets.

It means a strong presence in ships, ports and port facilities in the trade lanes of America, Europe and Asia.

In the 60s, for example, Sea-Land had eight small ships and a couple thousand 35-foot containers.

We might have operated in five or six ports. We had a presence in maybe nine countries, and we employed all of 350 people.

But like so many of our customers today, our asset deployment today is wide and global.

We operate 80 vessels on five trade lanes and call on some 95 ports. And we have more than 9,000 employees. We have around 150,000 containers and more than 200 offices.

We've built a presence in Europe that's as well known to shippers as names like IBM, Ford or even McDonald's are to their customers.

In Asia, we cover the Pacific—all the markets are served. We even have 10 offices in the People's Republic of China.

But for any transportation company, all of that is merely the price of admission to the big leagues of global service.

More important than physical assets is the infrastructure that ties them all together.

Ships, trucks, trains, port facilities, must come together in a cohesive service offering.

It must be cohesive on a global scale.

And it must go far beyond moving goods from one shore to another. It must have the land system that assures timely delivery door to door.

A German manufacturer waiting for the delivery of raw materials from the U.S. or a load of parts from Hong Kong that go on the production line that night is going to be very demanding of its transportation company.

That transportation company had better be able to track that shipment minute by minute from the time it leaves the supplier to the time it arrives on the customer's loading dock. And it had better have all of the facilities in place to make the trip a smooth one.

You can't do that operating solely from the United States.

And you can't do it sticking to the old paradigms of decades past. You have to take some chances; break the old rules.

Take, for example, vessel rationalization.

There was a time when sharing space on a competitor's ship to serve a customer was as likely as South Carolina and Clemson trading playbooks so both would have a better football team. It just wasn't going to happen.

Today, thanks to some enlightened policymaking that I'll talk about in a minute, it's standard procedure.

For example, out of 89,000 moves by Sea-Land vessels into the Port of Charleston, less than half was strictly our own cargo. The rest was made up of cargo from P&O and Nedlloyd riding on our ships.

Recently, Sea-Land and Maersk have agreed to a comparable alliance in the Asia-North America trade that will give our customers more sailings, wider port coverage and more direct service among key markets.

Talk about breaking paradigms . . . now we are proceeding with a number of projects in the Soviet Union. We will share space on Soviet vessels and connect intermodally with Soviet rail and air services and work to improve the country's transportation system. The centerpiece is a landbridge container service using the trans-Siberian Railway to connect Asia and Europe. It could cut from days to weeks off the Suez Canal route. And, this service could be profitable in 1992.

It's the infrastructure of our company—our organization and our communications network—not its assets that makes this kind of service possible.

And the enabler of that infrastructure is information.

To give you an idea of how seriously we take information technology at Sea-Land, some 500 people . . . or 10 percent of our professional work force . . . are in our Information Services group.

We're spending between 3 percent and 3.5 percent of sales on our information technology budget. Add all the related indirect spending and it's probably more like 4.5 percent—well over $100 million annually.

As our Chief Information Officer, John Parker, is fond of saying, we're moving toward becoming a vast information system on which we hang transportation assets such as ships, containers, trucks, railcars and terminals.

The issue for Sea-Land, like any company today, is to be judged less by what we have and where we are; and more by how quickly and accurately we can gather, process and use information in the name of cost control, productivity, quality and service.

Through information technology, we're working to create a window for our customers on the global transportation pipeline . . . where information is readily available to everyone who needs it . . . from the first stages of manufacturing through the final sale.

Information technology is also the glue that holds together our corporate structure.

In line with our global view and determination to get closer to our customers, we decentralized in 1990.

We cut 12 organizational levels down to 7, and we moved authority and decision making from our headquarters in Edison to divisional offices around the world.

We changed jobs, processes and organizations throughout the company very quickly and all at once. We had to do it fast to meet our customers' emerging requirements.

There's no way we could have pulled it all off . . . and had the most profitable year in our recent history . . . without a world class information infrastructure.

So in the new world, with its new rules of business, global assets and the infrastructure that ties them together are two criteria for success.

But there's also a third.

And here, our world tour heads back to Washington.

Anybody in this business knows it's a tough world out there.

And just as the carriers have changed, so must the policy makers who set the rules that govern whether we can compete effectively. And whether we can continue to give our customers the service that, in turn, helps them compete in their own markets.

We're an industry that has definitely seen two sides of regulatory change. We've seen what it can accomplish when it happens in a careful, thoughtful and productive way.

And we've seen the price that's paid when it doesn't happen at all.

Look at the web of policy that governs this industry, and you quickly see the good, the bad and the absurd.

You'll see, for example, the best in enlightened policy making in the Shipping Act of 1984, which, in my view, has been absolutely fundamental in the ability to meet the demands of our customers in world markets.

It has been the key to a range of service-enhancing innovations, including the ability to share vessels that I talked about earlier. It also provided the momentum behind the expansion of intermodal service by allowing a single through bill of lading.

Prior to the 84 Act it was not a pretty picture. We were struggling along under a patchwork of regulations that were still based on policies set in 1916.

The conference structure was a formidable inhibitor.

Under the old rules, if you wanted to meet a customer demand and the conference vetoed you, you had no choice but to leave the conference.

With much bloodshed, Sea-Land did just that in the Pacific.

And the result was a rate war that was ultimately destructive to the entire industry.

But the 84 Act put a stop to all of that.

I believe it was a masterpiece of compromise. It protected the viability of the conferences, but allowed independent action and service contracts . . . both radical ideas at the time.

The 84 Act allowed the rigidly structured conferences of the past to evolve to the more market-responsive agreements which exist in our major trades today.

It managed to achieve the difficult and fragile balance between the needs of the shipper and the needs of the carrier.

It freed up new innovation and responsiveness.

And it resulted in billions being invested in new ships, ports and terminals . . . meaning more options, and better service for shippers.

The tricky part of change, I believe, is knowing when it has achieved its purpose and recognizing when further change begins to narrow interests.

I think we've reached that critical point with the 84 Act.

We all have a lot riding on the outcome of the Review Commission which has begun the automatic review that was built into the Act when it was passed.

The free marketers who challenge the careful compromises of the 84 Act as anti-competitive are missing the point.

The world is not a free market.

What might work quite well in an academic classroom may not be as neat and tidy when you step out into the real world.

The fact is, many countries have no regard for our notions of competition.

The master stroke of the 84 Act is that it gives the U.S. a solid platform from which to compete internationally, but it gives us the freedom to build and to innovate.

I firmly believe carriers today have the latitude we need to meet the diverse needs of our shipping customers. There is no need to take a dull knife to policy that has worked very, very well.

Let me turn from the 84 Act, a set of policies that has strengthened our industry, to the other side of the coin.

To a policy that is sapping the strength and vitality of the U.S. merchant marine.

I'm talking, of course, about the Operating Differential Subsidy, or ODS program.

It was established by the Merchant Marine Act of 1936 as a way to equalize the labor cost disparity between U.S.-flag carriers and their foreign competition.

As you probably know, in order to qualify for ODS payments, a carrier is supposed to engage in foreign commerce on certain established trade routes, employ U.S. crews and have its vessels built and flagged in the U.S.

All of that sounded reasonable enough when the shipping industry just moved goods across water, and vessels were the core of the business.

But today, there's just one problem.

ODS doesn't work.

As failures go, this one is pretty spectacular.

By just about any measure, ODS has not strengthened the U.S. merchant marine industry. It has weakened it.

Let's start with the subsidized companies themselves.

Twenty years ago there were nineteen subsidized shipping lines.

Now, there are just four.

And it certainly hasn't done anything to ensure the viability of the U.S. flag share of the liner shipping market.

It declined from 30 to 18 percent, as ODS payments increased.

For virtually all subsidized companies, the more than $200 million that is doled out each and every year, has warped their business focus. It's not how to be a stronger world competitor. It's how to keep those subsidies rolling in.

It has forced companies to make operating decisions around the subsidy, and not the realities of the market . . . not a good idea when the market is as unforgiving as the one today.

With transportation now a complex web of logistics assets and facilities covering land and water, vessel operating costs today and just 25 percent of the total cost of service.

By focusing purely on the vessel portion of the business, ODS has encouraged companies to ignore the myriad of other critical factors in the service mix.

And it's hurting more than the subsidized firms.

Continued government inaction in phasing out ODS is creating a negative investment climate for those of us who are unsubsidized.

Investors are hard pressed to make a call on where, how and if subsidies will be part of the investment decision.

In a blatant contradiction of the initial intent of ODS, a number of subsidized firms do not even have ships on the routes where they claim to hold subsidy contract rights.

And one more point.

Subsidized firms are benefiting from government-impelled and military preference programs . . . meaning they are being subsidized twice. This double dipping is still more money simply wasted.

To me, that's a pretty powerful set of arguments.

The cry that goes up in response, of course, is "we can't survive without subsidies. It's going to cost jobs."

Well, let's look at life without subsidies.

I'm not here to tout Sea-Land's performance, though we happen to be a very good example of what happens when an American company steps up to the realities of the global marketplace and respond creatively.

Back in 1986 our revenue base was $1.5 billion. And our earnings had little red brackets around them.

Just five years later, our revenue had doubled to $3 billion. Last year we earned operating income of $130 million. And we're hoping to better that this year.

As I said, we are well along with the job of building a world class infrastructure powered by the most advanced communications.

We field a line up of the most sophisticated customer-service technologies and abilities in the industry.

And most important of all, particularly in relation to the original intent of ODS, we are a viable presence in all of the major international shipping lanes. And that presence is growing at a robust rate.

Importantly, during the recent Sea-Lift in support of Desert Shield and Desert Storm, we carried 40 percent of all containerized cargo that went to Saudi Arabia.

We were proud to do our share and we did that without ODS.

Sea-Land has grown by studying and learning what our customers need.

Any by meeting those needs faster, more completely, and just plain better than the other guys.

It's a straight forward business equation.

And you won't find operating subsidies anywhere in it.

In spite of the failure of ODS on every count, there has still been no meaningful reform . . . although there have been strong statements for change by a succession of administrations.

So ODS continues to limp along and everyone here is paying for its failures with your hard-earned tax dollars.

The subsidized carriers who have used subsidies as a crutch for so long, are now blaming that crutch for their problems.

For example, ODS regulations say that subsidies can only be applied to U.S. built ships.

But, U.S. built ships are expensive.

So the subsidized carriers want that provision dropped. They want their foreign vessels and they want their subsidies.

They also want to eliminate trade route obligations. In other words, give us the taxpayers' money, but don't hold us accountable for how we use it.

And finally, they want to eliminate the waiting period of new vessels becoming eligible for government impelled cargo, while keeping ODS. A sweetening of the double dip.

First of all, let's be clear on a couple of points here.

Contrary to what the subsidized firms would have the world believe, any subsidized carrier can acquire any ship it wants to—foreign built or otherwise.

They just have to forgo the subsidy on the new ship.

Just say no.

No subsidy. No problem. And no roadblock to modernization.

The same holds true for trade routes. Like any other company, subsidized carriers can compete on any trade route they want to. Again, just give up the subsidy.

The third point about waiving the waiting period—is especially interesting.

Sea-Land has long supported the immediate eligibility of new vessels for government impelled cargo.

But the subsidized carriers want the eligibility period waived only for ODS replacement vessels. Not the vessels of non-subsidized carriers.

Somebody please tell me where the equity is in that proposal.

In the face of the compelling arguments against ODS, we have some thoughts on how the U.S. can extricate itself from this mess . . . and in the process help create the stronger Merchant Marine that ODS was intended to create in the first place.

First, do some house cleaning. Terminate all dormant ODS contracts. That will avoid any future reactivation and take the government off the hook for millions still unspent.

Let's put an end to the ghost ships. Major failures to perform contract requirements should result in cancellation of those contracts.

In any business I'm familiar with, that's the way things work.

Second, do not issue any new contracts. Stop spending good money after bad.

Third, phase out existing contracts as they expire. Don't extend or renew them.

We realize that ODS dependency has gone on for so long, that you can't quit it cold turkey.

A phase out will allow time to adjust to the real world.

The strength of these proposals is in their simplicity.

The Department of Transportation has the authority to save the government hundreds of millions of dollars without congressional action. It can—as the shoe commercials say—just do it.

Before ending this assault on ODS, I want to make one point clear. I am not attacking government support . . . as long as that support is effective and truly strengthens the entire merchant marine.

We need effective government backing to compete with heavily supported carriers of other countries . . . and to continue to give our customers the kind of service and flexibility they expect.

Two examples of policy that work are the preference laws for government impelled cargo and the transport of military cargo.

Let's focus on making the process of working with the government easier and more streamlined as a customer.

On creating a closer relationship between carriers and the government to the benefit of both.

On easing the tax burdens that hamper investment in the industry.

Let's stop waste and futility . . . and start thinking about how we can support this industry in ways that really accomplish something. In ways that make economic sense.

There's no doubt that we've seen significant change in the alignment of the world economy.

And there's no doubt we've seen equally important shifts in how carriers and shippers are reacting to that realignment.

What, unfortunately, does remain in doubt is whether the maritime policy structure will allow all of us to meet the challenges and make the most of the opportunities that this new world offers us.

There are some very critical choices coming up in the months ahead.

The 84 Act is under review. And the ODS program limps on.

I hope our choices will show the wisdom not to change what has worked . . . and the will to change what has not.

For those who hope to compete . . . and I mean both the transportation industry and its individual companies and their customers—the new world demands that those choices be the right ones.

## DECISION OF BAXTER INTERNATIONAL, INC. TO CANCEL PLANS TO BUILD FACTORY FOR SYRIAN MILITARY

Mr. SPECTER. Mr. President, I am pleased to learn that Baxter International Inc., the world's largest medical supply company, has decided to abandon its plans to build an intravenous fluids factory for the Syrian military. Several experts have claimed that such technology, which already has blatant battlefield applications, could be diverted to making ingredients for chemical and biological weapons. Potential dual-use technologies, such as the fluids factory, should not be provided to any country which belongs to the U.S. State Department Terrorism List or is in a state of war with our ally, Israel.

In July 1990, my office first became involved in the issue of Baxter's relationship with the Syrian military and allegations that they are illegally complying with the Arab boycott. Based upon documents provided to me concerning the boycott issue, I sent a letter, July 18, 1990, to the Commissioner of Internal Revenue to seek clarification whether Baxter properly disclosed its dealings, required under IRS code, with parties involved in the boycott.

I further pursued the issue after investigations were initiated by several Government agencies, including the Department of Commerce, the Department of Justice, and the Securities and Exchange Commission. Subsequently, I was provided with more information on Baxter's alleged activities to get off the Arab blacklist and comply with the Arab boycott. After reviewing the new information, I again called on Baxter to set the record straight and explain its relationship with the boycott office and its dealings with the Syrian military.

I understand that recently the Commerce Department referred the matter to the U.S. attorney's office in Chicago for criminal investigation to determine whether Baxter violated U.S. antiboycott laws and paid a bribe to get off the Arab blacklist. It is my hope that this kind of scrutiny will send a message to other companies participating in the Arab boycott and deter them from such activities. There is no place in the conduct of commerce for corporations engaging in religious discrimination and economic warfare against Jews and Israel. If Arab countries such as Syria, Saudi Arabia, and Kuwait are serious about peace, such practices should be immediately terminated.

I ask unanimous consent that the attached articles detailing the Baxter case be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 11, 1991]

BAXTER CANCELS SYRIA PLANT AMID ARAB BOYCOTT DISPUTE

(By Milt Freudenheim)

Baxter International Inc., a leading medical supply company, said yesterday that it had canceled plans to build a factory in Syria because of a "controversy" over its Middle Eastern business dealings.

The controversy developed after Baxter sold a factory in Israel in 1988. Several Federal agencies have investigated accusations by Jewish groups that the sale was intended to get the company off an Arab blacklist of companies doing business with Israel, which would put it in violation of Federal anti-boycott laws.

Baxter, based in Deerfield, Ill, again denied the charges. A spokesman, Les Jacobson, said the Israeli plant was sold, along with factories in New Zealand, Norway and the Philippines, because they did not meet the company's sales and profit standards.

The accusations have become a major public relations problem for the $8.1 billion company, which had ony $1.3 million of its 1990 sales in the Middle East.

The Commerce Department said its office charged with enforcing the anti-boycott laws had investigated Baxter and turned its findings over to the United States. Attorney in Chicago, Fred Foreman, declined yesterday to discuss whether the information had been placed before a Federal grand jury.

Officers of several American Jewish groups praised Baxter's decision to drop the Syrian plant but some still called on the Commerce and Justice Departments to pursue their investigations of Baxter.

Baxter confirmed that "the allegations against the company are under study by the U.S. Government." Vernon R. Loucks, Baxter's chairman, said the company's lawyers had advised Baxter that it "has done nothing wrong." He added, "Baxter will cooperate, as it has all along, with the Government's study."

Dr. Richard Fuisz, a former Baxter executive in the Middle East who sued Baxter after he was dismissed, has made public several 1988 letters signed by G. Marshall Abbey, Baxter's senior vice president and general counsel, in which Baxter appeared to be acknowledging actions contrary to the anti-boycott law.

Mr. Jacobson said, "Mr. Abbey did not write or sign one of the letters released by Fuisz," but he did not say which one. Dr. Fuisz, an American, said a company that trained Saudi military medical personnel to Baxter for $54 million in 1982. Baxter settled one dispute with Dr. Fuisz by paying $800,000 to Leopold Dina Import-Export, a Fuisz-owned company.

Mr. Loucks, Baxter's chairman, said, "The volatile situation throughout the Middle East and controversy surrounding Syria in particular now lead us to change our plan" to open the Syrian factory. The company added in a statement that the plant, which was to make intravenous solutions, had not been built and that no investment was made. Mr. Loucks said Baxter products would still be available in the Middle East through distributors.

FIRST LISTED IN THE 1970'S

Baxter was placed on the Arab blacklist maintained by a committee based in Damascus in the 1970's, when it owned an intravenous plant in Ashdod, Israel, which it sold in 1988. The parent company was removed from the boycott list in 1989 after it agreed to build the Syrian plant in a joint venture with the Syrian Army.

Mr. Loucks told executives of American Jewish groups in letters sent before yesterday's announcement, "We have heard the opinions expressed by you and others."

David A. Harris, executive vice president of the American Jewish Committee, who received one of the letters from Mr. Loucks, praised the Baxter decision. Mr. Harris said there has been charges that the plant, "which was requested by the Syrian military ostensibly for medical purposes, could eventually be diverted" to making ingredients for biological or chemical weapons. Baxter's announcement yesterday "should lay to rest the regrettable controversy," Mr. Harris said.

A SORRY CHAPTER

Elizabeth Holtzman, who, as the New City Comptroller, is trustee for city pension funds that own two million shares of Baxter, said the proposal to build the plant in Syria was "a sorry chapter in Baxter's history."

"Baxter's abandoning the plant is an enormous victory," she added. "I hope this decision will send a signal to other companies that if they participate in the Arab boycott of Israel, they will face the scrutiny of large institutional investors such as the New York City pension funds."

Robert K. Lipton, president of the American Jewish Congress, also welcomed the Baxter decision but added that "this does not in any way clear Baxter of the serious charges now under investigation by the anti-boycott unit of the Department of Commerce and the criminal division of the U.S. Attorney's office in Chicago."

Baxter said it had agreed to build the plant last year, but that its "agreement to work with an agency of the Syrian Government has been controversial." It said Syria was the only Arab country "indicating an active interest in having the plant" at that time. A Baxter representative will go to Syria "in the near future to negotiate termination of the agreement," the company said.

---

[From the Wall Street Journal, July 25, 1990]

SENATOR SPECTER SEEKS PROBE OF BAXTER INTERNATIONAL

WASHINGTON.—Sen. Arlen Specter asked the Internal Revenue Service to begin an inquiry into possible violations of U.S. anti-boycott laws by Baxter International Inc.

In a letter to IRS Commissioner Fred T. Goldberg last week, the Pennsylvania Republican raised questions about whether Baxter had cooperated illegally with the Arab boycott of Israel or failed to provide required information on tax forms about any Arab requests for participation in the boycott. A spokesman for the IRS, which is required under the Internal Revenue Code to help monitor companies' compliance with U.S. anti-boycott law, declined to comment.

A separate investigation by the Commerce Department into Baxter's Middle Eastern activities is continuing, as is an informal inquiry by the Securities and Exchange Commission into whether Baxter may have violated anti-bribery laws in the Middle East.

---

[ABC World News Saturday, WJLA TV, Apr. 20, 1991, Washington, DC]

BAXTER INTERNATIONAL

CAROLE SIMPSON: When Baxter International, a hospital supply company, holds its annual meeting Monday in Chicago stockholders will have to deal with a company immersed in allegations of bribery and breaking the law. The controversy mixes market strategy with US foreign policy.

Allan Frank has just completed an ABC News investigation of the story.

ALLAN FRANK: For nearly two decades Arab countries refused to buy hospital supplies from Baxter Travenol because the company had a factory in Israel. The company spent millions of dollars in a failed effort to penetrate the Arab market through Saudi Arabia. Then in 1986 Baxter began negotiating to build a medical plant for the Syrian military.

In 1988, while the deal was being negotiated, the company sold its facilities in Israel, and a year later the Syrian government persuaded the Arab League to remove the company, now called Baxter International, from the blacklist.

Federal investigators in Congress are now examining whether Baxter violated US law to get off the Arab blacklist.

Senator ARLEN SPECTER (R.-Pa): It is a very bad practice for any company which solicits business with the Arab countries to get that business at the expense of boycotting Israel. That's unfair, against US law, and that law ought to be very vigorously enforced.

FRANK: The law prohibits American companies from breaking off business with Israel to meet Arab boycott demands. It also forbids companies from providing any information about business with Israel to Arab League members. Yet in a letter to the Syrian Army Baxter's top lawyers wrote, "we have no connections with Israel or Israeli subsidiaries whatsoever."

Richard Fuse is a former Baxter Travenol executive.

RICHARD FUSE: The goal of Baxter Travenol was to get rid of the Israeli plant and to do whatever was necessary to be removed from the boycott list in Damascus.

FRANK: According to Fuse, whatever was necessary included bribery of Syrians. Fuse and an American intelligence official have told ABC News that Baxter made payments of one million dollars or more through intermediaries to Syrian officials, including Defense Minister Mustafa Talas (?). Fuse says he was fired after he refused to bribe a Saudi official, a claim the company denies.

Marshal Abbey, a top Baxter official, says the company did nothing illegal to get off the boycott list.

MARSHAL ABBEY: All I can tell you is I can state categorically that there were no improper payments made here at all to anyone.

FRANK: A Syrian military spokesman says the charges are part of an Israeli effort to discredit Syria in the United States. Baxter insists an investigator it hired found no wrongdoing. But the company refuses to make that investigative report public.

Allan Frank, ABC News, Washington.

---

[From the Wall Street Journal, Apr. 25, 1991]

BAXTER FAILS TO QUELL QUESTIONS ON ITS ROLE IN THE ISRAELI BOYCOTT

(By Thomas M. Burton)

DEERFIELD, IL.—Confronted with allegations of bribery and illegal actions overseas, Baxter International Inc. last year did what most companies do when they find themselves in such straits: It hired an outside counsel to investigate.

In November, when attorney Stephen Shulman reported his findings, the world's largest hospital supplier announced it had been totally exonerated of the charges, including allegations that it had used illegal means to get itself taken off the Arab blacklist of companies that do business with Israel.

But then Baxter did something that cast doubt on the whole affair. It refused to make the 150-page report available to the public. The result: Baxter is even more on the defensive than ever.

Now, the Commerce Department has referred its own investigation of the matter to the U.S. Justice Department, which is conducting a criminal investigation into whether Baxter violated the U.S. law against complying with the Arab boycott—and paid a bribe to get off the blacklist.

"THE FIRST TIME"

Will Maslow, general counsel of the American Jewish Congress, says, "this is the first time that the Department of Justice has pursued possible criminal penalties under the anti-boycott law." The U.S. Attorney's office in Chicago, which is handling the investigation, declines comment.

Baxter Chairman Vernon R. Loucks Jr. says Baxter learned "that the venue of the investigation has shifted from Commerce to Justice," but says the company hasn't retained a criminal attorney. "We still are unable to determine that anything at all was done improperly," he says.

The Securities and Exchange Commission, meantime, wants to know if Baxter violated the Foreign Corrupt Practices Act by bribing Arabs to get off the blacklist. And Jewish organizations still want Baxter to tell them exactly what it did to get off the blacklist. "Unless they change, I'll do everything I can do to make their lives miserable," vows Rabbi Abraham Cooper of the Simon Wiesenthal Center in Los Angeles. The American Jewish Congress also has blasted the company.

NEW QUESTIONS

The issue drew public attention and intensified government scrutiny last year after an article in this newspaper raised questions about Baxter's handling of the boycott. Since then, issues have continued to arise about Baxter and the Shulman report, including:

A 1983 meeting in Paris at which Baxter officials allegedly arranged to pay a $2.2 million bribe to get off the Arab boycott list. Government investigators are looking into whether the alleged bribe took the form of Baxter waiving a debt due by a company called Saudi Medical Services.

A 1988 letter from a Baxter official to the Syrian Army declaring that the company has "no present intention to make new investments in Israel or to sell new technology to Israeli companies." The company has repeatedly denied promising Arabs that it wouldn't do business with Israel, which is illegal under the anti-boycott law.

Questions about why Mr. Shulman, a senior partner at the law firm of Cadwalader, Wickersham & Taft, failed to interview some key participants in the Baxter affair.

G. Marshall Abbey, Baxter's senior vice president and general counsel who has handled the Arab boycott issue, says the company decided against releasing the Shulman report because it contains business secrets and includes information that might be embarrassing to some individuals outside the company. Why not release the report with those parts edited out? "It would serve no purpose. The people who don't like us now would say, 'Look, you haven't shown us everything,'" Mr. Abbey says.

A PLANT IN ISRAEL

Baxter has never denied wanting to get off the Arab boycott list to take advantage of lucrative Middle East markets. It was placed on the list in the first place because it owned, since 1971, a plant for snythesizing intravenous fluids in Ashdod, Israel. Baxter has repeatedly said it never did anything illegal to accomplish its goal, which it finally achieved in 1989 after agreeing to build an intravenous solutions plant in Syria as part of a joint venture with the Syrian Army. The year before, Baxter had sold the facility in Israel, an event it never publicly announced.

The U.S. anti-boycott law, enacted in 1977, forbids American companies from participating in any foreign boycott or supplying blacklist officials any information that demonstrates cooperation with the boycott. It also would be a violation of the law if Baxter sold the Israeli plant for the sole purpose of getting off the blacklist. The company says that decision was made for unrelated reasons.

Mr. Shulman reviewed the matter for eight months before submitting his conclusions and says that Baxter correctly characterized his report as finding the company innocent of wrongdoing. But he declines to provide details of his investigation and says he doesn't know why the report wasn't released. "That was the company's decision," he says.

Mr. Shulman, who held high-ranking government posts during the Kennedy and Johnson administrations, has had close ties to Baxter officials for nearly 30 years, including Mr. Loucks and Mr. Abbey, and has done legal work for Baxter for almost 20 years.

While the Shulman report was available to all of Baxter's board members, some only read an executive summary presented by management. "There are always certain factions that are hoping to stir things up. It seemed to me it's nitpicking," says one director.

Ralph Falk II, another board member, says "it was pretty much Marsh Abbey" dealing with the Syrians. He says that Mr. Abbey alone made presentations to the board on the Syrian dealings, briefing it "three or four" times over about a year on how the Syrian plant was coming along. Mr. Falk says he can't remember if he ever saw the Shulman report and adds that no board member showed any special interest or concern because "the board as a group is pretty high on our senior management."

One reason the issue won't seem to die has to do with the ceaseless energy by one of Mr. Loucks' biggest opponents: Richard Fuisz, a physician and Washington, D.C., businessman, Dr. Fuisz was ousted by Mr. Loucks from his job as chief executive of a Middle East unit of Baxter in 1982 and has been on the warpath against the company ever since.

Most recently, he has provided outsiders with damaging correspondence between Baxter and Arab officials, including letters written by Mr. Abbey. These letters—on Baxter letterhead, signed by Mr. Abbey and addressed to an official of the Syrian Army—raise new questions about Baxter's forthrightness on the issue because they include detailed information about Baxter's sale of its Israeli operations and its previous dealings with Israeli companies, information that U.S. companies are, under certain circumstances, barred from supplying to boycott officials under U.S. anti-boycott law.

Mr. Abbey concedes writing the letters, but says it's a matter of legal opinion whether they prove Baxter violated any laws. Baxter's defense has been that its communications with the Syrian Army were exempt under a provision of the antiboycott law that allows U.S. companies to share information with their own agents and business partners in the Mideast.

Still, the conclusion of one of its letters to the Syrian Army appears to call into question that defense. Baxter says its officials are "committed to construction in the Arab countries of factories to manufacture medical supplies and look forward to your approval to begin those projects." The obvious question: Why would Baxter be asking the Syrian Army for approval to begin projects in other countries?

Says Mr. Abbey: "I very clearly wanted the Syrians to help us in getting off the blacklist. . . . I don't know why that is sinister."

SEALED COURT RECORDS

The alleged 1983 bribe is mentioned, according to court records, in a 1985 wrongful termination suit that Dr. Fuisz filed against Baxter. Dr. Fuisz contended in court filings that Baxter agreed at the meeting in Paris to effectively pay Saudi Medical Service $2.2 million to get Baxter off the Arab blacklist.

Court documents filed by Dr. Fuisz in the lawsuit in federal court in New York—a suit that was later settled—say that two now-sealed depositions, as well as some court exhibits, confirm that a bribe was made. Baxter concedes that it wanted the records sealed, but says the other side did, too.

John Clements, a former comptroller of Baxter's Middle East unit who attended parts of the Paris meeting, says he also believes the $2.2 million payment was a bribe. He says he concluded this because there was no business reason to reduce Baxter's accounts receivable by $2.2 million. "I'm not wavering on that issue," says Mr. Clements, who has been questioned about the matter by the SEC.

QUIET NEGOTIATIONS

Ghazi Braiche, a former employee of Saudi Medical, says the head of the company, Ahmed al-Sanousi, talked about finding a way to get Baxter off the blacklist. Though he says his knowledge is second-hand, via Mr. Sanousi and others, Mr. Braiche also says that the $2.2 million transferred at this time was a bribe connected with getting off the blacklist. Mr. Sanousi says he doesn't recall any of the events.

Mr. Shulman interviewed Mr. Clements, but did not seek to interview Messrs. Sanousi or Braiche. Mr. Shulman, asked about this, says, "I feel I interviewed everyone who was necessary to do the report."

Mr. Abbey has come under the most fire for his handling of the boycott issue. His

dealings in the Middle East were never reported to the rest of the top management in monthly management meetings. He was the architect of the Syrian deal and completed the negotiations very quietly, with the help of just one top aide, John Saboura. Mr. Saboura has since left the company and has refused to be interviewed by the Commerce Department or this newspaper.

In arranging the Syrian venture, Mr. Abbey made several personal visits to Damascus, on one occasion meeting with Gen. Mustafa Tias, Syria's flamboyant minister of defense. Mr. Abbey stopped by the home of Gen. Tias, whom the Wiesenthal Center describes as a noted anti-Semite who wrote a book suggesting that Jews kill Arabs to obtain blood for use in making Passover matzoh.

The corporate counsel and Gen. Tias chatted in the general's study, which was adorned with extensive photos of American starlets and models, including Brooke Shields. "What I really need for my collection," the general remarked, "is an autographed picture of Joan Collins." Mr. Abbey arranged to deliver a signed photo of the star before the Baxter deal with Syria was consummated.

The Simon Wiesenthal Center has attacked Baxter in news releases and articles in the Jewish press for dealing with the Syrian Army band Gen. Tias. "To me the Baxter case is so crucial," says Rabbi Cooper. "The world's largest [medical supply] company needs Mustafa Tias like I need another anti-Semite." Mr. Abbey says his visit was a simple courtesy call to an important government figure.

Baxter is even having trouble giving money away because of the flap. The Jewish Federation of Metropolitan Chicago has been hesitating for months to accept a proposed Baxter contribution of $250,000. Harold Rosen, director of communications for the philanthropic organization, won't say why the federation is taking so long to decide whether to accept the Baxter money. But he says it usually takes "probably not that long" to make a decision, and says he "can't recall any" instances in which the federation has turned down such offers. Baxter offered the money to set up a fund to provide hospital care to Soviet Jewish emigres.

---

[From Washington Jewish Week, Dec. 6, 1990]

BAXTER PARTNER PROMOTES "BLOOD LIBEL"

(By Larry Cohler)

Baxter International, the world's largest hospital supply firm, confirmed last week that its key partner in a controversial joint venture with Syria is a Syrian general who has authored a book denouncing Jews for murdering Christians to use their blood for baking matzah.

The confirmation has drawn fire from the Simon Wiesenthal Center and added a new twist to the project, which is already the subject of a federal investigation.

That investigation, which centers on charges that Baxter violated U.S. laws prohibiting U.S. firms from cooperating with the Arab boycott against Israel, also saw a new development this week. The Washington Jewish Week has obtained internal documents raising new questions about Baxter's claim that it never pledged to shun business contacts with Israel.

At the same time, however, the president of an Israeli firm said this week that his licensing relationship with Baxter continues undisturbed, although the documents suggest Baxter might have pledged to shun business with the firm.

An expert in anti-boycott law suggested that Baxter might have tried to give Syria the impression in these documents that it was adhering to the Arab boycott while actually flouting it in its relation with the Israeli firm.

In a letter to Baxter's chief executive officer Vernon Loucks last Monday, Rabbi Abraham Cooper, associate dean of the Wiesenthal Center, decried Baxter's business relationship with "the terrorist government of Syria."

In particular, Cooper denounced Baxter's tie to Gen. Mustapha Tlas, Syria's defense minister, author of a book denouncing Jews for murdering Christians to use their blood for baking matzah. Cooper described Tlas as "one of the world's leading anti-Semites who has used his powerful position to promote nothing less than the infamous 'Blood Libel' against the Jewish people."

Tlas, who signed the contract with Baxter, is representing the Syrian Defense Ministry in its joint venture project with the firm to build an intravenous fluids plant in Damascus. Baxter officials say the enterprise will serve both military and civilian needs, but a Baxter spokesman said he did not know in what proportion.

In 1985 Tlas published The Matzoh of Zion, a retelling of a tale in which Damascus Jews were accused of killing two Christians in 1840 and using their blood to make matzoh. The book was distributed in Syria by a publishing firm owned by Tlas.

According to the Wiesenthal Center, which translated and denounced the book in 1986, Tlas wrote of the affair, "From that moment on, every mother was warning her child: Do not stray away far from home. The Jew may come by and put you in his sack to kill you and suck your blood for the matzoh of Zion."

Reagan administration Secretary of State George Shultz and then-Vice President George Bush denounced Tlas's publication at the time.

In the translation provided by the Wiesenthal Center, Tlas says that the true religious beliefs of Jews are characterized by "a black hatred of all humanity and all religious." He then links this to his negative view of Israel's conduct.

"I intend through publication of this book to throw light on some of the secrets of the Jewish religion, based on the conduct of the Jews, their blind fanaticism and the implementation of Talmudic teaching compiled in exile by their elders to distort the basis of Jewish religion as drafted by Moses," Tlas writes, according to the center's translation.

A second edition of the book was published in 1987, according to the center.

In 1986, the Sorbonne in Paris rejected Tlas's doctoral thesis in military strategy after the Wiesenthal Center and the French press protested granting the degree to the publisher of a work widely viewed as anti-Semitic.

In his letter to Baxter, Cooper alluded to Syria's inclusion on the State Department's list of countries sponsoring terrorism and denounced "the virulent hatred of Jews promoted by the key official Baxter International has chosen to do business with."

"Contemporary events in the gulf have taught us it is not enough to draw the line in the sand against terrorist regimes," Cooper wrote. "Isn't it time for Baxter International to draw the line in its own corporate boardroom?"

A Baxter spokesman who was faxed a copy of the Wiesenthal Center letter sent to the Washington Jewish Week declined to comment, saying the Jewish group had not yet directly contacted the firm.

A spokesman for the Syrian embassy said he had heard about the book and was familiar with the protests Jewish groups had raised against it. But, he said, "When there is a contract between a firm and the country of Syria, it's with the country, not an individual."

Tlas's publishing activities were "totally separate from his duties in the government," the spokesman said, and would not interfere with his official work.

The spokesman, who asked that his name not be used, declined to comment on the Wiesenthal Center's account of remarks it said Tlas gave in his official capacity as defense minister in 1974.

In the remarks, Tlas praised a soldier from Aleppo who, during the 1973 Arab-Israeli war, killed 28 "Jewish soldiers," including three "with a hatchet, splitting their heads from their bodies." The soldier killed one with his bare hands, Tlas added "and then ate him in front of his friends."

According to the Wiesenthal translation, Tlas praised him as "worthy of being decorated."

The Wiesenthal Center reported that Tlas's remarks ran in the July 11, 1974 issue of Jerida Rasmiya, the government's publication for official decrees.

The Syrian embassy spokesman suggested there were Israeli officials who might also be regarded by some as anti-Semites since "we are Semites, too." He cited Housing Minister Ariel Sharon, who as defense minister "ordered the ouster of Palestinians from their homes."

Commerce Department officials are currently examining charges that Baxter's agreement with the Syrian Army to build the intravenous fluids plant was part of an illegal scheme to get the firm off the Arab League blacklist of firms doing business with Israel. Baxter's presence on the list, due to a plant it owned in Israel, had barred it from the Arab would for years under the Arab League's boycott of firms maintaining Israeli business relationships.

Baxter was taken off the blacklist soon after reaching the joint venture agreement with Syria last year. The year before, Baxter sold its Israeli plant. Company officials said the sequence of events was unrelated and that it did not violate U.S. laws that prohibit American companies from cooperating with the Arab boycott.

In a one-page release last month, Baxter's board of directors announced that Baxter's management had been exonerated by a special counsel appointed by the board to investigate charges of illegal cooperation with the boycott. The firm refused, however, to release the special counsel's report.

Officials from the Commerce Department and the Securities and Exchange Commission are continuing to investigate the charges, many of which were sparked by Dr. Richard Fuisz, a disgruntled former Baxter employee.

Fuisz, who worked for years in the Middle East before Baxter fired him, brought to light documents that he says appear to contradict Baxter's claim. Fuisz said he procured the documents from the Arab League Boycott, Committee's headquarters in Damascus.

According to the Arab League memorandum, whose authenticity Baxter has not challenged, Baxter asked that it be removed from the blacklist through its Swiss subsidiary, Baxter AG. In support of the request, Baxter's International Medical Technologies subsidiary in the Middle East supplied the boycott committee detailed documentation

on the Israeli plant sale, and promised not to deliver modern technology to Israel nor do any other business with Israel, the memorandum says. The memo cites specific documents and declarations its says Baxter has submitted in connection with its request to be removed from the list.

Baxter denies ever having contracted the Arab Boycott Committee directly. But Baxter officials acknowledge that some of the information in the memo is consistent with information it passed onto its Syrian joint venture partner, a defense ministry firm called the Establishment of Blood and Medical industries. This included information on the nature of Baxter's corporate presence in Israel, according to Baxter.

Baxter's spokesman asserts that if local law requires it, as is the case in Syria, U.S. law does not bar a firm from passing on such information as long as it does not pledge to shun business with Israel. Baxter denies making any such pledge.

But a Baxter letter released by Fuisz this week seemed at least to raise questions about this claim.

In the letter, dated June 29, 1988, Baxter senior vice president and chief counsel G. Marshall Abbey pledges to an official in Syrai's Army Supply Bureau that Baxter will strictly examine the use of the Baxter name or technology by Teva Pharmaceuticals, the Israeli firm that purchased Baxter's Israeli plant.

"We state firmly and without reservation that the Baxter group of companies will pursue to the full extent of the law any use of the Baxter name, technology or trademarks" by Teva, the enterprise Teva bought from Baxter, "or any other company that Teva may form," Abbey wrote.

Baxter Spokesman Les Jacobson said he could not confirm or deny the authenticity of the letter. Abbey was out of the office for several days and not reachable elsewhere, he added.

Earlier, Jacobson told the Washington Jewish Week that Baxter, in fact, continued to license Teva's use of Baxter technology in the Israeli plant Teva purchased from Baxter—a relationship he said Baxter would not maintain if it were complying with the Arab boycott.

Asked about the letter's promise to "pursue" any use of Baxter technology by Teva, Jacobson replied that, "As it reads to me, that sentence could be interpreted in different ways."

Jacobson implied that pursuing Teva's use of Baxter technology to "the full extent of the law" might not amount to much if Teva retained the appropriate license and no law had been broken.

In Israel, Teva president Eli Hurwitz confirmed that his firm retained its license to use Baxter technology.

"It's one of the longest term licenses ever signed," he said in a phone interview. "We joke that it's forever or for eternity, which ever comes first."

According to Hurwitz, the licensing agreement includes Teva's right of first refusal for any new technology Baxter might develop in the future.

Asked if the letter might have been subtly worded in order to give Syria the impression that Baxter was not licensing Teva, while actually flouting the Arab boycott, Jacobson refused to comment.

Will Maslow, general counsel for the American Jewish Congress and an expert in anti-boycott law, suggested that Baxter might have been trying to play a double game.

Hurwitz's experience with Baxter, he said, was "directly contrary to the promise [Baxter] made to Syria" in the letter. "But then, who cares about lying to the Syrians?"

Maslow said the pledge in the letter was nevertheless "a clear cut violation" of U.S. anti-boycott law. "What puzzles me is why Commerce is taking so long."

Maslow is acting as pro bono legal counsel for Fuisz on the Arab boycott issue.

The Commerce Department initiated its investigation of Baxter last February after Fuisz disclosed the purported Arab League memo.

Alluding to the United States' recent warming of relations with Syria, climaxed late last month by a summit meeting between President Bush and Syrian President Hafez Assad, Maslow said that any backpedaling on the Commerce Department probe "would be the height of folly."

Commerce Department officials have declined to comment on the investigation while it is in progress.

While he would not challenge or accept the authenticity of the letter Fuisz presented, Jacobson noted that it was notarized by an Illinois notary public on June 27—two days prior to the June 29 date at the letter's head.

Fuisz suggested that this was "a trick" by Abbey to provide him with later deniability, if necessary. "The notary public rarely notices the date, and the Syrians certainly don't."

## TRIBUTE TO GEORGE McGOVERN

Mr. DASCHLE. Generally, Mr. President, the fewer words it takes to pay tribute to a person, the more that person deserves tribute.

For those from South Dakota who have watched George McGovern, our tribute takes few words indeed.

George McGovern is a class act.

He wins with class. He loses with class. He thinks and acts and has lived with a stature and integrity and a caring for what is right that makes our small State very, very proud.

And it makes me proud, Mr. President, to thank George McGovern on behalf of my State and my country for the lifetime of service he has given us.

I ask unanimous consent that the Des Moines Register's aptly titled editorial, "Going Out a Winner," be printed in the RECORD at this point, and I commend it to my colleagues. It is a proper tribute to one very fine man.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, May 25, 1991]

GOING OUT A WINNER: NO BID BY MCGOVERN

Home from a heroic stint as a bomber pilot in World War II, George McGovern was teaching history and government in South Dakota Wesleyan University in Mitchell when he griped to a friend about the unhealthy state of South Dakota's one-party politics (Republicans held every significant office, including 108 of 110 legislative seats).

Do something about it, his friend said.

The challenge launched a remarkable career for the prairie populist, who officially ended it Thursday. The former three-term senator said he is dropping plans for a possible presidential bid, deferring to younger, less "battle-scarred" candidates.

Deepest of those scars was that inflicted by Richard Nixon, who carried 49 states (including South Dakota) in burying McGovern in the 1972 presidential race. In the heyday of liberalism (which turned out to be confined largely to his own party), McGovern had won nomination by making sure no other candidate got farther left.

The campaign was a disaster. The personal warmth and honest sincerity that put the senator on a first-name basis with practically every voter in tiny South Dakota wasn't marketable in the national arena. And the effort cost him dearly back home, too. To many, he was no longer "their" George after his flings with national politics in '68 and '72. In 1980 they retired him.

The years and the defeats and the abrasive, disillusioning nature of politics never dulled the passion McGovern felt for the cause of the little guy.

In a recent visit at The Register while he still entertained notions of a '92 bid, McGovern articulated the issues with his usual understated sense of urgency while handling the matter of his candidacy with good humor.

McGovern left his mark. With like-minded Democrats he helped reform the party's nomination process after the 1968 debacle in which Hubert Humphrey, who refused to enter a single primary, grabbed the presidential nomination as his reward for long service. With his political opposite, Senator Bob Dole of Kansas, he championed the food-stamp program and led the battle against hunger in America. Earlier he headed the Food for Peace effort.

McGovern retires now with the best wishes of millions who learned to know him as a geniune and decent human, a politician untainted by the profession's excesses, an idealist uncompromised by expediency—a winner in every important sense of the word.

## WARREN PHILLIPS LEAVING DOW JONES AND CO.

Mr. MOYNIHAN. Mr. President, I would like to bring to my colleagues' attention that Warren Phillips will soon be stepping down as chairman of Dow Jones & Co. A noteworthy occasion, as it was under his stewardship that Dow Jones truly gained the renown it enjoys today. But this should come as little surprise to those who are familiar with Phillips' hugely successful career as journalist, editor, and publisher.

Warren Phillips took over as CEO of Dow Jones & Co. in 1975. The company then had revenues of $200 million and profits of $20 million. As he steps down, revenues are $1.7 billion, with profits of more than $100 million. Under Phillips, the Wall Street Journal, published by Dow Jones, saw its circulation rise from 1.4 million in 1975 to 2 million today, and the Journal became the Nation's largest circulation newspaper. In addition, it has become a truly international newspaper with the advent of the Asian and European editions. But sheer numbers shall never quite do justice to the esteem all hold this paper and its publisher in. That is owed in greatest part to the enormous vision and integrity of the man behind them. We are sorry to see Warren Phillips depart, but wish him all the very best.

## UNITED NATIONS ASSOCIATION HONORS SENATOR PELL

Mr. MOYNIHAN. Mr. President, I am pleased to bring to the attention of my colleagues an honor recently accorded to the distinguished chairman of the Committee on Foreign Relations. At its annual ball in New York City on May 30, 1991, the United Nations Association of the United States presented Senator CLAIBORNE PELL with the first annual Congressional Award for Commitment to the Principles of the United Nations Charter. UNA-USA chairman and former Deputy Secretary of State John C. Whitehead presented the award to our distinguished colleague from Rhode Island in recognition of his many years of active support for the United Nations.

The chairman of the Foreign Relations Committee has demonstrated a long record of support for U.S. participation in the United Nations, beginning with his involvement as a Foreign Service Officer in the 1945 San Francisco Conference that founded the world organization. In 1959, he was appointed by President Eisenhower as a delegate to the first meeting of the United Nations International Maritime Organization, and in 1979 he was a congressional delegate to the General Assembly. He was appointed numerous times as a Senate adviser to the U.S. delegation for the U.N. Conference on the Law of the Sea. During his tenure as chairman of the Committee on Foreign Relations, he has led the effort to secure full funding of our financial obligations to the United Nations system.

Mr. President, Senator PELL is a distinguished initial recipient of the United Nations Association's congressional award. His record of support for international organizations and the rule of law will help to define the criteria for choosing future recipients of this honor. I join my colleagues in extending sincerest congratulations to the gentleman from Rhode Island on the occasion of this recognition by UNA-USA.

## TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,280th day that Terry Anderson has been held captive in Lebanon.

## VICE PRESIDENT QUAYLE'S LEADERSHIP IN SPACE POLICY

Mr. PRESSLER. Mr. President, in this week's edition of Newsweek there was a vitriolic article questioning Vice President QUAYLE's leadership of America's space program. As ranking member on the Senate Science, Technology, and Space Subcommittee, I have spent considerable time working with the Vice President on a number of key space issues and Newsweek's analysis is dead wrong.

On April 20, 1989, President Bush established the National Space Council to develop and implement a comprehensive, visionary strategy for our Nation's space program. President Bush demonstrated the importance he attached to this initiative by appointing Vice President QUAYLE as Chairman of the National Space Council to coordinate our space program.

Two years later we have seen many accomplishments in U.S. space policy due to the leadership of Vice President QUAYLE. I rise to commend the Vice President for his leadership and vision in our efforts in space.

Since the formation of the National Space Council, the Vice President has taken a number of major steps toward the accomplishment of several important goals of our national space activities. He has given much thought and time to his role as head of the National Space Council.

In 1989, I was pleased to work with the Vice President in one of his first actions as head of the National Space Council. The failed commercialization of Landsat threatened to end the continuity of Landsat data that was vital to a number of Federal agencies. The National Space Council conducted a full interagency review which showed that government agencies, and not businesses accounted for the majority of Landsat data sales. The National Space Council further found that it was in the U.S. national interest for a continuation of Landsat-type data. Based on these findings, the Vice President helped to secure government funding for the continued operation of Landsat satellites 4 and 5, as well as funding for the launch of Landsat 6 to occur in 1992.

Later, the Vice President commissioned a group led by Norman Augustine to do a complete review of U.S. space policy. To the surprise of many, the Augustine committee came forward with a number of bold recommendations to change fundamentally the direction of our space program. These recommendations included development of new launch vehicles to reduce dependence on the space shuttle and a reconfiguration of the space station. The Vice President has endorsed the Augustine report, and is taking the initiative to implement these recommendations through the National Space Council. Last month, the Vice President persuaded NASA to endorse a new generation of low-cost space launch vehicles. This rocket, called the National Launch System [NLS], will be built from current propulsion designs and technologies. This new unmanned launch vehicle will greatly reduce launch costs, and will help alleviate the space trucking duties now borne solely by the space shuttle.

Recently, Vice President QUAYLE initiated two significant commercial space policies that were later approved by the President. In September 1990 the National Space Council prepared the commercial space launch strategy which outlined a 10-year blueprint for the Federal Government to take actions to create a free and fair marketplace in which U.S. industries can compete. In addition, it included the need for Government investment in long term R&D aimed at reducing the cost of space transportation. In February 1991 President Bush signed the National Space Council's Commercial Space Policy Guidelines, which will encourage private sector investment in space and the development of new commercial space sector industries, resulting in new markets and jobs.

So, in conclusion, I would like to point out the Vice President's record of leadership in developing U.S. space policy is one of distinction. The Vice President has articulated a clear vision for America's space strategy. It is a vision he is personally committed to pursuing. The Nation's space program has been accustomed to managerial turbulence. Vice President QUAYLE has provided the leadership America needs to solve problems here on Earth through wise policies in space.

I commend Vice President QUAYLE for his superlative leadership in this and other key areas of national public policy.

## A TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED, INC.

Mr. MOYNIHAN. Mr. President, for over three decades, the Association for the Advancement of the Blind and Retarded has worked to assist a most deserving group. AABR is a private organization that serves young adults and adults that are afflicted with multiple handicaps, including blindness and severe mental retardation. On July 22, 1991, AABR will celebrate 35 years of dedication to the physically and mentally handicapped at the 18th annual golf tournament and dinner dance.

AABR's exceptional commitment is "to strive, to seek, to find and not to yield." The directors, managers and staff at AABR's facilities teach daily living skills and self confidence to help their clients become integrated into society where they can lead productive, rewarding lives. By providing 24-hour-a-day attention and care, AABR's programs have become hugely successful.

AABR currently maintains 10 intermediate care facilities that support nearly 100 blind and retarded young adults. These facilities are spacious, well-kept residences in communities throughout New York City. In addition, AABR maintains two day treatment centers that serve over 200 individuals.

The enthusiasm and wonderful sense of caring and commitment at AABR should serve as an inspiration to us all. Today, there are far too few programs that provide intensive services to these handicapped individuals, especially once they reach the age of 21. AABR has accepted this difficult, but most rewarding, mission. The staff at AABR performs exceptionally well and, for that, we owe them great thanks.

I would also like to take this opportunity to pay tribute to the Metropolitan Club Managers Association. Since 1974, MCMA has sponsored the annual golf tournment and dinner dance to benefit AABR. Through these annual events, MCMA has become an integral part of AABR's success. The private sector support and encouragement provided by MCMA is most noteworthy and sets a splendid example for others to follow.

There is no doubt that AABR is a true leader in the care and treatment of the neediest of our Nation's citizens. I ask my colleagues to join me in extending best wishes for an enjoyable event and much continued success to AABR and its supporters.

## JUNE IS TURKEY LOVERS' MONTH AND ONCE AGAIN NORTH CAROLINA RANKS NO. 1

Mr. HELMS. Mr. President, I am proud to join North Carolina's Gov. Jim Martin in doing a little bragging about the turkey industry in our State. But remember, "bragging ain't bragging if you can prove it—and Jim Martin and I can prove it.

Governor Martin has correctly proclaimed: "We're No. 1." Turkey production in North Carolina again ranks No. 1 in America.

To recognize the importance of the industry to the State and to the agricultural community, Governor Martin officially declared June 1991 as "Turkey Lovers' Month in North Carolina." He did so in conjunction with the National Turkey Federation's celebration of "June is Turkey Lovers' Month."

Mr. President, for many years I've had the feeling that Washington, DC is the turkey capital of the world, but I had another kind of turkey in mind. When it comes to delicious, succulent turkeys—the eating kind—the U.S. Department of Agriculture confirms that more than 58 million turkeys were raised during the past year in North Carolina—the largest number ever produced by any State in a calendar year.

This represents about 20 percent of the total annual U.S. turkey production.

North Carolina's turkey industry generates more than $450 million into my State's economy in jobs alone. In addition, the turkey industry has been, and remains, a vital part of our national economy. Last year it generated nearly $6 billion in product sales.

North Carolina is the leader in production, and also in the industry. Five Tar Heels have served as president of the National Turkey Federation: Wyatt Upchurch, 1990; John Hendrick, 1984; Bill Prestige, 1982; Billy Shepard, 1974; and Marvin Johnson, 1968.

Mr. President, because of the convenience and nutritional benefits, turkey is no longer just a holiday favorite. Thirty years ago, 90 percent of the turkey consumed in this country occurred during the last two months of the year. Today, only 17 percent of the turkey consumed in America is during the Thanksgiving and Christmas seasons. In 1990, the average per capita consumption was approximately 18.2 pounds—and that's a lot of turkey.

So, I reiterate that I'm delighted to join Governor Martin in recognizing—and bragging about—a fine industry, and I am proud of the turkey producers of North Carolina.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business has expired. Morning business is closed.

## SURFACE TRANSPORTATION EFFICIENCY ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1204, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1204) to amend title 23, United States Code, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Byrd amendment No. 295, to allot bonus apportionments based on the level of effort shown by each State.

(2) Byrd amendment No. 296 (to amendment No. 295), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, the order indicates that the distinguished senior Senator from Illinois will be recognized at this point, but he has been generous enough to allow the managers to proceed to a committee amendment, which we will do. I ask his indulgence. We are awaiting our comanager, the Senator from Idaho.

In the meantime, Mr. President, I will not send the amendment to the desk but I will describe it at this point.

Mr. President, this is a series of amendments which are agreed to by the committee and which we think significantly enhance the attractions and the scope of our measure. The first four are bought to us by Dr. Thomas Larson, the head of the Federal Highway Administration. He says these are important to the Administration and should be included. He is quite right, in our judgment, and we offer them accordingly.

The first provides authority for public-private collaboration in transportation research. One of the things we see in our work here on the floor on this bill is the problem of data. What do we know? Who says it? How do they know?

There can be no doubt we have fallen into a lassitude that characterizes public sector disease: It does not matter. It is nobody's money. It is free. It does not matter how rigorously it is used.

Dr. Larson also asked that the International Highway Transportation Outreach Program be authorized, and he made a point which is important in the view of this Senator. A recent meeting of AASHTO officials—American Association of State Highway Transportation Officials—was reported in the Washington Post by Mr. Don Philips, which I put in the RECORD earlier. A group of American highway officials went to Europe and were astounded to find how much more advanced the pavement systems were there. Asphalt had moved into a new level of effectiveness, in terms of the bonding of sand and rock, such that one official from Missouri, Mr. Muri, came back and said, "My God, from a second-ranked nation, we are going to become a fourth-ranked nation if we do not get up to speed". Dr. Larson informed us he arranged that trip. He wants to do more research, and more we ought to do.

Also, we have a transportation, education, and training program for State and local officials. We have been falling behind the curve. And similarly, we reauthorized the National Highway Institute.

Finally, Mr. President, an important provision, we provide $10 million a year of the Highway Trust Fund to be paid to the Interanl Revenue Service to enable them to better collect taxes for the highway trust fund.

As our distinguished chairman has had occasion to note, and my coworker here, the Senator from Idaho, has had occasion to note, it is a little odd for an agency of our Government to pay the IRS to collect more taxes.

But if that is what it takes, that is what it takes. The IRS will be able to provide more manpower and larger resources. The experience of putting more effort into collecting these fuel taxes, and others, is one of large return on the effort. We do know that the evasion of these taxes is a problem. So at the request of the Department, we make that provision.

Then there are further amendments, the first of which provides more details on the Bureau of Transportation statistics. We drafted this measure. We are very much in earnest about establishing a statistical base. One of the problems is that we do not have a clue

about productivity and costs because we do not have the data.

The Governmental Affairs Committee staff was very helpful in giving us some advice on how to structure this language and get the kind of a Government agency we want. I thank the staff; of course, I thank the chairman and ranking member for making them available.

In the spirit of our legislation, Senators SARBANES and MIKULSKI have asked if we cannot make possible the movement of toll receipts on and off the particular systems in such a way that the State, in this case Maryland, can optimize its transportation choices and provision thereof. And we very much want Maryland to do with Maryland money what Maryland thinks best.

We have some small changes to the provision by Senator CHAFEE for rubberized asphalt which we think to be a significant innovation. It will solve a problem that is only getting larger. I think the distinguished Presiding Officer will know that not many years ago there was a fire in a tire dump in the State of Virginia which was visible from seven States, and burned on and on and on. We accumulate 250 million of these things every year and finding a disposable, recyclable provision for them is good. I would like to note the tire industry has suggested that they would be happy to see an additional tax placed on tires to facilitate this recycling process.

We have also included a provision directing the Department of Transportation to investigate the use of zebra mussels as construction material. We have an enormous quantity of zebra mussels which are calcium products, potentially useful, that have to be taken out of water systems and disposed of. They are filling up landfills, all over the Great Lakes anyway. Why not use them, if that makes sense?

We have some technical changes in Senator CHAFEE's motorcycle helmet-seat belt provision and Senator LIEBERMAN's wetlands provision. There is a provision requested by Senator CRANSTON, our most revered colleague, to allow States to loan Federal funds to public agencies to build toll roads, if that is their choice. Pricing and cost effectiveness—that is what this bill is about, breaking out of the public sector disease which is so enervative to us.

We would like to include a life cycle cost analysis for the bridge program. This was brought to our attention by former Governor Carey of New York, a former Member of the House. A question again of the analysis of data on how to best use resources to get the most return. With the striking state of American bridge disrepair, it is clear we have not been up to our analytic capacities in this regard.

And then, Mr. President, there are a considerable number of small technical corrections, purely spelling, punctuation, and things of that kind.

AMENDMENT NO. 321

(Purpose: To make technical and conforming changes and for other purposes)

Mr. MOYNIHAN. Mr. President, my indefatigable coworker having arrived, for myself, Mr. SYMMS, Mr. BURDICK, and Mr. CHAFEE I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROBB). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. SYMMS, Mr. BURDICK, and Mr. CHAFEE, proposes an amendment numbered 321.

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

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

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

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, the floor manager of the bill, my good friend from New York, has essentially outlined what is in the committee amendment. It is largely technical and conforming. It is in conjunction with things that the administration and the Federal Highway Administration has asked for, that the committee agrees with. I urge its immediate adoption.

Mr. CHAFEE. Mr. President, among the technical changes included in the committee amendment to S. 1204, is a provision which clarifies how State transportation funds may be used to mitigate wetland loss related to or affected by highway construction. The use of these funds for mitigation measures authorized under this bill requires compliance with all applicable Federal laws. The language adopted in the committee amendment is consistent with the intent of the committee report (Rept. No. 102–71) which states that mitigation measures authorized under this bill are, at a minimum, those measures determined by the Secretary of the Army and the Administrator of the Environmental Protection Agency, in consultation with State and Federal advisory agencies to be necessary to ensure compliance with the guidelines promulgated pursuant to section 404(b)(1) of the Clean Water Act.

Further, while funding for wetland mitigation measures may be used in advance of the initiation of highway project construction, these mitigation efforts may not be used to circumvent the Federal environmental requirements applicable to any specific highway project. In addition, in order to make such funds available in advance of specific highway construction activity, States must have a transportation planning process that requires that assessments relative to the environmental effects, the need, and the design of any particular project would be conducted independent of consideration of advance mitigation efforts.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 321) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois [Mr. DIXON] is recognized.

AMENDMENT NO. 322

(Purpose: To establish procedures for the redesignation of certain Interstate routes)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. SIMON, proposes an amendment numbered 322.

On page 31, after line 22, insert the following:

**SEC. 139A. REDESIGNATION OF INTERSTATE ROUTES.**

(a) Whenever two or more bordering States that are connected by a highway on the Interstate System cannot agree to the number designation of that highway, the Secretary of Transportation shall make that designation upon the recommendation of the committee described in subsection (b).

(b) The Secretary of Transportation shall establish an advisory committee composed of highway, engineering, and traffic safety experts not from the States referred to in subsection (a) to make a recommendation under subsection (a) regarding an appropriate designation of an Interstate route.

Mr. DIXON. Mr. President, as the Senate and my colleagues in their respective offices who are watching this will note, I permitted the clerk to read the whole amendment for a change, Mr. President, because the amendment is delightfully short. It comprises really only one page. I want to explain it once again to every one of the Senators who will ultimately vote on this amendment in short order.

It simply says that when two adjoining States connected by a highway on the Interstate System cannot agree on the number designation, then the Secretary of Transportation shall make the determination about the number designation and he shall do it on the recommendation of a committee.

And the second paragraph is the committee. What is the committee? The Secretary of Transportation shall establish a committee composed of high-

way, engineering, and traffic safety experts not from the States involved. What could be fairer than that?

I am delighted to have in the Chair, my good friend, the Senator from Virginia, because Virginia and Maryland and the District of Columbia finally resolved the problem recently concerning the numbering of a highway. Mr. President, they did it by finally agreeing.

The absurdity of the existing law, I say to the Chair and to my colleagues in their respective offices is this: We have spent $125 billion on an Interstate Highway System. That is a conservative number. But with the bill we pass here tonight we will spend another $105 billion, and believe it or not we do not provide in this great highway system a method by which two States can resolve their differences about numbering a highway that goes between them.

I assume with the possible exception of Alaska and Hawaii that for the other 48 States these are common problems: highways between these States. Yet when the two States cannot agree on a numbering of a highway, there is no solution; literally none. The law now is, if they cannot agree, they get together a bigger group for all of the States that go to it as well. But if they still cannot agree, there is no solution. How would you like to run everything else in the country like that, Mr. President?

I want to read to my colleagues, because they are familiar with the situation here around the District of Columbia, the Washington Post of June 11. Many here have read it. I show the headline "Vote on Numbering Will Mean a Less Loopy Beltway."

Here, of course, is the beltway. It is a very small picture. I do not know if the camera can get it for the respective offices. But here is the beltway that goes around the District of Columbia. On the Virginia side it was 495. On the Maryland side it was 95. I do not need to tell people from this part of the country and around the District of Columbia what a problem we have with people coming into town that do not know the highways anyway. Up until the other day when people came into town, they looked at the circle on the map that went around the city. One was 495, and one was 95. It was terribly confusing.

I read from the article in the Washington Post. "With the hope of ending 16 years of confusion for drivers"—think of it, confusion for 16 years—"the entire 64-mile Capital Beltway will be numbered as Interstate 495 by fall, a national group of transportation officials decided yesterday. Meeting in Georgia the Executive Committee of the American Association of State Highway and Transportation Officials approved a request by the Maryland, Virginia, and District highway departments to renumber the beltway so the 32-mile section designated as I-95 also will be marked I-495 in Maryland and Virginia."

What do we learn from that part, Mr. President? We learn from that part that for 16 years they could not do it. Why? Because everybody could not agree.

In the second paragraph we learn that meeting in Georgia yesterday the executive committee of this American Association of State Highway Officials approved the request because Maryland, Virginia, and the District of Columbia finally after 16 years agreed. It is a ludicrous situation, Mr. President.

Now I quote from a Senator Denis of Montgomery County, who happens to be a Republican. "It is a victory for common sense." He said, "The amazing thing is that it took so long." That is amazing is it not? "The process was so convoluted. It shows that something done even unwisely in government is difficult to undo." Oh, Senator Dennis, how right you are.

The simple fact is that it took 16 years—and endangered the lives of drivers, and confused millions of people that came to the District of Columbia—to number the highway that went around the District of Columbia because it was in Maryland and Virginia, and everybody could not agree.

There is a whole article here. I could read it all. I want to quote, "Whenever you have signs that assume a certain level of knowledge by the drivers it is going to be confusing." That is the whole object of this article, to explain how terribly confusing it is to drivers who come into an area and are not familiar with it.

The occupant of the chair, my good friend the distinguished Senator from Virginia, could understand when he came into the District of Columbia, as a former great Governor of Virginia, and a Senator from Virginia, how to go around the Capital. My friend who will oppose me shortly, my dear friend from Iowa, he could understand, the senior Senator from Iowa, because he has been here a long time in the House and now in the Senate.

This poor Senator can even understand after being here for more than a decade how to find his way around Washington. My wife always says I do not know it very well, and I come the same route all the time, even if it is longer, because that is the way I know. My wife knows it better because she drives it more.

But the point is for people who come here from out of town, from all over this great Nation of ours to the Capital City, they are confused. What does this article say that I will put in the RECORD in a minute? It says that confusion leads to injuries and to death.

I ask unanimous consent to place this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1991]

VOTE ON NUMBERING WILL MEAN A LESS LOOPY BELTWAY

(By Stephen C. Fehr)

With the hope of ending 16 years of confusion for drivers, the entire 64-mile Capital Beltway will be numbered as Interstate 495 by fall, a national group of transportation officials decided yesterday.

Meeting in Georgia, the executive committee of the American Association of State Highway and Transportation Officials approved a request by the Maryland, Virginia and District highway departments to renumber the Beltway so the 32-mile section designated as I-95 also will be marked I-495 in Maryland and Virginia.

"It's a victory for common sense," said state Sen. Howard A. Denis (R-Montgomery), who has been prodding Maryland officials to make the change. "The amazing thing is that it took so long and the process was so convoluted. It shows that something done even unwisely in government is difficult to undo."

Since 1975, the Washington area's Main Street has been a hybrid. Half of the Beltway between College Park and Springfield, is numbered Interstate 95. The rest is I-495. That throws off drivers trying to figure out, for example, whether they are on the circular Beltway or on I-95, the north-south interstate from Florida to Maine.

"A lot of the out-of-towners saw a circle and couldn't understand why it had two different numbers," said Maryland's chief traffic engineer, Tom Hicks.

Francis B. Francois, executive director of the transportation officials' group, said safety considerations prompted the change.

"Driver confusion is a safety issue," he said. "If someone is traveling at 60 miles per hour and stops to figure out where they are going, that's not a good thing to do."

Drivers will begin seeing the new signs late next month along Maryland's 27 miles between the Woodrow Wilson Bridge and the I-95 spur at Exit 27 near College Park. There are about eight signs at each of the 14 exist that will require changing, he said, a job that will be completed by September.

Virginia traffic engineers will begin determining this week how many signs workers will have to replace in the next three to six months, said Mary Anne Reynolds, a spokeswoman for the Virginia Department of Transportation. The Virginia part of the Beltway that carries the I-95 markings is about five miles, between Springfield and the Wilson Bridge.

The I-95 designation will not be dropped altogether on the Beltway, because drivers heading north from Richmond or south from Baltimore on I-95 still need to know they can continue on that highway through the Washington area.

The new signs will carry both I-495 and I-95 numbers, officials said.

"Whenever you have signs that assume a certain level of knowledge by the drivers, it's going to be confusing," said Betsy Glick, a spokeswoman for the American Automobile Association's Potomac office. "By using uniform signing which will clearly show that the Beltway goes all the way around, it will alleviate a lot of the confusion."

Some confusion still will exist, however.

Maryland's exit numbers on the Beltway correspond to the nearest milepost, making it easy for drivers to figure out the number of miles between exits.

Virginia's exits are numbered consecutively and do not match up to the milepost markers.

Part of the difficulty in trying to change them is that many of the exits are less than a mile apart.

When the Beltway was completed in 1964, it was I-495 all the way around, and all the exits were numbered consecutively, from one to 38.

In 1975, the I-95 numbering was added after transportation officials decided that I-95 would not be built through the District as planned.

Parris N. Glendening, Prince George's County executive, said he did not believe the new labeling will affect traffic congestion on the Beltway, which will remain a problem for policy-makers.

"This is just good old-fashioned common sense in road numbering," Glendening said.

Mr. DIXON. Mr. President, this is so simplistic that it is almost offensive to have to go to this length to go through it. But the plain and simple fact I say to my colleagues is this: If two States cannot agree on numbering, you cannot do anything.

Let me tell you something; you cannot ever do anything. Mr. President, if Virginia and Maryland and the District of Columbia will not agree on how to number the beltway 495 to go around this great capital of the world, you could not have done it. You could not have done it.

I have a two-paragraph amendment, one page in length, on which I am joined by my distinguished colleague, Senator SIMON, in which we just say this: Look, if any two States cannot agree, give it to the Secretary of Transportation for this great Nation who is in charge of all of these highways. Let him give it to a committee on which nobody from either of those two States are involved, make a recommendation, and number it. That is a big deal. It ought not to take any time. There ought not to be any argument.

You say then why is there an argument? I will address that. This is a map. I wonder if the camera can see this: good.

This is a map of a situation like 495, I say to my colleagues, so they will in their offices see this. They will understand it. This is the beltway that goes around another great urban area. This is the area that goes around Rock Island, Moline, and East Moline, IL, and Davenport, and Bettendorf, IA. I know the area well. I used to have five Wendy's stores, one in Davenport, one in Bettendorf, one in Rock Island, and one in East Moline, right there.

This belt line goes around there. Does everybody see that? Could you believe that two great States, my State of Illinois and the State of Iowa, cannot agree on numbering that circle? Well, so help me God, they cannot.

I said last night, some of these things you get; you do not volunteer for them, Mr. President. They come to you. My good friend, the Senator from Iowa, and his colleague, in a moment, are going to oppose me and they are doing what they have to do in representing their State.

My colleague and I have the distinction of representing Illinois. The fact is that it is an argument our States can never solve.

Mr. President, before I introduced this amendment yesterday, we had our Department of Transportation working with the Iowa Department of Transportation all this year to resolve this. They have been doing it for years before that. The Chambers of Commerce on the Illinois side of the river and on the Iowa side of the river have had all kinds of meetings and brought in all their congressional delegation and the Senators from the State. Do you realize that all 22 Members of the House of Representatives and both Senators from Illinois signed a letter to the Secretary of Transportation entreating him to solve this? It cannot be solved. I cannot tell you why.

My friend, the chairman of the Public Works Committee, the distinguished senior Senator from North Dakota, came over to me a while ago and said, "Have you got a silver dollar? Flip it."

I said that is a better solution than the law is now. I would go for a silver dollar flip. What do you think of that? A silver dollar flip is a solution.

It might interest you to know, Mr. President, in the Illinois law, we actually have provisions that when you cannot get agreements on certain things in the legislature, like reapportionment and other things, they draw a number out of a hat and put an extra person on the commission so the Republicans or the Democrats have a majority, and they solve it that way. That would be OK with me, too; any solution is a solution. But this is one of those aberrations that takes place in existing law where a great highway system, the greatest in the world, has a little bitty problem you cannot solve: The numbering of a highway that crosses between the States. Here is your problem. See where this comes along here through Illinois, along the river and crosses the Great Rock River, and it goes over into Iowa, right there is your problem. Because of that, you cannot number this.

I will be frank that there are all kinds of arguments along this highway. The business people say if we get the cars over here, we get more business. They say if you get the cars there, you get more business. Hey, I had five Wendy's stores at one time. I understand the cars that go by the front end of your business. You used to keep track of that to see how many hamburgers you sold. So I understand it. But I also tell you that you have to have a solution.

Mr. President, I tell you this in all sincerity. I do not care if they rule against us, but I am for my side of the argument. I am an old trial lawyer. I tried lawsuits day in and day out, and sometimes I lost. But that was the end of it. I put it away. I went to something else.

Let me say this: I am authorized to say that the Federal Highway Administration has indicated to us by telephone that they would be pleased to see this situation fairly resolved. They do not want to get in the fight with the two States, but they would be delighted to see a resolution to the problem.

I believe this amendment is——

Mr. GRASSLEY. Will the Senator yield for a question?

Mr. DIXON. Sure, of course.

Mr. GRASSLEY. Mr. President, is the Senator saying that the Federal Highway Administration supports his amendment?

Mr. DIXON. They are saying to me that they have no objection to the amendment, and they would like to have a method for resolving the problem, that is correct.

Mr. GRASSLEY. Who does the Senator quote from the Department?

Mr. DIXON. Gene McCormick.

Mr. GRASSLEY. Thank you, Mr. President.

Mr. DIXON. Mr. President, I thank my distinguished friend from Iowa, and I say to him before I yield, because I am interested in hearing from him and my colleague from Illinois, if somebody wants to find another solution, it is OK with this Senator. I do not have any pride of authorship in this two-paragraph, one-page amendment I have here, except I stress that it is fair, reasonable, and somebody will finally get a result here on numbering this highway. I will live with the result, whatever it might be.

I will be delighted to yield the floor. I have indicated earlier that I would accept time limitations. I urge my colleagues to understand that I do not have any fight with my friend from Iowa, or with anybody in Iowa. My concern is to resolve a sticky wicket that will never get resolved until we change this little piece of the law. I urge my colleagues to let common sense prevail and to solve this problem.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. Senator SIMON is recognized.

Mr. SIMON. Mr. President, I am pleased to join my colleague in cosponsoring this. There has to be a practical way of solving these problems, and we do not need endless meetings for a relatively simple problem. I agree with my colleague that there are economic factors at stake as to why neither State wants to give in. Real candidly, I am not sure of the complete validity of the economic assertions on the side of either State.

This legislation is so simple that why it cannot pass unanimously, immediately, I do not know. It says: Whenever two or more bordering States that are connected by a highway on the

Interstate System cannot agree to the number designation of that highway, the Secretary of Transportation shall make that designation upon the recommendation of the committee described in subsection (b).

Here is subsection (b):

The Secretary of Transportation shall establish an advisory committee composed of highway engineering and traffic safety experts not from the States referred to in subsection (a).

In other words, in this case, the Secretary of Transportation appoints a committee of experts, who are not from Illinois or Iowa, who can make a judgment call. I do not know how you can be more fair than that.

I join my colleague, Senator DIXON, in saying, if someone can come up with an easier or better system, fine. But I think this is eminently sound and sensible. It is better than flipping a coin, in the sense that you are likely to get a little more rational answer, not guaranteed, but it is probable.

Somehow you have to be able to resolve these things. A delegation—I forget where they came from; from the Quad Cities—came down to me, and I was having a town meeting. It was a group of chief executive officers, who ought to be doing something to improve the productivity of their businesses and had to instead come down to talk with me about numbering a highway because of a conflict. Here we are talking this time on the floor of the Senate. This is a practical way of resolving this. I think that this is a practical resolution.

Let me commend my colleague, Senator DIXON, because he came up with this particular suggestion, which I think is an excellent one.

So, Mr. President, I think common sense ought to prevail, and common sense should dictate that we agree to this particular amendment.

The PRESIDING OFFICER. Who seeks recognition?

Is there further debate?

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HARKIN. Mr. President, the Senate now has before it the Dixon amendment. It is a simple amendment, and very simple to understand, but it is very flawed in its concept and context.

Let me see if I can summarize it succinctly and simply for my colleagues. In the 1950's the plans and the routes were laid out for the Interstate Highway System. They were agreed upon by the States. The States bought into it and the Interstate System started, and for over 30 years now it has been settled policy that these interstates would be numbered accordingly as they were set out at that time unless the States agreed to a change. So we have had numbered interstates now for over 30 years.

The interstate that goes across the Mississippi River from Illinois through Iowa is Interstate 80. It crosses the Mississippi River, by Bettendorf and Davenport. I wish I had a map here to show you. Nevertheless, Interstate 80 comes across and, as you know, it is an east-west interstate across the country. There is a small spur that connects on the Illinois side that comes around the west side of the city of Davenport, connecting back up to Interstate 80. That is called Interstate 280.

Thirty years ago, when Interstate 80 was laid out and everyone agreed to its route, Illinois agreed and Iowa agreed. At that time, business people in Iowa started saying, "Well, OK; we should build a gas station here. We will build a motel here. We will build a restaurant here by these exchanges," because of the traffic level on the road. So for 30 years, we have had economic development in Iowa along that route, Interstate 80.

Now, the Chamber of Commerce of Rock Island, IL, comes along and says, "We do not like that. We want to change it all. We want to change the routing of Interstate 80 and name it something else so that the traffic flow east-west, west-east, coming through there will not take the old route through Iowa; it will take another route through our State." That is the essence of it.

For 30 years, businesses in Iowa have built their businesses along this route because they relied upon the governments, the governments of both States—no one is denying that—agreeing upon the routing of Interstate 80. And now along comes the Chambers and local governments in Illinois saying, "We want to change it." Economically, I guess I say I cannot blame them for trying.

But should it be up to us, in the Congress of the United States, after 30 years, to say to the businesses in Iowa, "Tough luck. You built your businesses. You invested along that route. Now we may change it on you." That is what the Dixon amendment is asking us to do here in the U.S. Senate.

It is an economic argument, pure and simple. I can understand the citizens of Rock Island wanting to do that. But it is not fair to the citizens of Iowa and the businesses in Iowa who have relied upon this routing. As I said, it has been there for 30 years. It has been well-settled policy for 30 years. That really is the essence of the Dixon amendment.

I do not think there is any further explanation needed. I have a whole speech here I can give on it. But that is really the essence of it. What the Dixon amendment says is we do not like the way it is, and we want to throw it up to some other body to make a decision as to which would be the best route.

The law is very clear on this. The changing of any designations of interstates have to be agreed upon by the States involved. And if Iowa does not agree to change it, it will not be changed. Now, if Iowa were to agree and Illinois agreed, they could change it.

So I ask again my colleagues who may come in to vote on this issue and say, "Well, this is just an issue between Illinois and Iowa; we do not have any stake in it. Maybe I will vote for this person because he is a friend of mine, because he is a friend of that person," that kind of thing, let me be very frank Mr. President: This could have ramifications for every State in the Nation.

Let us say, Mr. President, your own State of Virginia. I do not know all the exchanges and stuff that go on between Virginia and North Carolina, or Virginia and Maryland, or Virginia and West Virginia, or other States that border Virginia.

But let us say North Carolina came along and said, "We want to change a designation of an interstate here going across the border," and you have businesses in Virginia that for 30 years have built their businesses along that interstate. Well, under the Dixon precedent, if it were to pass, it could be thrown up to some other arbitrator or some other body to decide what to do, to change it, and all those businesses in Virginia would be out the door.

So that is really what the essence of this amendment is, and it could have a dire impact on businesses in every State in this Nation.

I think our present policy is well-settled for over 30 years, that prior to changing any designations of interstates that cross from one State to another, both States have to agree on it. That is the fair way to do it. It is the only way to do it. It has been settled policy for over 30 years. We ought not to change it at this time.

With that, Mr. President, I yield the floor.

Mr. GRASSLEY. I am not sure the debate today, Mr. President, does much to raise the stature of the U.S. Senate in the eyes of the people of the United States, because in a very real sense, I am not speaking to you as a U.S. Senator, I am speaking more, I presume, like the President of the Davenport Chamber of Commerce, just like my colleague from Illinois has to speak to us today like the President of the Moline and Rock Island Chambers of Commerce.

I suppose that it is very difficult when constituents in Illinois come to town meetings, as Senator SIMON said, and brings this issue to them. But there is probably some times that we,

as U.S. Senators, have to tell our constituents that there are processes for working these situations out, and particularly in this instance, there has been a 34-year process for solving these problems, and sometimes they take a long time, but the problems are solved.

But sometimes we ought to just say to our constituents, "You know, this is not something the U.S. Congress ought to be dealing with." We have situations like $300 billion deficits that we have to deal with, and we have problems like a national highway bill that is before us that affects 50 States, not just 2 States.

But since the issue has been brought up, I do not have much alternative but to state a case for my constituents. I think that it is important that the case be stated clearly that this is an economic issue and not one of safety; or if it is one of safety in Illinois today because of exchanges, then that safety problem is going to be transported to an exchange and a safety problem in my State of Iowa. So the same traveling public is going to be faced with the same safety problems.

The question is, if there is a safety problem in Illinois today, tomorrow it is going to be a safety problem in Iowa.

But this is not a safety problem, or we would be representing highway engineers from Illinois or highway engineers from Iowa. We would not be quoting chambers of commerce or local politicians; we would not be acting as spokesmen for our respective chambers of commerce if this was not just simply an economic argument.

I do not know whether the U.S. Senate—I guess I believe the U.S. Senate is not the place to solve a dispute between the Chambers of Commerce of Davenport, IA, and the Chamber of Commerce of Rock Island and Moline and other cities on the Illinois side of the Mississippi River.

There has been a process in place for 34 years, and it has worked pretty well. Otherwise, there would be a lot of Senators from other States here, as the Senator from Illinois is here, trying to have the U.S. Senate solve a problem like this. They have been solved before, and they will be solved in the future. At least, I do not remember any other instance where the U.S. Senate has either tried to solve a question of the numbering of highways, or even change a system that would respond to a specific problem.

So obviously, I strongly oppose the Dixon amendment that would change the procedure, and I would like to state at the outset what this amendment is not about. It is not about establishing a so-called fair process for decisions on the redesignation of interstate route numbers, because that process has existed for a long, long time, 30-some years, and will exist for a long time in the future. And it is not about trying to set up an impartial process whenever two bordering States cannot agree to the numbering designation of an Interstate System.

Mr. President, these concerns are—I guess I will politely call them red herrings. I think that what this amendment is about is economics and money, pure and simple.

In the spring of 1990, representatives of the Illinois Quad City Chamber of Commerce began an attempt to rename the interstate that surrounds and passes through the Quad City area of Iowa and Illinois. The map has laid that out very clearly, as Senator DIXON has shown the Members of this body on that map. Presently the interstate that goes north of the Quad Cities is named I-80. The interstate that goes south of the Quad Cities to Illinois is named I-280. There is a central route through the Quad Cities named I-74. At the time of the effort to rename the interstates, the Chamber of Commerce would have renamed the routes the following way: I-280 would have been named I-80 South and the present I-80 would be named I-80 North.

The proposal has been changed slightly over the past year. Now the State of Illinois wants to rename the northern route through I-74 and the southern route through Illinois I-80, but the effect is very much the same.

The reason there was difference in this approach between 1990 and 1991 is because the Illinois side of the river ran up against the policy set by the American Association of Highway Directors and Transportation Officials that said we were not going to have any more split numbers like I-80 North, I-80 South, we were just going to have numbers. So they came back, then, with a rearrangement of these numbers to I-74 and I-80 so they could get around that policy.

A change in that did not do it, so they come to their U.S. Senator. The thought behind this proposal is that by renaming the interstate routes, traffic would then move to the south into Illinois and away from Iowa. That was and is the stated intent of the renaming of the interstate routes in the Quad Cities. There is no other reason. It is simply a matter of local economics.

I would justify this statement by referring to some of the leaders in the Quad Cities and how they assess the intent of the effort. I would like to give a quote from Mayor Schwiebert, the mayor of Rock Island, IL:

> More motorists driving through the Illinois Quad Cities will spur the development of motels and restaurants along what is now I-280.

Another quote:

> A decision to switch the highway signs would have a significant impact on the Illinois Quad Cities economic development potential.

That was from Ken Schloemer, with the Moline, IL, Zoning Board of Appeals.

Ed Winborn, chairman of the Bi-State Regional Commission said, "This is a very divisive issue." I guess we have proven that here today, between the Senators from Illinois and the Senators of Iowa. I go on to quote the chairman of the Bi-State Regional Commission:

> It is an out-and-out attempt to steal away 20 to 30 percent of business from Iowa Quad Cities. It's literally highway robbery.

Larry Reed, executive director of the Davenport Chamber of Commerce, said:

> If you divert some portion of that traffic from I-80 to I-280, all you've done is taken and added some business to the Illinois side of the river and you've done it at the expense of the Iowa side of the river.

That would bring me to, I think, a more important point. This area of the Quad Cities of the two States was very much hurt during the agricultural depression of 1980's. There was a tremendous amount of manufacture of heavy equipment, Caterpillar, John Deere farm equipment, International farm equipment, Case farm equipment, and a lot of these plants are just simply closed now.

Let me tell you what happened on the Illinois and Iowa sides as a result of this economic depression. We had a tremendously high degree of cooperation between the Illinois side of the river and the Iowa side of the river on economic development. How are we going to cooperate to increase jobs? There was just a high degree of cooperation for economic development. In fact, every year I hold an economic development summit, where I bring Federal officials out to Iowa. We did this in Quad Cities in 1987, in conjunction with Illinois as well. Since then I have held four others in four other cities in Iowa. But that is one example of the cooperation of these States on economic development. On both sides of the river the business leaders, community leaders, political leaders, are in this to sink or swim together, to create jobs, to bring about economic development. And there is this high degree of cooperation.

This is one little fly in the ointment that brings too much dissension when there should be a great deal of cooperation. That has already been demonstrated there.

It seems to me this is one of those things that can be worked out other ways, if there is a need to work it out, although I said there has been no question about this for 34 years. Or maybe it is just one of those things where every city has some advantage over another, and in other respects other cities have other advantages. So, consequently, you live with your weaknesses and you live with your strengths. Cities have some strengths and some weaknesses and then other cities have other strengths and weaknesses.

But, in this particular area there is a great deal of balance and there is going to be more balance as we continue this cooperation. But this is not an example of the kind of cooperation that has existed on economic development over a long period of time:

This effort would be one more bit of divisiveness at the time the Quad City cooperation would help both sides of the river. The Quad Cities should be building bridges, not building walls.

That is from the Iowa side of the river, the Quad City Times. It seems to me they express it very well.

As these quotes show, this is an attempt to move economic development benefits from the State of Iowa to the State of Illinois. In fact, the quotes of the proponents of this plan state quite openly that this is the reason. The American Association of State Highway and Transportation Officials is responsible for numbering the interstate system. It has been that way for 34 years. The State highway agencies——

Mr. DIXON. Will my colleague yield at that point?

Mr. GRASSLEY. Yes, I will yield.

Mr. DIXON. Will my colleague concede the fact that this State highway group that he has just cited cannot change the number of any highway unless the two States impacted by an intersecting highway agree? Will he agree that is the state of the law?

Mr. GRASSLEY. Yes. I will agree that is the policy. And that brings up a very good point that legitimately ought to be addressed. That point is that you are talking about initial efforts that have been made here. There are still processes that can be made. I can quote letters from the American Association of State Highway and Transportation Officials where they are willing to work to try to find solutions to this problem. So this process has not been worked out to where there is no hope.

Mr. MOYNIHAN. Will the Senator from Iowa yield for one moment just for a comment?

Mr. GRASSLEY. I will yield.

Mr. MOYNIHAN. I would like to report to the Senate that the latest news is that the respective State National Guards of Illinois and Iowa have disengaged and have withdrawn to 20 miles within their respective lines. This seems an appropriate moment to consider whether we cannot postpone the resolution of this subject to another time and, perhaps, place.

We do have large issues. Not that this is a small one. It can lead to a lot of troubles. But in the main, Americans have been able to handle these things. By and large, cross one State on one numbered road, you find the same number on the other side of the line.

But when my colleagues have said enough, I must tell them that I will move to table.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, this is a classic situation where, when the political figure is asked a question on an issue of where he stands, he says, "Well, half of my friends are for it and half of my friends are against it, and I am for my friends."

I think that is the situation that Senator MOYNIHAN and I find ourselves in, Mr. President. These people are all our friends. They have a legitimate dispute. But for the Senate to try to change the method at this point, as our colleagues from Illinois are suggesting—and they may well be right in the way they would like to get the road designated, but there is obviously some concern on the part of the Iowans—it seems to me that it is inappropriate for us in the Senate to take that position.

I suggested to Senator DIXON earlier that maybe what we could do is let the States agree that whoever wins the football game next fall between the University of Illinois and the University of Iowa, decide it. He thought he would rather do it with the Chicago Bulls. So I can see that solution is not going to work. I think Senator MOYNIHAN and I have no choice but to go ahead and move to set this aside for now and hope these two States can settle it.

(Mr. SHELBY assumed the chair.)

Mr. DIXON. If my colleague will accommodate me. I understand what the outcome is going to be if the managers are opposed, but I want to be heard in conclusion on this issue and then we can vote on it and the Senate can work its will. I did not want to take up too much time, but I did want to conclude——

Mr. SYMMS. I still have the floor. Let me conclude. I want to say there is no Senator—and I wish I could somehow accommodate Senator DIXON—there is no Senator I am more fond of. I talked with him last night and I wish that somehow we could accommodate the Senators from Illinois on this issue. But I do not see how, as a manager of the bill, we can do that when the other two Senators obviously are so strongly opposed to what is going on. It has nothing to do with personalities, but is a matter of settling the issue. I think most of us in the Senate do not have a dog in this fight, as our former majority leader Howard Baker would say, but it is here, it is before us and we are going to have to vote on it. It seems to me the only logical thing to do is let the Senators from Illinois be heard and let all Senators vote however they wish on the issue.

I only remind my colleagues, we will be changing the method of naming roads and it does leave a group of people in a certain State the opportunity to feel like they have been cut out of an economic opportunity by Uncle Sam in Washington if this amendment should be accepted. I do not think it would be the end of the world if it is accepted, but I will join with Senator MOYNIHAN to move to table when the time comes, with all due respect to my colleagues.

I yield the floor.

Mr. MOYNIHAN. The Senator from Virginia would like a moment to make a general announcement.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, over the past several days, a group of us in this legislation, including our distinguished chairman and the leadership of the Senate, have been meeting to see whether or not we can come forward with some resolution of this most difficult issue of the apportionment.

The chairman and I have just left this meeting, and the purpose for my seeking recognition is in an effort to move this bill along. I simply say, at 1:30 today, those Senators who worked with Senator BENTSEN and myself, the Senator from Florida, the Senator from Missouri and many others, will be meeting in room 232-A of the Russell Building. The Senators must be present if they want to continue to express their interest along the lines we have espoused thus far, because the leadership of the Senate has made it clear this bill has to move forward and I would like to have my good friend from Texas join me. The purpose of rising, I say to my friend from Texas, was simply to say room 232-A at 1:30.

Mr. BENTSEN. Let me emphasize, we are talking about the donor States. I do not know if it was clarified. But I will say to those Members listening or staff watching the television broadcast, it is essential that they be there and be represented if we are going to try to move this bill forward.

Mr. WARNER. That is correct. I thank my colleagues.

The PRESIDING OFFICER. Is there further debate?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I sense that the managers are going to suggest to my colleagues that they oppose my amendment and will move to table. I am concerned only about the fact that as colleagues and friends, so many here shrink from the task often that ought to be done.

I appreciate the fact that this is an argument between two States, but I state for the record that I have two people for whom I have the highest personal regard on the other side of this argument, the senior Senator from Iowa, who happens to be a Republican, and my friend from this side, the distinguished Senator from Iowa, who has worked very closely with me on this

side of the aisle. But the fact is, and everybody here knows it, the vote to table this amendment is a vote for chaos, absolutely a vote for chaos. May the record show that. If that is a demonstration of our fundamental responsibility to discharge our duties as U.S. Senators, then I weep for the performance of those duties from time to time in this Chamber.

Everybody in this Chamber knows, the two Senators from Iowa know and the managers know, that you cannot renumber a highway now that runs between two States unless the two States agree. Now somebody might say that is funny; it makes no difference. I say to my dear friends, see this interchange right here between Illinois and Iowa, people coming along that interchange, when they get to that interchange traveling on 89, turn off and go around and stay on 80 instead of staying on the road. That is how it happens. They slow down from 65 to 15 or 10. There are accidents. People are killed. People are hurt.

Sure I can see there is an argument between Illinois and Iowa and, Mr. President, let me say what I said earlier, if we are wrong, they ought to rule against us. This is not an argument about whether we are right or wrong or they are right or wrong. This is an argument about the fact that the law does not find an answer. The law is chaos, but we will vote, I think, in a moment, Mr. President, for chaos. Oh, I weep for that. I do not care if I am right or wrong. If I am wrong, they are going to rule against me.

This is a simple amendment. It says it goes to the Secretary of Transportation who gives it to a committee. Nobody from Illinois or Iowa is on that committee. Then they rule, and that is binding. And if we are wrong, we are wrong. And I want them to rule against us.

May I say that, Mr. President? Rule against us, but, my God, rule.

I see in the balcony representatives of the media in this area who just wrote an article the other day in the Washington Post. It took 16 years—16 years—for Virginia and Maryland and the District of Columbia to renumber the belt line that goes around this city that we all drive on. Sure, everybody in here knows how to get along that belt line, and everybody in that balcony knows how to get around that belt line. But does somebody from Kentucky, or Nevada, or California, or Texas, or Minnesota, or Louisiana know how to get around that belt line? No. And you know what happens? They get killed, they get hurt, they make mistakes and nobody cares. My God.

Thank you, Sandy, My Sandy writes—oh, how true—numbering ought to be logical and generally reduce congestion and confusion for drivers. That is a good thought, I say to Sandy. Thanks for giving that to me. May the record note, numbers ought to be logical and generally reduce congestion and confusion for drivers. Thanks, Sandy.

My friend from Iowa says that has been the law for 34 years. So they say if it is a bad law, do not change it. That is his point. Listen to this. Here is Sandy. Thanks Sandy Chiu for this.

But if a mistake is made, or traffic patterns change, or a better solution is found, nothing can be done to correct it. That is right, Sandy. When they vote them in, and they table my amendment, that will be the state of the law, Sandy.

I stress that more than economics are involved, and interchanges are dangerous. This interchange is dangerous. It requires a 90-degree turn in a high-accident location and requires drivers to drop highway speed from 65 miles to 10 or 15 miles an hour.

I recognize what is going to happen to this amendment. But I will tell you something. When we are finished we will not have solved a problem that exists all over America to change the number of any highway where it goes between two States. That will be the case in the law, that any time two States cannot agree, there is no solution. That is a pretty dumb state of the law, pretty dumb. But I presume that is what will occur. I only say it may be a small matter in a $105 billion highway bill. But I bet you one thing. If we ran everything in the country the way we are going to deal with this issue, this country would be in pretty sorry shape.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. The Senator from New York only would note that the English word "chaos" is derived from the Greek word "gas."

The real dispute among us is how to allocate the gasoline tax without in any way meaning to minimize the importance of the Senator's statements and his colleague's statement. Even so, Mr. President, on behalf of myself, and my associate, comanager, I move to table the amendment.

The PRESIDING OFFICER. The question is on the motion.

Mr. DIXON. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from the State of New York to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—72

| | | |
|---|---|---|
| Adams | Garn | McConnell |
| Baucus | Gore | Mikulski |
| Biden | Gorton | Mitchell |
| Bingaman | Graham | Moynihan |
| Bond | Gramm | Murkowski |
| Bradley | Grassley | Nickles |
| Brown | Harkin | Packwood |
| Bryan | Hatch | Pell |
| Bumpers | Hatfield | Pressler |
| Burdick | Helms | Reid |
| Burns | Inouye | Rockefeller |
| Byrd | Jeffords | Roth |
| Chafee | Kassebaum | Rudman |
| Coats | Kasten | Sanford |
| Cochran | Kennedy | Sarbanes |
| Cohen | Kerrey | Seymour |
| Craig | Kerry | Simpson |
| D'Amato | Lautenberg | Smith |
| Danforth | Leahy | Specter |
| Daschle | Lieberman | Stevens |
| Dole | Lott | Symms |
| Domenici | Lugar | Thurmond |
| Durenberger | Mack | Warner |
| Exon | McCain | Wellstone |

NAYS—26

| | | |
|---|---|---|
| Akaka | Ford | Nunn |
| Bentsen | Fowler | Riegle |
| Boren | Glenn | Robb |
| Breaux | Heflin | Sasser |
| Conrad | Hollings | Shelby |
| Cranston | Johnston | Simon |
| DeConcini | Kohl | Wirth |
| Dixon | Levin | Wofford |
| Dodd | Metzenbaum | |

NOT VOTING—2

| | |
|---|---|
| Pryor | Wallop |

So, the motion to lay on the table the amendment (No. 322) was agreed to.

Mr. SYMMS. Mr. President, I take the floor to describe in part an amendment Senator MOYNIHAN is preparing to propose to alert our colleagues so they will please look at this amendment because I think it is a very important amendment.

The administration has been very interested in having a National Highway System, and the committee has been in no way hostile to the administration's request to have a national highway system. It was only a matter of two things: flexibility in the bill as well as how much money there was available.

We think we have come up with an amendment that should be very consistent with the amendment Senator BREAUX and Senator DURENBERGER have been working on, and also consistent with what the administration has been working on.

Mr. President, if the Senator from New York would like, I will read what is in this amendent so Senators can be alerted to what we are proposing here

this morning. I want to quote from the amendment:

(a) The National Highway System shall be established to provide an interconnected system of principal arterial routes to serve major population centers, ports, airports, international border crossings, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. The National Highway System shall consist of the Interstate System, all roads functionally classified as non-Interstate freeways and expressways, and all roads functionally classified as urban and rural principal arterials (including toll facilities), as of June 1, 1991.

(b) Each State shall expend at least 20 percent of apportionments provided by section 103(b)(1) for the Surface Transportation Program on projects on the National Highway System. Amounts authorized by section 103(b)(1) of this Act do not include any amounts transferred to the Surface Transportation Program from the Interstate Maintenance Program.

(c) On September 30 of the years 1992, 1993, 1994, 1995 and 1996, the Secretary may designate additional mileage for the National Highway System: *Provided*, That such additional mileage is consists of segments of the Interstate System, or segments functionally classified as non-Interstate freeways or expressways, or urban or rural principal arterials (including toll facilities).

(d) If a State certifies to the Secretary that apportionments required to be spent for projects on the National Highway System pursuant to subsection (b) are in excess of amounts needed to adequately maintain National Highway System routes within the State, and the Secretary accepts such certification, the State may use such excess apportionments for any project eligible under the Surface Transportation Program. The Secretary shall develop and make available to the States guidelines for determining what shall constitute adequate maintenance for the purposes of this subsection.

Mr. President, this language comes right out of the request by the administration; this is the administration's language. It is consistent with what Senator DURENBERGER and Senator BREAUX have been so interested in.

I have encouraged the floor manager, Senator MOYNIHAN, to move ahead with this. We are not in any way trying to preclude the efforts of our colleagues in this respect. We have waited here for 3 days for Senators to come in and offer amendments.

In my judgment, this amendment offers a very good compromise between those people in this entire debate—that has been going on for 2 or 3 months—to maintain the flexibility for the States, give us a National Highway System of some 180,000-plus miles and, if you calculate out how much money would then be spent, it would amount to somewhere in the neighborhood of 36 percent would be spent on this 5 percent of the highways.

I know from looking at most of the States in the country this would not interfere too much with their flexibility, but it would still keep us dedicated toward a national highway system and, in the long-range view, the efficiencies this country could enjoy by having a national highway system that would add to and be consistent with what we have benefited from the interstate program.

That is essentially what the amendment would do. So I urge all Senators to look at this amendment. If they have suggestions, bring them to the floor. And I think in due time the floor manager may choose to introduce this amendment. Personally, I think this is a very, very good starting point. I think it is something that the administration would look favorably upon, and it would give us a position in this bill to work favorably in the future to improve the efficiencies of the National Highway System.

Mr. President, I yield the floor.

Mr. REID and Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Nevada wishes to speak.

Mr. REID. I have an amendment to offer, and I know you want to get them all out of the way.

Mr. MOYNIHAN. That is fine.

If the Senator will be kind enough to let me just make a few comments.

Mr. REID. Yes.

Mr. MOYNIHAN. Mr. President, the amendment that the Senator from Idaho discussed on the National Highway System will be offered very shortly. I would just like to give to the Senate a sense of what we are doing here.

There now exists, Mr. President, a highway system in the United States which is called, very simply, the principal arterial system. Now there are urban roads and there are rural roads and there are variations, but all comprise the principal arterial system. It is made up of the Interstate System plus some 140,000 miles of other roads. They are well known.

Here is a map for Senators who would like to see them. These roads began, many of them, as Indian trails; probably most of them as Indian trails. They were, in most cases, the way West and South. I am sure the Natchez Trace is on there, and in New York State, the Western Turnpike that went out of Albany, where the Conestoga wagons traveled. Conestoga is a town on the way, parallel to the Erie Canal. And railroads too. These are historic routes that Americans have made across their country. They are not a very large portion of the road system. In mileage terms, we have altogether—to be more precise than probably possible 3,876,871 miles of road so designated in our country.

This system that we propose will be made up of 184,871 miles, 4.8 percent of public road mileage. Call it 5 percent. And to that 5 percent, we allocate about 36 percent of the moneys in this bill.

The great bridges that cross the Black Warrior River, or should, the Mississippi, the Missouri, the Ohio, are all on this system, and they are the ones you really have to take care of. You do. You make a first claim on the State highway department. So, including bridge funds, we will give 36 percent of this money toward 5 percent of the roads.

This matters to the administration and it matters to the managers of this bill. But we are not quite ready to offer the measure.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. MOYNIHAN. Mr. President, I apologize for that interruption. The Senator does yield the floor.

We will be offering this amendment shortly now, but the distinguished Senator from Nevada, our colleague on the committee, is seeking recognition and has an amendment, and we look forward to hearing it.

AMENDMENT NO. 323

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 323.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 31, line 5, before the period, insert the following: ", unless such highway or bridge capacity expansion project conforms with the applicable State implementation plan of the State approved or promulgated under section 110 of the Clean Air Act (42 U.S.C. 7410), as described in section 176(c) of the Clean Air Act (42 U.S.C. 7506(c))".

On page 34, line 12, before the period, insert the following: ", unless such lanes conform with the applicable State implementation plan of the State approved or promulgated under section 110 of the Clean Air Act (42 U.S.C. 7410), as described in section 176(c) of the Clean Air Act (42 U.S.C. 7506(c))".

Mr. REID. Mr. President, the amendment that is now before the body would allow the addition of capacity, that is the addition of lanes to interstate highways and bridges with interstate maintenance funds where these projects are part of the program to achieve the air-quality goals required under the Clean Air Act.

Without these projects, an area like Clark County, which is in the Greater Metropolitan Las Vegas area, simply cannot meet the clean air rules as we established them in the establishment of the clean air amendments last year.

Mike Naylor, the planner who is most involved in the clean air work in the Las Vegas, testified to the Environment and Public Works Committee that adding capacity to the Spaghetti Bowl Interchange was the only way left

for Las Vegas to come into compliance with the Clean Air Act amendments.

Under the amendment that is now before this body, no capacity could be added that did not comply with the clean air goal, and no State would get additional funds for using its interstate maintenance portion this way.

It is in keeping with the overall goals of the bill that is now pending before the Senate. The types of projects about which I have spoken are so large in costs that the States need flexibility to use interstate maintenance funding for these purposes if it becomes necessary.

These projects, Mr. President, can be done with Surface Transportation Programs funds under the bill as it is now written, and up to 20 percent of interstate maintenance funds can be transferred into the STP fund. However, to go beyond 20 percent takes approval by the Federal Highway Administration. For approval, the State must show that all maintenance needs have been accomplished.

Therefore, the State of Nevada would have to show that, for example, I-80, which is a rural area road traveled by about 3,000 vehicles a day, is in effect perfect in maintenance before the State would be allowed to use these Surface Transportation Program moneys to widen I-15, which passes through Las Vegas and is traveled by about 135,000 vehicles a day; 3,000 vehicles, 135,000 vehicles. They, in effect, would have to show that they do not need the funds for the I-80 repair.

Mr. President, in a State like Nevada, with a large urban area and lots of rural, low-volume miles, the bill sets up a tradeoff between air quality and maintenance. The bill does not give us a choice. We must fix the pavement on I-80. We are not saying we will not maintain I-80 properly, but there must be some discretion given the State.

The Federal Highway Administration is directed by the bill to set standards to which we will have to comply anyway, regardless. So we need the flexibility to do both, and so do other States: Virginia, Florida, Texas, Colorado, to name only a few.

Surface Transportation Program funds must cover primary, secondary, and urban needs. Nevada has a primary road, U.S. 95, that is almost 500 miles long, connecting Las Vegas and Reno.

Our surface transportation funds must be used on this road that stretches the equivalent of the distance between Washington, DC, and Boston, MA.

Mr. President, there simply is not enough in the surface transportation moneys to take care of everything.

Along U.S. 95, there are also about 20 Federal installations. U.S. 95 must be maintained for national defense needs. This is something that our bill does not address. Nowhere, for example, is the Secretary of Defense consulted, even though this highway system that we have was originally envisioned by President Eisenhower to be part of our national defense system. So we must still recognize the importance of these roads to national defense.

The amendment, I want everyone to recognize, takes no money from other States. The amendment does not add money to the bill. The amendment does not transfer money from one program to another. It simply allows States flexibility in using funds to meet the clean air needs set by the Federal Government.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise in support of the amendment of the senior Senator from Nevada.

The Environment and Public Works Committee is to be commended for the innovation it has exhibited in the development of this highway bill.

While I do not support every change proposed by the committee, there is no doubt that the bill provides increased flexibility for State and local planning agencies, especially as transportation relates to clean air concerns.

Under the committee's bill, there is one section, however, where some much needed flexibility is missing. In 1981, Congress expanded the existing interstate maintenance category, then called the 3-R Program, to create the current 4-R Program.

While the 3-R Program funded the resurfacing, restoring, and rehabilitating of the interstates, the 4-R Program added reconstruction to the eligible list of projects. Under the highway bill reported by the Environment and Public Works Committee, however, the "fourth R," reconstruction, is largely eliminated.

Specifically, the committee proposal eliminates the ability to fund projects which increase the capacity of the interstates under the interstate maintenance category.

As the senior Senator from New York describes quite eloquently in his introduction to the committee's report on S. 1204, two factors, clean air and flexibility, were among the highest priorities of the committee as it drafted this legislation.

To quote from the committee report on the subject of clean air:

> The Committee's concern with traffic congestion is necessarily associated with environmental issues, especially those addressed by the Clean Air Act Amendments of 1990, which occupied the Committee for much of the preceding decade. . . .

On the subject of flexibility the floor manager of S. 1204 is equally clear:

> The moment calls for flexibility. No one state or city is exactly like another. Our job must be to facilitate and reward the best mix of transportation modes suited to specific jurisdictions. . . .

The amendment offered by the senior Senator from Nevada addresses both of the committee's concerns: it corrects the lack of flexibility in the interstate maintenance category by permitting the funding of added capacity, but it only does so if such added capacity is consistent with an approved clean air plan.

Mr. President, the lack of highway capacity on the major highways in Nevada is our single greatest congestion and clean air problem.

The two major urban areas in Nevada are moving forward with plans to address the congestion and clean air problems of the State through alternatives to highways, including a greater use of mass transit.

The mass transit system in Washoe County, where Reno is located, is a model system for a community of its size. In Clark County, where Las Vegas is located, voters recently approved a quarter percent increase in the sales tax to be earmarked solely for transit.

Nevertheless, even full implementation of such alternatives will not solve Nevada's transportation problems. Nevada's interstates are old, having been built in the 1960's, and are in need of repairs.

In many areas, Nevada's interstates operate far beyond capacity. The condition of our interstates is a hazard, both in terms of safety and in terms of air quality. The safety problem may be partially addressed without adding new capacity, but the air quality problem cannot.

As Mr. Mike Naylor, of the Clark County Health District, testified before the Environment and Public Works Committee earlier this year, if Clark County is to meet its clean air targets, it must get the cars on the interstates moving. Clark County cannot do this without added capacity.

In the past, several of Nevada's most important highway projects have been funded from the 4-R Program, and many of these projects involved added capacity.

Most recently, the State was successful in securing funding under the Interstate 4-R Discretionary Program for a reconstruction of the Spring Mountain Interchange on I-15, a project that is essential to both the congestion and clean air management plans of Clark County.

To provide a prospective example of the need for this amendment, one of the most important projects in southern Nevada today is the interchange at the intersection of I-15 and U.S. 95, an interchange we refer to as the Spaghetti Bowl.

The estimated cost of this project is at least $65 million—an amount equiva-

lent to Nevada's total yearly Federal aid allocation in recent years.

The Spaghetti Bowl is already operating beyond capacity, and the situation will only get worse.

If this project is to be financed, the State of Nevada will need to draw on a variety of funding sources, and needs the flexibility to use a portion of its interstate maintenance funds for this important project.

Effectively, the bill as reported by the committee places 16 percent of the State's allocation off limits to the Spaghetti Bowl project.

Mr. President, the title of the committee's bill is "The Surface Transportation Efficiency Act of 1991." I would hope that the reference to efficiency applies both to the efficiency of the movement of goods and people and to the efficiency of our Federal highway dollars.

Limiting the use of interstate maintenance funds to preclude added capacity reduces the States' ability to choose the most efficient highway projects.

The point at which an interstate needs major repair would seem to be the most efficient time to make decisions regarding the future of that interstate. The States need to be allowed to choose the most efficient alternative.

By encouraging States to rebuild interstates without adding capacity, when added capacity is clearly needed, the committee's bill could, in the end, waste valuable Federal highway dollars.

The most admirable quality of the committee's bill is its assertion that decisions on project priorities are best established at the State and local level. I agree.

The Surface Transportation Program contained in the bill allows almost complete discretion to the State and local governments.

While I understand, and support, the provision which requires a certain amount of funding to be used solely for the maintenance of the interstates, we still need to provide the State and local governments the flexibility they need to spend these funds in the most efficient manner possible.

Mr. President, I think it is important to mention two things that this amendment does not do. First, it does not change in any way the allocation of funds between the States, an issue which has dominated most of the debate on the highway bill.

Each State will receive the same apportionment, but will be allowed more flexibility in deciding how these funds will be spent.

Second, the bill does not divert any funds away from the interstate program. Interstate maintenance funds will still be spent where they belong—protecting our investment in the Interstate System.

I speak with some experience and background on our State's own highway program. The Nevada State highway program is managed by a State board of transportation commission. On that commission are three elected officials: The Governor of our State, the attorney general, and the State comptroller.

I was privileged to serve for a decade as a member of that transportation commission. I know first hand the kind of attention, the kind of detail, the very thoughtful consideration made in terms of each of the projects which is considered and approved by that commission.

Nevada, as in every State, does not have enough money to do all of the things that it needs. Therefore, it requires a prioritization. That is a process which is done on an ongoing basis year after year, both in terms of short-term projects, as well as long-term projects. Let me implore my colleagues to provide transportation boards, such as exist in Nevada and other States, the necessary flexibility that they need to make the decisions that are right for each of the States and our local communities that are affected by those decisions.

Mr. President, the interstate maintenance category is important and should be protected. We should not, however, lose sight of the purpose of the Interstate System. The idea is not simply to repair the potholes and fix the cracks on every mile of the interstate pavement. The idea is to preserve and enhance the transportation system provided by the Nation's Interstate System. In many cases, this does involve repairing pavement, but in other cases it may also involve increasing capacity. A well-paved interstate with cars at a standstill is clearly not in the national interest. Without this amendment, this is the kind of situation which my constituents in Nevada may face in the very near future.

Mr. President, I urge my colleagues to vote in favor of this amendment. I thank the Chair, and I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. GORE). The senior Senator from Nevada.

Mr. REID. I commend my colleague from Nevada for his fine statement and direct a question to him. As a member of the highway board, in effect, what kind of decisions did the highway board have to make as to what would take place in the State of Nevada?

Mr. BRYAN. If I may respond, Mr. President, to my senior colleague, there are many factors that were taken into consideration. But, clearly, there had to be a ranking or a priority and among those priorities would be how the system was being used: The amount of traffic, amount of travel, any safety problems that might be involved; frankly, the cost of the project.

It was always our purpose to make sure that we were able to maintain the existing system. That was always a very important priority. Then we had, frankly, to make a decision among all the competing requests. Each of the counties had their own project, as my senior colleague well knows, and then we had to make a tough decision. Frankly, not everybody was pleased with those decisions. I would say it was a very thoughful process, as I characterized it, and one in which great attention was given.

I believe the process we used, if I might respond to my senior colleague, deserves the support of every Member of the U.S. Senate because it was not an indifferent or cavalier approach. It was very thoughtful and our three top elected officials in our State—as I pointed out earlier for those who may not be familiar, the Governor, the attorney general, and the comptroller are the three elected officials on that board—serve on that board.

Mr. REID. If I could direct another question to Senator BRYAN. Also because of the clean air amendments having passed, this highway board that he sat on for a decade is now going to have to take into consideration the problems caused by the clean air amendments, and in southern Nevada we have a problem. The amendment that is now pending before the Senate would allow the State of Nevada to meet some of those demands. If the amendment is not agreed to, those opportunities will not be available, is that not right?

Mr. BRYAN. The senior Senator from Nevada is quite correct. The two metropolitan areas in our State, as the senior Senator from Nevada knows very well, the trucking meadows in northern Nevada, and the metropolitan Las Vegas areas are in nonattainment zones. The primary cause of the nonattainment is emissions from the automobile. In order to reduce those emissions, it makes sense in terms of achieving the objectives of the Clean Air Act, provisions which the senior Senator of Nevada, as a member of the committee, was initimately involved in drafting in the last session and was strenuously supported for those changes to the Clean Air Act which toughens the standards. I was happy to support his efforts and others on the committee. But, in order to reach the kind of clean air standard that is set, we are going to have to move traffic more efficiently. And one of the ways in which we can do so, in addition to the public transit which I know is very much encouraged by this legislation and which Nevadans have responded both in northern Nevada several years ago by developing a reasonably comprehensive bus system and as recently as last fall, as the distinguished Senator knows, approved in Clark County by a vote of the people, we are going to

have added capacity on some of those thoroughfares that are part of the Interstate System in both southern Nevada and northern Nevada, or our hands are going to be tied.

So it is going to be critical. The highway board, to respond directly to his question, is not unmindful of that challenge and they are going to have to look at these clean air provisions to make sure the highway program is designed in such a way that it facilitates sustaining that standard.

Mr. REID. I thank the Senator very much. I will indicate and repeat that this amendment does not transfer any money from one program to another. It does not add money to the bill. It does not take money from any State. I ask my colleagues to join in supporting this legislation to allow the State of Nevada, and some other States, to be able to comply with the Clean Air Act amendments.

Mr. MOYNIHAN. Mr. President, we have frequent occasion in this Chamber to refer to the wisdom of the founding statesmen who drew up the American Constitution in Philadelphia in 1787. As I listened to the two Senators from Nevada, I was, once again, persuaded of the wisdom of the Founders who provided that each State should have only two Senators. If there were four Senators from Nevada with as much eloquence and charm and intelligence and experience, I think the rest of us would be effectively reduced to a permanent minority in this body.

They make an exemplary case, a persuasive case with respect to their State's own specifics. Not for nothing did the population of Nevada increase by one-third in the last decade. If I knew that I would be represented by two such Senators if I moved there, a case could be made for moving there to be represented by two such exemplary legislators. And yet in this one instance, the committee is constrained to feel we have to stick with our legislation. Over and over we have heard that the Interstate System is crumbling. It has to be true, if that many people say so.

We asked ourselves, Why? How could it be crumbling? The first dollar of the highway trust fund goes to maintaining the Interstate System. But in the 1980's half of that maintenance money went to adding capacity. We do not want to say you cannot do that.

Prof. Stephen Morrison in our hearings invoked the image from the Field of Dreams, the fellow in the Iowa cornfield that built the ball park. He said, "If you build it, they will come." You build that extra lane, and it will fill up. You may be sure. But that is your choice under our program.

What we have to say is that the money set aside for interstate maintenance, that 60 percent, has to go to maintenance. There is too much testimony about the ever increasing and rather mindless increase of capacity where you simply have congestion as a result of a bad pricing system. Think rationing, think market systems, think how to get more out of what you have rather than just mindlessly adding to it. We have learned in 35 years that adding capacity does not produce much.

We have in the surface transportation sector a cost share. Half the money goes there. That money can be used for anything you think best. If you want to add new capacity, the cost share is 75 to 25. The trust fund puts up 25 cents on every dollar, not the 80 percent put up for other purposes. But the money is there. We want you to use it as you think best.

I think there can be no question that in Nevada you are going to have to redesign parts of the Interstate System. That goes with growth. We all have those spaghetti bowls.

The city of Albany is like an old piece of velvet—covering up those great 18th-century streets, brilliant architecture of the early Republic, the old Van Rensselaers, the Dutch founders.

The Interstate System went in there and smashed, and crashed. What Nelson Rockefeller did not destroy, the Interstate System completely mopped up for him. There is the mall that someone described as the "architecture of coercion." They took the great Hudson River and put 98 lanes of 7-story high Interstate System in front of it, whirling around, more like a tornado than a spaghetti bowl. It just never stops.

I wrote to say, "How could you have done that to our river and our capital?" The Secretary of Transportation wrote back and said, "How very nice of you. I really much appreciate your inquiry, and you are quite right. It was extraordinary and it won a prize for design." That is called public sector disease. It is the cost of free money.

So to say, sir, with great respect, Mr. President, having acknowledged that the case has been formidably presented, I say to our friends that the bill as reported has a distinct provision that interstate maintenance money must be used for maintenance. The temptation to add capacity and neglect maintenance is too much in evidence.

We have had a Senator on this floor in this debate describe a situation where driving along an interstate highway he said, "My God, I have had a flat tire." He pulled over on the interstate and found his tire was fine. Interstate have deteriorated where you think your tire blew out because of the conditions of the paving.

I am joined by my comanager, the Senator from Idaho, and when the Senators from Nevada feel they have made their case in sufficient detail, we will have to move to table.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the kind comments of the senior Senator from New York. It was my desire, after he had completed his commendation of the two Senators from Nevada, to figure out some parliamentary maneuver so I could interrupt him at that time because I knew what was coming next.

I would just remind Members of this body that the problems that have been outlined by the Senator from New York were taken into consideration prior to offering this amendment. As a member of the committee I sat through litrally days of hearings held by the Senator from New York, as chairman of the subcommittee, which committee put its stamp of approval on this legislation. There is no question that the maintenance of the Federal highway system is important.

But I stress to this body that we have a situation in Nevada which I think that is unique. There are some of other States, I have outlined what States they are, but, that is, a rural highway with 3,000 vehicles a day traveling over it; in southern Nevada, I-15, 135,000 vehicles each day.

We have been told by Nevada's leading expert, Mike Naylor, that the only way we can comply with the clean air amendments is by adding capacity in certain areas of that interstate.

With the amendment that we have offered, we are not taking money from any other State. We are not transferring moneys and programs. We have in this amendment taken into consideration that no State will be harmed, that it will not add any money to the bill. I repeat, it will not transfer money from one program to another; simply that this amendment allows States in an effort to comply with the Clean Air Act to add moneys, spend more money out of the surface transportation program, and not take it from the maintenance program.

We hope the Senate will agree that that amendment is in keeping with what we are trying to accomplish with this surface transportation bill. This bill does not stand alone. It is important that we have a sound surface transportation program in this country.

But also there are other things that we have done in this body, the other body, that the President has signed, that has a direct impact on the folks back home. One of those is the clean air amendments that we passed last year. As a result of those clean air amendments, the documents set down in those clean air amendments, we have to comply with them. We have been told that we, the State of Nevada, cannot do that unless we add the capacity, especially at the so-called spaghetti bowl, that, by the way, is already built.

So I ask Members of this Senate to closely look at this legislation. Look at it because it is important not only to the State of Nevada. It is important to the States of Texas, Florida, Virginia, Colorado, just to name a few of the States that would benefit from this legislation.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Nevada.

Mr. BRYAN. I thank the Chair.

The distinguished Senator from New York has through his erudition and charm informed, delighted, and entertained his colleagues and the Nation for many years. I am very grateful for his personal reference to both my senior colleague and to me.

I must say that I find myself, perhaps to his surprise and other colleagues, in remarkable agreement with some of the statements that he has made. I believe that some of the designs in a less-enlightened period in our Nation, in which cities have been carved in half, in which extraordinarily irreplaceable unique natural beauty has been destroyed, is a legitimate concern and a criticism.

He has cited in his own State, Albany. Senator REID and I have described the Washoe Valley in our own State in which through that magnificent open field this highway is cut right through the middle of it. Today that would not be possible because of the requirements of the National Environment Policy Act which was not then in force.

I can recall as an undergraduate at the University of Nevada in Reno for decades the argument was put forth as to where to put the Interstate System. I say to my friend and the distinguished chairman, if that had been taken literally just a few hundred yards to the north of where it is presently situated, much of the delightful old part of the city of Reno adjacent to the University of Nevada, my old alma mater, would not be there.

So I do not disagree with the premise upon which he approaches it. I think one distinction I will make—and I will yield the floor, because others seek to be recognized—this issue that Senator REID and I are pushing today, we are not talking about new interstate highway construction; we are talking about a system in place that, because of the enormous investment, simply cannot be replaced.

I am sure if the distinguished senior Senator from New York has his choice, he would love to replace that monstrosity he described in Albany. But the reality there is it would be an enormous investment, and it probably will not take place.

So in that city, as well as others across the country, we will have to function with that. So we are not talking about constructing new interstates which carve out these delightful scenic vistas, or doing great violence to old communities and tear neighborhoods apart, and all of the things the Senator has spoken to. We are talking about a system that is in place and needs expansion and additional land.

As Senator REID has so precisely pointed out, what we seek to do is provide the flexibility to help us achieve a goal that I know the Senator supports, and each Member of this Chamber supports, and that is to clean up the Nation's air.

The point we seek to make in this amendment is that we are inhibited and limited in doing so, if this amendment is denied to us, because in many urban areas that is the most effective way to do it, notwithstanding a substantial investment in public transit. And I understand the Senator's keen interest in it. I share his enthusiasm. But for us in Nevada, even the most comprehensive, realistic public transit system will not enable us to meet our clean air standards, and expanding the capacity in critical areas of our State will be a substantial help. That is why we ask the support of the amendment offered by my senior colleague.

Mr. MOYNIHAN. Mr. President, once again I thank the Senator from Nevada with what I hope they recognize as a measure of reluctance, simply because of the respect in which they are held, the affection and respect of the body. Even so, on behalf of the Senator from Idaho and myself, I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—62

| | | |
|---|---|---|
| Adams | Durenberger | Lieberman |
| Baucus | Garn | Lott |
| Bentsen | Gorton | Lugar |
| Biden | Gramm | McConnell |
| Bradley | Grassley | Metzenbaum |
| Breaux | Harkin | Mikulski |
| Burdick | Hatch | Mitchell |
| Burns | Helms | Moynihan |
| Byrd | Hollings | Murkowski |
| Chafee | Jeffords | Nickles |
| Coats | Johnston | Nunn |
| Cochran | Kassebaum | Pell |
| Cohen | Kasten | Rockefeller |
| Conrad | Kennedy | Roth |
| Craig | Kerry | Rudman |
| Cranston | Kohl | Sarbanes |
| D'Amato | Lautenberg | Simon |
| Danforth | Leahy | Smith |
| Dodd | Levin | Specter |
| Symms | Wellstone | Stevens |
| Thurmond | Wofford | |

NAYS—36

| | | |
|---|---|---|
| Akaka | Exon | Packwood |
| Bingaman | Ford | Pressler |
| Bond | Fowler | Reid |
| Boren | Glenn | Riegle |
| Brown | Gore | Robb |
| Bryan | Graham | Sanford |
| Bumpers | Hatfield | Sasser |
| Daschle | Heflin | Seymour |
| DeConcini | Inouye | Shelby |
| Dixon | Kerrey | Simpson |
| Dole | Mack | Warner |
| Domenici | McCain | Wirth |

NOT VOTING—2

Pryor Wallop

So the motion to table the amendment (No. 323) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 325

(Purpose: To impose length limitations on certain commercial motor vehicles)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendments of the Senator from West Virginia will be temporarily set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. LAUTENBERG, Mr. CHAFEE, Mr. ADAMS, Mr. GORE and Mr. SANFORD, proposes an amendment numbered 325.

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

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

The amendment is as follows:

On page 129, line 8, strike the quotation marks and the second period; and on page 129, immediately after line 8, insert the following:

"(4) Nothing in this subsection shall be construed to allow the operation on any segment of the National System of Interstate and Defense Highways of any commercial motor vehicle combination prohibited under section 411(j) of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311(j)).".

(c) Section 141(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "Each State shall also certify that it is enforcing and complying with section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311(j)).".

**SEC. 138A. VEHICLE LENGTH RESTRICTION.**

Section 411 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311) is amended by adding at the end the following new subsection:

"(j)(1) No State shall allow by statute, regulation, permit, or any other means, the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section, of any commercial motor vehicle

combination with two or more cargo carrying units (not including the truck tractor), whose cargo carrying units exceed, as determined by the Secretary—

"(A) the maximum combination trailer, semitrailer, or other type of length limitation authorized by statute or regulations of that State on or before June 1, 1991; or

"(B) the length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, continuing lawful operation (including continuing seasonal operation) in that State on or before June 1, 1991.

"(2) For purposes of this subsection, the length of the cargo carrying units of a commercial motor vehicle combination is the length measured from the front of the first cargo carrying unit to the rear of the last cargo carrying unit.

"(3) Commercial motor vehicle combinations whose operations in a State are not prohibited under paragraph (1) of this subsection may continue to operate in such State on the highways described in paragraph (1) only if in compliance with, at the minimum, all State statutes, regulations, limitations, and conditions, including but not limited to routing-specific and configuration-specific designations and all other restrictions in force in such State on June 1, 1991. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of any commercial motor vehicle combination subject to this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416 (a) and (b) of this Act. Any State further restricting or prohibiting the operations of commercial motor vehicle combinations shall advise the Secretary within 30 days after such action and the Secretary shall publish a notice of such action in the Federal Register.

"(4) Within 60 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of length limitations, as determined by the Secretary, applicable to commercial motor vehicle combinations operating in each State on the highways described in paragraph (1). The list shall indicate the applicable State statutes and regulations associated with such length limitations. The list shall become final within 60 days after publication in the Federal Register. Commercial motor vehicle combinations prohibited under paragraph (1) may not operate on the National System of Interstate and Defense Highways and other Federal-aid Primary System highways as designated by the Secretary. The list may be combined by the Secretary with the list required under section 127(d) of title 23, United States Code.

"(5) Nothing in this subsection shall be construed to allow the operation on any segment of the National System of Interstate and Defense Highways of any longer combination vehicle prohibited under section 127(d) of title 23, United States Code.".

"(6) Nothing in this subsection shall be interpreted to affect in any way the operation of commercial motor vehicles having only one cargo carrying unit. Nor shall this subsection be interpreted to affect in any way the operation in a State of comemrcial motor vehicles with two or more cargo carrying units if such vehicles were in actual, continuing operation (including continuing seasonal operation) in that State on or before June 1, 1991, authorized under State statute, regulation, or lawful State permit.

"(7) As used in this subsection, 'cargo carrying unit' means any portion of a commercial motor vehicle combination (other than the truck tractor) used for the carrying of cargo, including a trailer, or the cargo carrying section of a single unit truck.

On page 128, on lines 3 through 4, strike "2311, 2312, and 2316 of title 49, United States Code Appendix" and insert in lieu thereof "411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311, 2312, and 2316)".

Mr. EXON. Mr. President, today I offer an amendment to S. 1204, the Surface Transportation Efficiency Act of 1991 to freeze the length of longer combination vehicles, commonly known as LCV's at limits currently permitted by the States. Joining me as sponsors of this amendment are Senators LAUTENBERG, CHAFEE, ADAMS, SANFORD, and the Presiding Officer, Senator GORE. LCV's are large trucks that can be any combination with two or more trailers or semitrailers which operate on the Interstate System. Currently, 15 States allow triple trailer combinations; 17 States allow twin 48's; and 20 States allow Rocky Mountain doubles.

The debate over the size of LCV's revolves around the weight and length limitations for these large trucks—and more specifically, the safety of these large vehicles sharing our Nation's roads and highways with other motorists. Concerns are being raised that without limiting the maximum length of commercial motor vehicles that shippers of lightweight commodities might be able to transport materials in longer trucks while still adhering to the maximum gross vehicle weight limits permitted by State regulation.

The length limitations of LCV's falls within the jurisdiction of the Commerce Committee. My amendment is similar to a provision offered by Senator LAUTENBERG during the recent markup of the highway bill. The Environment and Public Works Committee, which has jurisdiction over the weight limitations of LCV's, has included a provision freezing the gross vehicle weights of LCV's at current levels.

In addition to what is already in the bill to freeze weight, my amendment would freeze the length of LCV's to the limits currently permitted by the States. It authorizes the Secretary of Transportation to publish a list of the permissible length limitations of each State and the combinations of specific trailer combinations in lawful operation as of June 1, 1991. This amendment is not a preemption of any existing State authority but rather addresses an issue that the 1982 act was silent on.

The concern over the length limitations relates to the ability of the longer vehicles to maneuver safely on roads, intersections, and the on/off ramps of an Interstate System that was generally designed for shorter vehicles. These larger trucks pose potential hazards to other motorists on the road. Many fear the use of tripletrailers because these longer trucks do not perfectly trail in line with the tractor and tend to swerve into adjacent lanes when making turns. These larger combination trucks also disproportionately contribute to the destruction of highway shoulders and curbs.

Mr. President, I am sure that the motoring public is certainly with us on this amendment. I submit for the RECORD a list of groups opposed to longer combination vehicles and urge my colleagues to follow the overwhelming public outcry calling for a halt to the expansion of these large trucks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS OPPOSED TO LONGER COMBINATION VEHICLES

TRUCKING GROUPS

Haulers Against Longer Trucks (HALT) (intermodal truckers).

International Brotherhood of Teamsters.

Owner Operator Independent Drivers Association.

The Survival Coalition (TL Truckers).

INSURANCE GROUPS

American Insurance Association.

Alliance of American Insurers.

PUBLIC INTEREST GROUPS

National Taxpayers Union.

Union of Concerned Scientists.

Campaign for New Transportation Priorities.

Consumer Federation of America.

Surface Transportation Policy Project.

ENVIRONMENTAL GROUPS

Sierra Club.

Friends of the Earth.

National Wildlife Federation.

HIGHWAY SAFETY GROUPS

American Automobile Association.

Advocates for Highway and Auto Safety.

Center for Auto Safety.

Citizens for Reliable and Safe Highways.

League of American Wheelmen.

Bicycle Federation.

LABOR

United Transportation Union.

Railway Labor Executives Association, representing among others: Brotherhood of Locomotive Engineers, Transportation and Communications International Union, Brotherhood of Railroad Signalmen, and International Association of Machinists & Aerospace Workers.

RAIL SUPPLIERS, PARTNERS AND SHIPPERS

Railway Progress Institute.[1]

Railway Systems Suppliers Incorporated.[1]

Railway Supply Association.[1]

American Railway Car Institute.[1]

Railway Engineering-Maintenance Suppliers Association.[1]

American Farm Bureau Federation.

National Association of Railroad Passengers.

STATE AND LOCAL GOVERNMENT ORGANIZATIONS

American Assoc. of State Highway and Transportation Officials[2] (AASHTO's policy required a two-thirds vote of state DOT's).

[1] These rail supply associations represent some 900 companies and their employees who are opposed to LCV's.

[2] Opposed to truck size and weight increases in the 1991 highway bill.

National Conference of State Legislatures.
National Association of Governors Highway Safety Representatives.
International Association of Chiefs of Police.
The California Legislature.
The Connecticut Legislature.
City of Chicago and 101 other Municipalities and Local Government Associations in the Chicago area (list available upon request).

Mr. EXON. Mr. President, I have discussed this amendment with the floor managers of the bill. As far as I know, they are prepared to accept it. In the interest of conserving time, therefore, I will not be asking for a rollcall vote. I know that at least Senator LAUTENBERG, who has taken a leading role in this matter, also wishes to be recognized.

Mr. SYMMS. Will the Senator yield for a question?

Mr. EXON. Yes.

Mr. SYMMS. Just to clarify a point, Mr. President, on pages 70 and 71 of the report—and I cited an example of a place in Idaho, but I want to ask the authors of the amendment if they did not intend this to be true in any other situation in the United States which would be similar.

This subsection is not intended to disallow use of particular configurations of LCV's consistent with all other restrictions under this new subsection on the segment of I-90 near Wallace, Idaho, upon its completion.

The reason I bring that up is that the situation is this: That I-90 is in the completion stages, and now the traffic is routed through the town. But in the future, when the road is open, then the traffic will go on through the interstate, and not come through town, where the triple trailers and the LCV configurations are allowed.

Of course, as the Senate knows, our committee has jurisdiction over weight, not over length, and this amendment deals with length. But would it not be the Senator's intention that once this is grandfathered in place, where these LCV's and weight limitations are now being used, that in instances where interstates had not yet been open, that you would not expect, then, that those trucks will have to get off the interstate and detour around and get back on it; that they would be expected to stay on the interstate?

Mr. EXON. Mr. President, in response to the very legitimate question of the Senator from Idaho, I simply say that his interpretation of our intent and the way the law is written follows exactly what was done in his committee and what I understand is the desire of the particular segment of Interstate System that the Senator from Idaho referenced, so we are exactly on the same track.

Mr. SYMMS. Right. Not only what we referenced in the committee, but I think it should be clear here on the floor, in any other case in the country where there happens to be a small section of interstate that is in the completion stages, and most trucks are not running on it now but it is expected they would be allowed to run on that portion or those connecting parts in the future.

I just want to set that clear for the record so we will not have some problem here in 2 years where we have to come back and somebody has gone to court and said they cannot run the triple trailer through this section.

Mr. LAUTENBERG. If the Senator from Nebraska will permit me to respond, the preference, obviously, is to keep things as they are. But if the question is when you have an incomplete section between two lengths of the interstate——

Mr. SYMMS. Correct.

Mr. LAUTENBERG. Where the LCV's are permitted on either side, it would seem to me unfair and unwise to try to eliminate that section from being used. But I think we have to be very clear that this permission extends only to those sections where that is so.

Mr. SYMMS. Correct.

Mr. LAUTENBERG. If that is the case——

Mr. SYMMS. That is the intent of our report language in the committee. I wanted it included in the amendment of the Senator here and to say it on the floor so there is no misunderstanding about what the intention of the committee is with respect to the grandfathered rights.

I thank my colleague.

Mr. EXON. I hope we have successfully answered the Senator's question and concern. We may well be readdressing this matter at some time in the future. If we can include some additional report language when we finish this bill with regard to consultation with the House of Repesentatives, I will certainly be glad to take a look at anything further, on the suggestion of the Senator from Idaho.

Mr. SYMMS. I thank my colleague.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Nebraska for his statement. We will work with that report language. But for the record I indicate that my understanding of the bill is exactly that of the Senator from Idaho, we are clear on that, and as clarified—not that it needed to be clarified—but as illustrated by the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in support of this amendment by my friend and distinguished colleague from Nebraska. Senator EXON'S amendment complements section 138 of S. 1204, which freezes the use of longer combination vehicles, based on weight.

I did not include a length limitation in my amendment in order to avoid jurisdictional disputes between committees. I commend the Senator from Nebraska for taking the initiative to address the length issue at this point. It certainly clarifies our mutual intent.

The States of Nebraska and New Jersey have very different transportation needs. But we do agree on a lot of things, and we certainly agree on this: Automobile drivers in our States do not want to be forced to share the road with trucks weighing 70 tons and measuring more than 100 feet long. Those are the trucks we are dealing with in this amendment.

In this reauthorization we are making major policy decisions about our surface transportation systems. We are making judgments about how much we need to spend to maintain the interstate transportation system. We are making decisions about what our commitments to safety should be. This amendment is appropriate in both of those respects.

Like the amendment already included in the bill, it would freeze, to the exact conditions that existed as of June 1, 1991, the use of LCV's. It would require the DOT to compile a list of those conditions so everyone will know what rules we're playing by. It puts up a stop sign in front of the big rigs and says, no more.

The reasons for doing this are clear: safety; and the wear and tear that widespread use of these trucks would impose on our National System.

Let me discuss the safety aspects first. Last month, the Environment and Public Works Committee held a hearing on LCV's. At that hearing, we heard some compelling statistics:

That, in car-truck crashes, the driver of the car is almost 40 times more likely to be killed than the truck driver;

That, based on experience in Oregon, LCV's are 5 times more likely than single-trailer trucks to jackknife, or separate in an accident;

That the rear trailers of LCV's routinely sway several feet from side to side, out of the control of even well-trained drivers;

That LCV's operate now, under choices made by the States, mostly on the safest of roads;

But, that 90 percent of the LCV accidents occur on the less than ideal roads, according to the National Highway Traffic Safety Administration;

That, according to the DOT, the last trailer of a triple is 3.5 times more apt to roll over in a sharp turn than a single trailer; and

That, according to a 1985 report of the Secretary of Transportation:

Most interchanges on the Interstate system cannot safely accommodate LCV's * * * if the longer combinations were to travel on the arterial highway system in most parts of the country, they would have significant problems making turns without hitting objects beside the road and severely disrupting traffic flow.

We also heard that LCV's pay far less in user fees than the actual costs they impose on the highway system. It could be less than 40 percent of the actual costs.

A Triple A Foundation survey of truck divers found that more than 80 percent said that doubles and triples are less safe than single-trailer trucks.

We heard from the Teamsters, representing the largest group of truck drivers in the country. They do not think that LCV's are safe, and they support this amendment.

Mr. President, the comments of the truck drivers are something that we have to listen to. They are trained professionals. They take pride in their work. And, they do not think that these trucks are safe.

There is also a split in the trucking community.

A group of small companies have banded together in what they're calling the Survival Coalition to fight broader use of LCV's; the owner-operator independent drivers have also weighed in against the expanded use of LCV's.

As I said, we have heard from the public at large. National surveys have shown that more than three-quarters of the American people don't want to share the roads with the big rigs.

Mr. President, there is a diverse community supporting this amendment:

The American Automobile Association;

International Association of Chiefs of Police;

Fraternal Order of Police;

Teamsters;

Citizens for Reliable and Safe Highways;

National Coal Association;

Owner-Operator Independent Drivers Association;

National Grange;

American Soybean Association;

American Insurance Association;

Advocates for Auto and Highway Safety; and many others.

When we look at all of this, I think the conclusion is clear: We should stop the spread of LCV's. That is what this amendment does, and I urge my colleagues to support it.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Nebraska.

Mr. EXON. I thank my colleague and good friend from the State of New Jersey. We worked hand in hand on this. This is a matter of clarification. To prove we are working hand-in-hand, the Surface Transportation Act of 1991, properly, was reported out of the Committee on Environment and Public Works of the Senate, and the Committee on Environment and Public Works has clear jurisdiction over the weights of trucks. The lengths of trucks, though, come under the jurisdiction of my Surface Transportation Subcommittee over in Commerce.

So I think the Senator from New Jersey has very adequately pointed out that we are, indeed, working in total harmony on this, both with regard to weights and as regards to length of trucks.

I hope the amendment will be accepted. I state again, I have no need nor do I intend to call for a rollcall vote if, as anticipated, the managers of the bill are in a position to accept by voice vote the amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, it is very obvious the votes are here to have this amendment agreed to. I just want to make a point to all my colleagues so they understand exactly what it is we are doing in this bill.

If Senators are interested in the truck issue, if they look in the committee report on page 69, this amendment deals with truck lengths. It will grandfather in current use of triple trailers in the States where they use them and on the road systems that they use them. The committee language deals with the LCV's with respect to weights.

The point I want to leave with my colleagues is that what this means is that we are limiting expanded productivity from the trucking industry in the country.

Everyone in this country is impacted by trucks. I know my good friend from New Jersey talks about the high percentages of people who are opposed to big trucks on the roads on which they drive. I think you can turn the question around and ask those people: Would you be willing to pay a much higher price for the products you use because 85 percent of everything in this country that is transported for the consumers of the country at one point or another is on a truck?

So what we are doing is limiting the efficiencies. The Senator from Nebraska offered the amendment because he wants to protect what efficiencies are now there. I do not mean to say this in a fashion that sounds as though he is trying to limit it, but what is happening is the Congress is seeking to limit future increased productivity by the trucking industry in this country to improve the ability of us to move goods and services with more efficient truck links and sizes and weights that would comply with the interstate or with the highway program. I think we need to understand that is what is happening.

I am not going to ask for a vote. I am not going to oppose the amendment. I know where the votes are. But I think we need to understand that the American people have enjoyed great benefits from a much-improved truck efficiency over the past 25 or 30 years, and the National Highway System, the Interstate System, has greatly enhanced efficiencies in the trucking industry to make it much easier for products from the fields, the farms, the factories, the mines and so forth to get to the urban areas. A great bulk of the reason that we have the consumerism in the country that we enjoy and the great stores that have massive numbers of items for Americans to shop from——

Mr. MOYNIHAN. Apples.

Mr. SYMMS. Apples, of course, and potatoes and other great products.

Mr. LAUTENBERG. Blueberries.

Mr. SYMMS. Blueberries. They get there because of an efficient transportation system.

I just say that I understand we are grandfathering in what we now do, but we are also saying at the same time that it will not expand, get any more efficient than these other States. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Might I respond, lest the distinguished Senator from Nebraska or I or the manager of the bill be thought of as encouraging higher prices for the consumer. I think the record ought to reflect that we are, as the distinguished Senator from Idaho said, freezing the use of LCV's where it is. The cost efficiency cited by the Senator from Idaho doesn't come without imposing costs elsewhere. The consumer does not get off without some cost to our highways due to overweight trucks that abuse the condition of the roads. That is a cost to consumers as well. And it's the average consumer who pays gas taxes that offset the costs imposed by these big rigs.

I have to say it is somewhat unfair to suggest or at least intimate that as a result of this amendment, the consumer is going to get stuck. They are not going to get stuck. What we are going to get is safety on our roads. That is important. A bargain at the supermarket that is offset by a loss of life or a permanent injury certainly is not much of a bargain at all.

This is a very good amendment. I again commend my colleague for offering it. I encourage, as he has, the managers to accept it on a voice vote. I think he is most generous in that because the votes are there to adopt this. I ask the managers of the bill if we can just go ahead and do it.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I listened very carefully to my friend from Idaho and my friend from New Jersey. Let me say I hope we can move ahead in an expeditious fashion. To use the phraseology of the President, I hope we can get moving on this in the next 10 minutes and bring it to fruition.

Suffice to say this is not an anticonsumer bill in any way, shape or form. We can ask a question of the people of the United States in any fashion we wish, but if you ask them whether or not, because of "increased efficiency" of trucks, they would like to

see a mile and a half truck traveling down the Interstate Highway System, I think the answer would be, we do not. I hope the managers of the bill at this point will accept my previous request for a voice vote. I yield the floor.

Mr. MOYNIHAN. Mr. President, I urge the adoption of the amendment.

• Mr. WALLOP. Mr. President, I would like to take this opportunity to thank my colleague, Senator LAUTENBERG, for including a provision in this highway bill which is of great importance to my State.

Under the Lautenberg amendment, a special exemption from the 80,000 pound gross vehicle weight limit applicable on interstate highways which has been in place in Wyoming since 1985 will now be made permanent. Longer combination vehicles with a gross weight of up to 117,000 pounds, will continue to operate, provided they comply with the conditions that may have been in effect in 1956.

Wyoming's State law in 1956 prohibited the issuance of overweight permits except for vehicles hauling "single items of machinery or equipment which cannot be readily dismantled or divided * * *." Most Western States, on the other hand, have the grandfather rights to issue permits to trucks hauling divisible loads well in excess of 100,000 pounds.

As a result, Wyoming was economically isolated. Carriers operating longer combination vehicles were forced to reduce their loads upon entering the State. Shippers exporting or importing products were forced to ship at weights well below the more efficient weight limits of surrounding jurisdictions. Some regional carriers found it more economical to avoid Wyoming altogther, despite the additional miles traveled using alternative routes, leaving Wyoming virtually an island unto itself.

Wyoming's exemption, or demonstration project, was therefore inaugurated to document the "benefits to the economy of the State of Wyoming" of allowing 117,000 pounds longer combination vehicles, already legal on State roads, to operate on interstate highways as well. A 1988 report issued by the Wyoming Highway Department showed that heavier combination vehicles used significantly less fuel and made far fewer trips than would have been required by smaller vehicles moving the same amount of cargo. Freight rates and transportation costs were therefore lowered, and the economy of the State, not to mention the efficiency of our transportation system, was vastly improved.

Mr. President, I have received letters from companies in Wyoming, South Dakota, Colorado, and Kansas, citing the cost effectiveness and benefits of this weight exemption. Had we failed to make this provision permanent, several companies would have been forced to cease operations in Wyoming, contracts and jobs would have been lost and the other potential impacts are enormous and frightening to consider.

I appreciate Senator LAUTENBERG's assistance and cooperation in ensuring that Wyoming's trucking industry is competitive with the surrounding States and Canada and a fair and equitable market system prevails in the West.•

Mr. SANFORD. Mr. President, I rise today to speak in support of the amendment offered by Senator EXON which serves to set length restrictions on the oversized combination trucks which presently rule our highways and interstates. The American public is tired of being frightened and endangered by these longer combination vehicles, and tired of paying to repair the damage to our roads caused by these vehicles. I support this most important piece of legislation in the name of motorist safety as well as the preservation of passable roads, bridge, and thoroughfares.

LCV's such as triple trailer trucks and twin 48's have been shown to be over involved in crashes and highway fatalities. These facts cannot be ignored. The Insurance Institute for Highway Safety has found that LCV's are 2 to 3 times over involved in all types of crashes. The fatal accident involvement rate of double trailers has been found to be 58 percent higher than single trailers. In my own State of North Carolina, the overturn rate for double-28's is 4.3 times the average truck overturn rate. The unwieldy size of these vehicles, as well as articulation joints which connect each trailer make them inherently unstable, resulting in jackknifing and crack-the-whip or rear amplification accidents. Their extreme length and variable weight, depending upon load, contribute to uncertain braking capability. Their length also increases the time and distance necessary for other motorists to pass, as well as increasing the difficulty and danger of freeway merging and lane changes. The dangers inherent to these big rigs far outweigh any advantage in hauling capacity. Plain and simple, the safety of the American motorists is endangered by these vehicles. It is the duty of this body to accept the responsibility for that safety.

The degradation of the Interstate Highway System caused by these LCV's is another factor which must be considered. In this time when our infrastructure is literally crumbling beneath us, and we struggle to find the funds to keep the Interstate System functional, we must realize the extreme wear and tear which these oversized vehicles cause. These LCV's fail to pay their fair share for the damage they initiate, leaving the American driving public to pay the tab. Road, bridges, and entrance and exit ramps all suffer under the extreme weight and size of these vehicles. The nationwide operation of dual trailer trucks would put more than 6,000 rural Interstate Highway bridges at risk of deterioration so severe as to require replacement—at a cost of $7.7 billion. Many such structures were simply not designed to accommodate the 80,000 to 125,000 pound trucks that commonly roll over their length. In addition, if the longer combinations were to travel on the arterial highway system in most parts of the country, they would have significant problems making turns without hitting objects beside the road and severely disrupting the flow of traffic.

I submit that we should no longer allow these longer combination vehicles to dominate our highways, endangering the safety of other drivers, and destroying our Nation's roads.

For these reasons, I again express my support for this amendment calling for a freeze on the length of longer combination vehicles. In fact, it is my opinion that this amendment does not go far enough in making a strong statement to those who would continue to make use of longer combination vehicles. Let these parties be hereby warned that it is my intention to see that a phase out of these hazardous vehicles is enacted. If individual States refuse to heed the intention of this amendment, and fail to phase out oversized trucks on their own in upcoming years, stronger actions can and will be taken at the next highway reauthorization. You may be assured that I intend to monitor and pursue this issue.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 325) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNHIAN. Mr. President, in just a moment, I will send to the desk and ask for consideration an amendment which will address the question that has concerned us all at various levels and various degrees. In 1988, the report of the National Commission on Infrastructure came to use—we, of the Senate, having created the Commission—and spoke of massive disinvestment in infrastructure in this country. We also had the international banks for settlements speak to the same point in a report a few days ago from Switzerland.

In the report of the committee on this legislation, we say there is no doubt that we are disinvesting; that constant 1982 dollars, highway investment peaked at $40 billion in 1965 and it is running $10 billion a ¼ level. We

said that for the next 5 years, we cannot spend what we do not have. It still leaves the question, can we not do more in some way?

A number of investment firms are interested. Mr. Dan Flanigan who has been active in these matters has been interested, and other advisers, financiers. One of the proposals that has come along has to do with the possibility of creating a type of infrastructure security which would permit the investment of pension funds in funds utilized to design plans and construct infrastructures in the United States. That is to say, use this to flow pension moneys into infrastructure.

I note just as an aside that in our neighbors to the north, the Canadian Social Security System as established in the 1960's was meant to be partially funded, as ours is now, and throw out surpluses. Those surpluses are borrowed by the Provincial governments for purposes of building infrastructure. They issue bonds, the bonds have revenue and they pay back into the system. It is a very attractive arrangement.

Whether we can do it with our private pension funds is a very good question. This 6-month commission consisting of two Members appointed by the majority leader, one by the minority leader, two by the Speaker and one by the minority leader in the other body and one by the President of the United States, is asked to inquire into the matter and give us their professional judgment. This is a good measure. It may be something large will come of it.

AMENDMENT NO. 326

Mr. MOYNIHAN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. EXON). The clerk will report. The amendments of the Senator from West Virginia will be set-aside for the purpose of considering the amendment just offered by the Senator from New York.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes amendment numbered 326.

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

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

The amendment is as follows:

Insert in the appropriate place the following new section:

**SEC. . INFRASTRUCTURE INVESTMENT COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission to Promote Investment in America's Infrastructure (hereafter referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 7 members appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate;

(B) Two members appointed by the Speaker of the House of Representatives;

(C) One member appointed by the President of the United States;

(D) One member appointed by the Minority Leader of the Senate; and

(E) One member appointed by the Minority Leader of the House of Representatives.

(2) Individuals appointed to the Commission shall have appropriate backgrounds in finance, construction lending, actuarial disciplines, pensions, and infrastructure policy disciplines.

(c) FUNCTION OF COMMISSION.—It shall be the function of the Commission to conduct a study for the purpose of determining the feasibility and desirability of creating a type of infrastructure security which would permit the investment of pension funds in funds utilized to design, plan, and construct infrastructures in the United States. The Commission can include recommendations as to private sector as well as other recommendations for innovating public policy alternatives to assist infrastructure investment at all levels of government.

(d) REPORT.—Within 180 days following the date of the enactment of this Act, the Commission shall report its findings and recommendations to the Congress and to the President of the United States.

(e) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code.

(f) COMMISSION STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix compensation of an executive director, a general counsel, and such additional staff as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent for the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the purposes of carrying out this section such sums as may be necessary for the Commission to carry out its functions.

(h) TERMINATION.—Effective 180 days following the date of submittal of the report under subsection (d), this section shall be deemed repealed.

Mr. SYMMS. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 326) was agreed to.

Mr. SYMMS. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, on behalf of my comanager, may I state that the bill is open to amendment. If there are Senators who have some urgent need to offer amendments, they are welcome to come to the floor at this time.

We are moving steadily. I report that progress is to be seen on all fronts. The Committee on Banking, Housing, and Urban Affairs will be here, I am advised, at 3 o'clock to offer the mass transit provisions which we marry; we make the highways and mass transit into surface transportation.

Mr. SYMMS. Mr. President, to add to that, there has been a great deal of discussion, many Senators have asked this Senator about what has happened with respect to the amendment that Senator MOYNIHAN and I were proposing earlier with respect to a National Highway System. This discussion has seemed to have generated some interest. I think our colleagues who are interested in this are coming closer to getting an amendment worked out that we hope could be added to this bill.

But I say also that once that is added to the bill and once the transit section is added to the bill, if the money can be agreed upon from the proposed Byrd amendment that is pending before us, this bill could be passed rather rapidly. So if Senators do have amendments that they want to get in the bill, now is a good time to offer them or they may miss the train.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition at this point, I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Mr. President, I had intended to come over to speak in support of the amendment that was just introduced and rapidly accepted and agreed to by our colleague from Nebraska, the senior Senator, Mr. EXON. So that acknowledging that there is an opportunity to speak on the floor now, I thought I would take this moment to speak, if I may, in gratitude for the wisdom of the Senate in adopting this amendment, since I no longer have to speak in supplication asking the Senate do that.

This amendment I think will strengthen the amendment introduced in committee by the Senator from New Jersey [Mr. LAUTENBERG] which I was privileged to cosponsor and which was adopted at markup by the Environment and Public Works Committee.

This amendment will ensure that large, twin-tandem trucks and triple-tandems are not allowed in States that do not currently allow them even if the trucks are carrying light loads.

Mr. President, this is an issue and a problem that has troubled me for a long time. I am very privileged to be here at this moment as we attempt to protect people in States like mine in Connecticut who really do not want these larger trucks on our highways and cannot afford to have them.

The safety record of longer vehicles makes it clear why their use should not be expanded. In those States where they are used, the rate of trailer separation in accidents for triple-tandem trucks is almost five times higher than for single-trailer units.

In the State of Washington, for instance, the rate of separation for doubles was 25 times higher than for singles. In Oregon, from 1985 to 1990, the rate of trailer separation in accidents was almost five times higher for the triples than for single trailers. Triple trailers also jackknife more than the single-trailer trucks.

Compared with their numbers on the road, trucks with the double trailers are much more likely to be in crashes than are tractors pulling only one trailer. Crashes of these double trucks are much more likely to involve jackknifing then crashes of the single-trailer, rigs, which suggests what we felt in Connecticut when we were forced to adopt or accept the tandems after the Surface Transit Act of 1982—that the instability of the double trailer is a factor in their higher crash risks. That, in fact, is the conclusion reached by the Insurance Institute for Highway Safety in cooperation with the State Police in the State of Washington.

The Congressional Office of Technology Assessment recently concluded:

> Most research shows that the accident rate of multitrailer trucks—most of which are western (twin) doubles, since they are allowed nationwide—to be higher than that of conventional trailers-semitrailers.

The University of Michigan Transportation Research Institute, which is one of the leading research facilities in this field, has found that the crack-the-whip effect, which is the sway of the rear trailer on these doubles and triples, is 3½ times greater for triples than for singles.

In a March 1991 report, the Department of Transportation's Office of Motor Carriers concluded:

> Small tractors steering movements or braking applications, particularly in a lane change, are magnified by a second trailer and can reach uncontrollable levels, producing considerable and subsequent rollover.

Mr. President, if I may be personal and in that sense somewhat parochial about it, putting these monster rigs on the Connecticut highways, regardless of whether they are carrying light or heavy loads, would be a recipe for disaster. Unlike many of the States where the trucks now operate, Connecticut has heavily congested roads, numerous and frequent on and off ramps, many bridges and curves and other impediments to safety. In this transportation environment, the tandems and the trailers certainly represents a threat to public safety.

The International Brotherhood of Teamsters, representing those who actually drive these trucks, testified before our committee that they strongly oppose any expansion in the use of these larger trucks. That is because they are concerned about the safety of their drivers.

According to the OTA study, the drivers of double and triple trailers experience greater fatigue and mental strain, probably stemming from concerns about the instability caused by the greater number of articulation points on the truck.

OTA also reports that the American public has expressed almost universal opposition to any increased use of these longer trucks, and the trucks already on the road frequently overwhelm motorists.

Such concerns, I think, will become increasingly important in the coming decades, particularly as the population of older drivers grows. Research and survey and accident data suggest that older drivers have relatively more difficulty interacting with trucks and have the strongest negative emotional reactions to them.

Besides safety, Mr. President, there is the question of costs. It is clear that we are going to need massive new expenditures for roadway upkeep, if these larger trucks are allowed on the road. OTA tells us we are going to need to redesign and reconstruct significant portions of the roads where they are used, especially interchanges and bridges, lane widening, and a provision of climbing and passing lanes will probably be necessary.

While those needs will increase, the fees paid by the longer trucks will not be sufficient to cover the increased costs. The Federal Highway Administration has found that, in general, State permit fees for overweight vehicles do not cover the cost of administration and highway damage.

Mr. President, in my previous capacity as attorney general of Connecticut, I attempted to thwart the entry of the first generation of tandem trucks—smaller than the ones that exist in many States, which are banned under this Lautenberg amendment and strengthened by Senator EXON—from the Connecticut highways. Unfortunately, that legal effort was unsuccessful because of the existence of the Federal law that essentially preempted our ability to control the safety of our citizens on our highways.

I am privileged to be here today to express my gratitude to the Senator from Nebraska, the Senator from New York, and all our colleagues, who have just voted to support this amendment, so we can stop any movement to allow the larger tandem trucks on roads in our country where they are not allowed now.

That is basically, when it comes to Connecticut, a way of allowing the people of Connecticut to determine what is best for their safety.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise today in strong support of the Surface Transportation Efficiency Act of 1991. I commend my colleague, Senator BURDICK of North Dakota, the chairman of the Environment and Public Works Committee, for his leadership in bringing this bill to the floor.

This bill is a remarkable and responsible piece of legislation that addresses our Nation's surface transportation needs. But as I have listened to the debate here on the floor, Mr. President, I must say I have been somewhat disappointed. One would almost forget that this is the United States of America. As this debate has gone on, we have heard endless discussion that this bill does not suit the interests of Missouri; this bill does not suit the interests of Virginia; this bill does not suit the interests of Texas.

There has been very little discussion, except from those who have brought this bill forward, that this bill was designed to meet the national interests of the United States. What we are trying to craft is a national surface transportation policy. That is what this debate should be focused on.

From its earliest days, the Federal highway program was envisioned as a means to create and maintain a national transportation system. The idea was to unite a nation through a system of roads and bridges, free for all to use, established in the national interest and maintained for the common national good.

And, indeed, that is what our National Highway System has achieved.

As the road system was being built, it was recognized that low-population States, States with smaller tax bases than their urban neighbors, would require more Federal assistance to build and maintain their component of that national system. The National Highway Program was never intended as a

central pot of money for individual States to squabble over. Yet, that seems to be where this debate is headed.

Some here, including my friends from Virginia, Missouri, and Texas, have argued over and over that there is a great principle at stake, and they assert that the great principle is that each State ought to get back approximately what it puts in.

I would simply ask if my friends from Missouri, Virginia, and Texas want to apply that standard to other Federal programs. Should that be the way that we structure the National Defense Program of our country? Is that what we should do in structuring the S&L bailout in this country?

Suppose we said that defense contracts should be allocated on a per capita basis? That is really what we hear my friend from Virginia arguing: We ought to give back basically what was put in by the State of Virginia. If we applied that standard to defense, we would get an interesting result. In my State, defense contracts amount to $155 per capita. In Virginia, contracts amount to $1,300 per capita.

I would suggest to my friend from Virginia, if we are going to apply the standard that he proposes with respect to highways or defense, the State of Virginia is going to be a significant loser.

Suppose we decide that we should apply this same standard to the S&L bailout. I would say to my friend from Texas that his State ought to get back approximately what it has sent in. If we apply that standard to the S&L bailout, quite a different result would obtain.

So far, American taxpayers have paid $80 billion in deposit insurance for the State of Texas—$80 billion—or $3,500 for every man, woman, and child in the State of Texas. Meanwhile, the people of my State have paid $150 per person. We are not very happy about that, Mr. President. The folks in North Dakota would be a lot better off if we just shelled out the S&L money on a per capita basis.

I submit to you that it is senseless to hold the Federal Highway Program to this type of standard. We must not forget that we need each other. Let us take a look at my own State of North Dakota. We are a perfect example.

North Dakota is a producer State. We produce food. In fact, we produce 87 percent of the Nation's durum, which is used to make pasta, and we produce energy. We are the ninth largest oil-producing State in the Nation. We export that oil and our coal and our electricity to the rest of the Nation.

We also have two huge strategic air command bases in my State, each with a missile wing. Let us suppose North Dakota decided that we are only going to grow our per capita share of wheat. The other States will have to grow their own food. We are only going to produce our per capita share of power; you other States will have to figure out a way to generate your own electricity. And we are going to keep our per capita share of nuclear missiles; you other States will just have to get busy and start digging some holes for your own missiles. I know this is senseless; just as senseless as doling out highway money based on population.

Mr. President, we are a nation. We support each other. We depend on each other. And we decide how to spend our Federal dollars and work our Federal programs for many, many reasons. This is done for the common good of this Nation.

Sometimes population is part of that equation. But it is not the sole standard by which Federal programs are regulated, and it should not be.

My State of North Dakota has just 639,000 people, with 0.16 miles of road per person. In Texas, there are 0.02 miles of road per person; in Virginia, 0.01 miles of road per person. There are more people in one big city in Texas or Virginia than live in all the vast prairies of my State. Yet Virginians and Texans need the highways in North Dakota, even if they never personally travel them.

Mr. President, we all need a national road system. We need the durum wheat from North Dakota, the oranges from Florida, the cotton from Mississippi, the peanuts from Georgia, the furniture from North Carolina, the paper from Washington, the milk from Wisconsin, and the apples from New York.

We share our abundance through a national transportation system, and commerce cannot thrive without a reliable national transportation system.

That is really what this debate is all about. And that is why I commend the chairman of the committee and the chairman of the subcommittee, the distinguished Senator from New York, who have labored mightily to bring to this floor a package that is a policy for a national transportation system. That is what this country requires.

It would be a grave mistake for us to balkanize, and for us to be so concerned about the individual State interests that we forget the larger national interests. And that is what this debate really ought to be focused on.

Again, I want to commend the chairman of the committee, my colleague from North Dakota, Senator BURDICK, and the very distinguished chairman of the subcommittee, the Senator from New York, for producing a legislative package which I believe is in the national interest, something that will serve this country well in the years ahead.

I thank the Chair, and I yield the floor.

Mr. MOYNIHAN. Mr. President, before my colleague and friend leaves to do other matters, may I thank him for his generosity to this Senator and to his colleague, our revered chairman, Senator BURDICK, but thank him most of all for speaking to the national interest in this system.

The Senate was created to represent the interests of individual States. By definition, surface transportation has to reflect geographical size and population size. Those are the two things that are excluded from representation in the Senate. And reaching agreement on these matters is institutionally difficult for us unless we step back for just a moment and say we are also U.S. Senators and not just Senators from New York, North Dakota, or what have you.

I think we are on the edge of a successful effort here. It takes us out of the interstate era into a new one. As the Senator knows, part of the genesis of our system occurred when President Eisenhower, in 1919, was given a convoy of trucks by road to take from Fort Meade, in Maryland, to San Francisco. The exercise assumed that military action had destroyed the railroads: get from the east coast to the west coast by road. And President Eisenhower found he could not. Two months later he got to San Francisco Bay, but they worked like soldiers under wartime conditions, and they made 7 miles an hour.

Well, we have done all that. Now we have the more complex system, not defense related, but actually related to the economy, as the Senator said. And in that regard, we are not doing very well. We have a bad case of public sector disease. Productivity in transportation has been growing at 0.2 percent. That is no growth at all. It would take 350 years to double. If American agriculture performed like that, we would still have 95 percent of the American people on the farm instead of 4 percent.

So I want to thank him and wish to express the sincere hope that many Senators were listening and will respond in that spirit.

Mr. CONRAD. Mr. President, I will respond by saying to our colleague from New York that I very much commend him for not only his leadership in crafting this bill but his leadership on the floor in reminding our colleagues that really what we are about is trying to craft a national system of surface transportation for this country and that we are the United States of America. As we have listened to this debate, one might almost forget that this is not just a body made up of people who are solely concerned about the interests of their own States. If we fall into that trap, we will regret it.

I again commend the Senator from New York for his able leadership.

Mr. MOYNIHAN. I thank my colleague.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

The PRESIDING OFFICER (Mr. DODD). Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY, pertaining to the introduction of Senate Joint Resolution 160 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGES OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that Mark Melloy, of my staff, be permitted access to the floor.

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

## THE PRESIDENT'S CHALLENGE

Mr. KERRY. Mr. President, I will take a moment also, if I may, to make a few comments regarding the President's speech last night and where we are legislatively and where we are in this country. The President issued a challenge after the Desert Storm conflict, at a moment when he deservedly came to receive the acclaim of the Congress and the American people for real leadership.

I stood with pride, along with everybody else, and listened with pride to his expression of America's sense of accomplishment. And there has been, since Desert Storm, in this country an enormous outpouring of a desire to get on with it; to get on with the serious business that faces this Nation. It has almost become cliche to talk about how, if we are a country that can get 500,000 troops to the desert within the shortest span of time in history, we ought to be a country that can also get people who are addicts, or who are homeless, off our streets here in America.

But we are not even talking about it. We are not even talking about it seriously. And I resent the notion that there are these artificial 100-day challenges that are used to obscure the last 870-some days of an administration that has wanted to deal in rhetoric rather than reality. At least to this Senator there is a perception that we are increasingly becoming two Americas, and Americans are becoming sensitive to that: The America the politicians talk about and then the America that we really are, that people have to live through every day, which they know is different from the one the politicians talk about.

The credibility gap between us and them, between the people we are supposed to represent and those of us who are doing the representing, is growing. I respectfully suggest the kind of speech we hear that attempts to say that Congress somehow has not been serious about its work in the past months and did not pass these two bills is exactly the kind of divisiveness that only plays to further enhance the cynicism in this country. It makes it harder to govern, and it makes it harder to pass legislation. It is not constructive.

If we want to talk about real leadership, if we want to talk about promises and challenges, what happened to the challenge that came from this President to make America No. 1 in education, to improve the math and science scores of our kids, to guarantee that we were going to have real programs that dealt with our teachers who are diminished in their ability to come out of higher education and go into teaching? Let us put that to test, if we really want to judge the last 828 days.

What happened to the war on drugs? We lost the drug czar, Bill Bennett. I have not heard from him publicly in months. We have more addicts, we have more heroin in our streets than ever before. Maybe 20 percent of the addicts in this country get treatment. If we want to be serious about governing then let us talk about treatment on demand for American citizens so every single citizen in this country who wants treatment, who needs treatment, has the treatment available. But we do not do that, do we, Mr. President? No, we do not do that because we are all locked up in this little game about politics, that involves this famous pledge and we are not willing to find revenue.

Not withstanding the fact we will not find revenue, we are willing to live with the phoniest budget process we have ever worked under, and now we have created this constraint for ourselves of a 60-vote majority all the time so the very Constitution of our forefathers put together by which we are supposed to make these decisions is no longer even the way we operate.

I think there are a lot of real tests of leadership. If the President wants 100-day tests, which he evidently likes, the original 100-day test being that of Franklin Roosevelt, then measure what he brought before this country for it to do versus the crime bill and the transportation bill that has been offered by President Bush.

What about the crime bill? We have already passed three crime bills in the last few years that I have been here. Notwithstanding the strengthening of sentencing, notwithstanding the additional money that we put in on the Senate floor, way above and beyond what the President asked for at any point in time, there is more crime than ever in our streets because we really do not have the resources, because we really have not made the commitment.

The Senator from Louisiana is going to speak on the bill so I will conclude my comments. But I suggest that dispassionate, honest measurement would suggest we would be far better off with less challenges of 100 days and more cooperative moments of 10 hours or 100 minutes, in which we are really sitting down and discussing the agenda for this country.

Anybody who measures the crime bill that was sent here by the President knows we have been busy inserting what we believe to be a real response to crime.

We have been busy dealing with one of the most significant banking crises in history, notwithstanding the administration's unwillingness to do what it said it would do on bifurcation of loans, to do what it said it would do on appraisals, and a whole host of other things that could be done to spur this economy along.

So I respectfully suggest we would be a lot better off if we limited the politics and get on with the business of legislating and governing. I think the American people would be a great deal happier with the process if we did that.

[Applause in the gallery.]

The PRESIDING OFFICER. The galleries will please remain silent during debate on the floor.

## SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. BREAUX. Mr. President, I would like to speak on the pending measure, the Surface Transportation Efficiency Act, and bring to the attention of my colleagues who may be monitoring the debate on the floor of the Senate what is happening with at least one aspect of the bill.

I commend the members of the Environment and Public Works Committee for the work they have put into this legislation, and especially the senior member from the State of New York, for the good work that he has done in bringing this transportation program to the Senate floor as well as the distinguished chairman of the full committee, Senator BURDICK from North Dakota, and also Senator SYMMS, for the work they have done in trying to put together a very complicated surface transportation system which is being perceived, hopefully, as fair to every State. Indeed, that is a tremendous challenge, to make citizens of my State, Louisiana, agree with the citizens of New York and the citizens of Maine and the citizens of Florida, and indeed all 200 million-plus Americans, that a program that divides up money is somehow fair to everybody. That is a real, serious challenge.

Let me make just a comment about an amendment that Senator DURENBERGER and myself have prepared. We are right now, as a matter of fact, negotiating and trying to get an agreement on it.

The legislation the committee has brought to the floor is a major departure from previous highway programs and highway legislation. I think we can all agree with that. There have been

some innovative programs, some innovative steps made in the product that they have brought to the floor to try to really put together a transportation program, knowing that what transportation needs are in the 1990's are certainly different from what the transportation needs were in 1930.

Obviously, mass transit, magnetic levitation rail systems, other subway systems are all very important. Still, there is a very small percentage of the people in this country who in fact use mass transit. The number I have seen is somewhere between 2 and 3 percent. That is important. It is important to this country and we ought to have a transportation system that adequately addresses the needs of mass transit.

But, all of us have highways that are falling apart. All of us have bridges that are falling apart. All of us have highways and bridges on the interstate and primary system, the network of roads in this country that were built in the fifties and sixties, that are literally crumbling under the very cars and trucks that are using those systems. There is not a Member of Congress who can say the highways in his or her State do not need help; do not need restoration; do not need resurfacing; do not need attention.

This country has a $205 billion investment in surface transportation, roads and highways in this country. It is very important that this Congress and our Federal Government assure that those investments are being taken care of.

The simple truth is they are not. Not enough work is being done to maintain those highways. Not enough work is being done to ensure the safety of the bridges that literally control the lives of millions of Americans every day, as we drive across them.

It is with some concern that I look at the highway bill and see the creation of a new surface transportation program that takes 50 percent of the money in the entire highway bill and puts it into a surface transportation program with absolutely no requirement that any of that money, which is half of the money of the whole program, be used for restoration or for resurfacing or for rebuilding or for reconstruction of that $205 billion transportation network that is in grave need of maintenance.

The States could use it. They might use it, but they do not have to. And the history of the National Highway Transportation System clearly shows that the States, indeed, are not using enough of their Federal funds in order to maintain the system of highways that the Federal Government paid for and sponsored with the Federal highway gas tax that everybody is paying.

Mr. President, when I look at the Department of Transportation and they tell me they could use $40 billion a year on maintenance of these highways, I am disturbed when I see that half of this money in this bill is put into a category for which there is no requirement that any of it be used to maintain the highways. I am fearful, Mr. President, that unless we change this legislation just a little, we will have done very little to guarantee the highways in America will be fixed, and be maintained, and will be repaired, and will be resurfaced, and will be reconstructed.

Therefore, Senator DURENBERGER and I, with the support of a large number of organizations in this country, have prepared an amendment. The amendment is very simple. The amendment simply says that that new pot of money, the new program, the surface transportation program, which the committee bill puts half of all the money into, that 25 percent of the money in that pot will be used for the purpose of solving the needs of the National Highway Transportation System.

We do not change the formula that Senator SYMMS and Senator MOYNIHAN wrote into the legislation as to what the money can be used for. In fact, on page 13 of their bill, they talk about projects eligible. Those are the same projects eligible under the Durenberger-Breaux amendment. It says it shall include construction, reconstruction, rehabilitation, resurfacing, restoration, mitigation of damage to wildlife, habitat and ecosystems caused by a transportation project, so on, operational improvements for highways, including interstate highways, and bridges, including bridges on public roads of all functional classifications.

We are saying that half of the amount of money that is put into this new surface transportation program, that is just one-fourth of it, be used for the purposes I just mentioned. They can use the remaining three-fourths for all mass transit if they so desire; they can use it all for mag levitation, if they so desire. At least a small portion of it shall be used for the National Highway System. That means that we are stating as a Congress that there ought to be some way to ensure that roads are functional and that they will be repaired.

I am just very concerned that in the absence of this amendment, we will have done nothing to ensure that the States will be maintaining the roads like we all would like to see them maintained.

We also talk about the National Highway System and we clearly point out in our amendment that the National Highway System is a system that will be designated by the States in consultation with their regional and local officials and with the approval of the Secretary of Transportation. Therefore, we maintain the Federal-State partnership. The State comes up to the National Highway System within their State in consultation with local officials and the Federal road is protected because it has to meet with the approval of the Secretary of Transportation.

Mr. President, under our amendment, we will be guaranteeing even less than has been guaranteed through 1985 and 1989, the last 4 years of the program, to be used for highways. We will be guaranteeing less than was required before. If anybody thinks that we have done a good job of repairing the roads, every Member of this body has some horror story about a highway, a road, a bridge in their State that is not working, that is dangerous, that is falling apart and is in desperate need of repair.

The only thing that this amendment says is that you take 25 percent of that whole pot of which half the money is already placed in, and use it for the purposes spelled out in the Moynihan bill dealing with highways. I think they have listed everything that is important. When they talk about construction, reconstruction, and rehabilitation, and resurfacing, and restoration and other items that the Moynihan bill has set out we do not have any objections to that.

We do not change the formula. The formula of 80 to 20, or 75 to 25, according to the type of work that is being done, is maintained. We do not change that in any sense, nor do we attempt to change it. We do not want to change it. At least we are saying this country has a $205 billion investment and it is crumbling and it is falling apart.

In many areas it is not working. Yet, people continue to pay now a 14-cent gas tax. They would like to know that when they pay that tax to drive on that road in their truck or their car that at least a portion of it will be required to be spent on ensuring that the roads work. I think that this is what we are attempting to do.

I will just close by reading the list of people and organizations who have contacted us officially listing their support for the concept of a National Highway System: National Governors Association, they are concerned about the quality of highways in their States; the Highway Users Federation; American Association of State Highway and Transportation Officials; American Automobile Association; the American Road and Transportation Builders Association; the American Trucking Association; the Association of Builders and Contractors; the Farm Bureau; Associated General Contractors of America; the National Chamber of Commerce; National Grange Organization; the Petroleum Institute of America; representing elected officials, Governors, people who drive over roads, people who drive the roads, people who are concerned as I, Mr. President, that the transportation system of highways that we have be protected and continue to be improved.

With that, Mr. President, I will just conclude by saying we are working on the amendment. We discussed it with the distinguished chairman. There still are some ripples, as we say, in it. Hopefully, as time passes, we will reach an agreement.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before my able and learned friend from Louisiana has to go off to meetings, may I just thank him for his comments and say there is very little that we would disagree about, if anything.

When you talk about the largest public works program in history, which was begun properly in 1947 but really began to accelerate in 1956 with the trust fund gasoline tax, we talk about an enormous expenditure. In this program, the system is relatively new—some are 3 years old—and at the same time speak of it as crumbling. I do not disagree with my colleague, but I say that is called public sector disease. You can put an unlimited amount of money into something and it still will not work.

It is equally public sector disease when, as the Senator says quite accurately: "The Department of Transportation says that $40 billion, or $200 billion over 5 years, is required to meet the needs of the existing Interstate System. Even with these staggering needs, S. 1204 goes in the opposite direction."

A good example of public sector disease is when the Department of Transportation says we need $200 billion for one purpose and then actually proposes about $60 billion and does not notice that there is any contradiction because no statement of need is relevant to resources available. That is public sector disease. You lose all capacity to compute.

You can say we need $200 billion and then propose $60 billion and then propose to explain where you are going to get the other $140 billion. Anyone in the private sector who is truly responsible would say if you needed $200 but only had $60, well, we will make do with $60. But in the public sector these fantasies can go on. No one thing has to connect with another.

So why are our roads crumbling after we have just built them? Because they have not been built well. Our highway officials are just finding how very much ahead of us the Europeans are. Why? Because the money is free. If it only lasts 5 years, well, there will be more money. We have been saying over and again in this bill there is no such thing as a free lunch and there is no such thing as free way.

We had in the Washington Post an article about the group of highway officials who came back from Europe stunned by what they saw. The head of the Missouri Department of Transportation said from a second-rate nation we are going to fourth rate. That is a public sector disease. We are trying to do better.

The Senator from Idaho and I are trying to get more out of it. We are trying to talk cost-effectiveness and productivity and accountability, and I love it when the Department of Transportation says we need twice as much as we have. But so what? Nobody is accountable. It is not anybody's money. If you waste it, no one will know.

It is not a good arrangement.

I have a feeling that nobody understands when on our side of the aisle we try to talk price and productivity, but I believe we do.

The Senator from Kansas is on the floor, not just the Senator from Kansas but the Republican leader. We are honored to see him come forward and engage in our marrying enterprise.

Mr. DOLE. I thank my colleague from New York.

AMENDMENT NO. 327

Mr. DOLE. Mr. President, I have been discussing with both the managers of the bill the last couple of days a particular not problems but circumstance we have in the State of Kansas.

We currently spend about $23 million per year on bridge programs. Under the bill, that amount would increase to $73 million. While we appreciate the increase, we cannot spend this amount. What we would like to do is to be able to transfer up to 60 percent of the bridge funds to other accounts. But we limit that and it would only be available to States which receive large increases in the bridge program which they cannot spend.

So we limit the amendment to only the States which receive over 50 percent more money than they received in the previous year. This will limit the application, but I think other States may find the same problem; where they do not have a lot of need for bridge money, they do have a lot of need for road money, and we would like to be able to transfer up to 60 percent of the apportionment of bridge program funds.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. MOYNIHAN. Mr. President, I believe we have to set aside the pending amendment.

Mr. DOLE. I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report. The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 327.

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

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

The amendment is as follows:

At the appropriate place add the following:

**Sec. 108. BRIDGE PROGRAM.**

(g) Transfer of Funds.—

Up to sixty (60) percent of the apportionment of Bridge Program funds are eligible to be transferred to either the Surface Transportation Program or the Interstate Maintenance Program if apportionment of bridge funds exceed bridge funds obligated in the previous year by more than fifty (50) percent. These transferred funds may be programmed in any area of the state and are not subject to the requirements of distribution specified in Section 106(b)(1).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, we support the amendment on this side. I think the amendment of the Senator is very consistent with what Senator MOYNIHAN just finished saying. This will give the State of Kansas, which is very flat, few streams, and therefore very few bridges, the opportunity to use this money to fix the roads that are in disrepair. That is essentially all it is about, and I support it. It gives more flexibility, and that is the purpose of the bill.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I am in an enviable situation of having the Republican leader as a captive audience for the next 45 seconds. I want to say again we appreciate his amendment. We agree with it. This is what we would like to do—let States make the optimal use of limited resources.

All resources are limited, and in this case probably more limited in recent years. The spending on highways peaked in 1965 at $40 billion a year in 1982 dollars. It is now down to $10 billion.

So you have to get more out of that $10 billion. One of the reasons our highways are crumbling is when we have given interstate moneys for maintenance the States have taken in the last 5 years half that maintenance money and built new capacity. That is what is rewarded in this public sector: the photograph, the ribbons, getting yourself a contractor.

There are no photographs of good maintenance, and therefore where there is no pricing system that tells you what you get back, the reward is to use it less than optimally. We are just trying to see if we cannot get some pricing concepts into our system.

May I thank the minority leader for listening. He is gracious about it, as always. We certainly commend him for his amendment, and without objection, if I may, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 327) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. I thank both managers of the bill for their consideration.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, if anybody on the floor has an amendment that he or she would like to offer, then I will not take the time of the Senate. I have not spoken on this bill, and as you and my colleagues know, there has been a lot of backroom maneuvering. I do not mean that in a pejorative sense or in a derogatory sense. A lot of people with a deep and abiding interest in this bill are trying to protect their States, their State highways, and the people of their States.

Arkansas is a donor State. It has been for many years. I have never been rhapsodic about the fact that we were a donor State considering the fact that we are probably 46th or 47th in per capita income in the Nation. We are not one of the more affluent States. But we have always made monumental efforts through the gasoline tax to keep our highways in as good condition as we could, and even build new ones. We were one of the first States to finish our Interstate System as a result.

Mr. President, going back to my days as Governor of the State of Arkansas, when we were looking at formulas, we always assumed that if Arkansas got 1 percent of the Federal largesse, that was about right, because we had 1 percent of the people in this country.

But in Arkansas, a State that is not very affluent, we pay 1.4 percent of the total that goes into the trust fund. So you can see that we, on a per capita basis, are making a four-tenths of a percent greater effort than the rest of the Nation. And in the past—again not in a derogatory sense—what we have effectively done is help Idaho, Wyoming, Montana, Nevada, and many other Western States which had very significant interstate systems but not very many people who bought gasoline to pay for them.

As I say, ever since I was Governor, I never liked the allocation, but we never really raised that much cain about it. But now, as strongly as I feel about this bill, I am not at all sure, even with some of the compromises being talked about, that those compromises are going to deal with the basic problem. The basic problem is the allocation system.

Under the allocation system of today, as it has been since the early 1980's and before, what was good in 1980 in the allocation system is not necessarily good in 1992, or 1996.

The reason for my resentment about the way this system has worked in the past is that Arkansas is also a State that uses more gasoline per vehicle than any State in the Nation. And we have the 16th largest highway system in the Nation to maintain.

Having said all of that, if I have the opportunity to vote for the so-called FAST bill, I will vote for it. I am not optimistic at all about the chances of its passage. I think if we had to choose between the so-called Moynihan bill and the FAST bill, the Moynihan bill would prevail. I simply feel States like mine, which have been donor States for a very long time, have been mistreated. I think we are about to reach a compromise here, which is going to be good in one sense because it is going to give Arkansas $50 million a year more than we would otherwise get. However, this compromise is, as it has been said, the tail wagging the dog. We are adding money on the tail but we are not dealing with the dog and the way the dog is constructed, namely the allocation system.

Senator BYRD has an amendment which I think has been temporarily laid aside, a first and a second-degree amendment. When Senator BYRD first mentioned this proposal in the caucus last Tuesday, he looked at me and he said, "For example, under my amendment, Arkansas will get $27 million a year more." That is a good way to get my attention. He got my attention.

I thought knowing the effectiveness of Senator BYRD, he is probably going to get this amendment passed. And if there was nothing else before this body, that amendment would in my opinion be adopted. I could go home and tell the people of my State, "Well, we got at least $27 million more a year than we were going to get."

Now, under the so-called Byrd-Bentsen-Mitchell compromise, it looks as though Arkansas could get around $50 million a year more. You do not have to be a rocket scientist to know I am going to vote for that.

But the point I wanted to make is twofold: No. 1, there is a budget problem. The compromise includes $8.2 billion more that is going to have to come out of the highway trust fund. Because the highway trust fund is a part of the consolidated budget of the U.S. Government, the $8 billion, under the budget agreement, is going to have to come out of other domestic discretionary spending.

People in this body may very well be asked to make a decision on that $8 billion. For example: Do you think highways are more important than Head Start? Do you think highways are more important than education or the environment, or immunization of children?

I was over at the White House this morning, Mr. President, and President Bush made a beautiful speech about the problems of immunization.

I do not want to go too far afield here.

But you see, this is one of the things I always complain about. It is always a matter of priorities. Do you know that we lost more children to measles last year than men in combat in the Persian Gulf? There were 27,600 cases of measles last year that were entirely preventable, and 89 children died whose lives could have been saved. How could they have been saved—with another $100 million in the immunization program.

President Bush, to his credit, has asked for an increase of $40 million in the immunization program. I applaud that. But I can tell you that is not going to get the job done.

The only reason I digress by talking about immunization programs is that later on, members of the Appropriations Committee are going to have to pick and choose. Can we find enough in domestic discretionary spending under our budget proposal to provide this $8.2 billion so that my State can get almost $50 million more a year for our highways which God knows we need desperately? And many other States are going to benefit similarly under this compromise amendment.

Those are the decisions we will have to make. They are not going to be easy.

I will be very pleased initially to be able to say to the people of my State, "You know we have been able to get around $50 million a year more, nearly a quarter of a billion dollars, over a 5-year period." But I just want to reiterate that the basic problem is the allocation formula problem.

There is one other point I want to make. With the utmost respect for my very distinguished colleague and dear friend, Senator BYRD, there is one thing about Senator BYRD's amendment I wish would be changed.

In the first part of the compromise which is currently on the table, the $4.1 billion is going to be allocated based mostly on local effort. Arkansas has just passed a 5-cent gas tax increase. We are going to have, we do have right now, one of the highest gas taxes in the Nation. Under the Byrd amendment, we are going to be rewarded because we have made a local effort.

We are trying mightily, for a poor State, to maintain the national average in gasoline taxes. But as I understand the Byrd amendment, you only get rewarded if your gas tax exceeds the national average. This means, Mr. President, from the State of Connecticut, that Connecticut's gas tax may not be up to the national average while Arkansas' gas tax is 10 cents over the national average. Over the next 5-year period, the States which are under the national average could raise their tax and therefore reduce Arkansas' advantage under the Byrd amendment. That means we could get a $27 million bonus the first year, but not necessarily as much the second year because, as other

States raise their taxes, they raise the national average and that gives Arkansas a smaller advantage unless we continue to raise our gas taxes also.

That is a problem.

The other problem I have with the amendment is that it does not take into consideration the diesel tax. So that means, all the taxes you collect from truckers, virtually all of whom use diesel fuel, will not be considered in the formula.

In addition, we have a fairly substantial motor vehicle tax in our State. We get no credit for that—only gasoline sales. I am not squawking too loudly about that, because as I pointed out a moment ago, Mr. President, we use more gasoline per vehicle in my State than any State in the Nation. That is one of the reasons we fare so well under the Byrd proposal.

But I also think it would be fitting and proper to include some other local effort: motor vehicle registration fees, diesel tax, all of those things that States use to build highways.

I believe it is true, Mr. President, that if you take the national average of the non-Federal effort on highways for every dollar of money spent on highways by the States, with no Federal assistance, only 60 cents of every dollar comes from the gasoline taxes. Most people assume that all highways are built with gasoline taxes, when, in truth, only 60 percent of the State's share used to build highways comes from gasoline tax. The rest comes from diesel tax and motor vehicle taxes, as well as other kinds of small taxes.

I am not going to offer an amendment to change the formula of the Byrd amendment, but it would not hurt my feelings any if we changed it to include other types of local effort.

Well, Mr. President, I am only speaking because there is not an amendment pending. I do not want to burden the Senate and take time. But I have not spoken on this subject, which I feel strongly about, because the State of Arkansas is a donor State and has been for a long time.

I will conclude by saying that I just came from a meeting of several Senators to discuss how we are going to resolve this problem, and possibly get this bill passed tonight. My position was that I preferred the FAST bill. If it is offered, I will vote for it. It will probably be defeated, and then I am going to vote for the Byrd-Mitchell-Bentsen compromise.

Well, I guess that just about sums up what I wanted to say about this issue. As I say, and it bears repeating, it does not deal with the fundamental problem of the allocation formula in this country, which in my opinion, needs a drastic overhaul. And in fairness to the Moynihan bill, I believe there is a provision in there that provides for a study of the allocation formula, which is going to come back to us—is it 2 years?

Mr. MOYNIHAN. Yes.

Mr. BUMPERS. We have a study back on the allocation formula.

I thank the Senator from New York for his indulgence, and welcome any comments he may have on what I just said.

Mr. MOYNIHAN. Mr. President, my first comment is that, once again, the Senator from Arkansas brings that range of experience and depth of intellect to something that is at once complex and at once elemental.

There is no question about the facts. At some measure, people choose modes of living; and some live in automobiles, and some live otherwise. Exactly what accounts for the high level of consumption in Arkansas, I do not know. I wish we knew more.

Amazingly, there is no data. We establish in our bill a Bureau of Transportation on Statistics to get the basis for an allocation formula that is not just historic. When we included rural postal routes in 1916, I assure you the Senators from Arkansas were for that. The Senators from New York probably did not know whether that was necessary. But years change, and it is still there.

We have no rationale for the allocation formula we adopt in this bill, save that it is the existing one. It is what is in place. We hold people harmless and propose to provide moderately increased amounts of moneys. I hope that we can move into the post-interstate era, and start thinking about these things with some purpose and some data at hand before we come to the floor in those last minues, everybody with his own chart or table.

And I only plead to my friend from Arkansas that as important as the allocation formula is, it is inconsequential alongside the question of what do we get for the money we spend.

We have a real case of public sector disease in surface transportation. We have had no growth in productivity in 15 years; all of the rewards of doing the wrong thing. People have been talking about the crumbling Interstate System. How could the Interstate System be crumbling? Most of it is not 15 years old.

Well, because the moneys provided for maintenance are not being used for that. Half are being used to add new capacity. Why do you add new capacity? Because you have a ribbon-cutting ceremony that way. Nobody ever got a medal for maintenance. Air crews do, but highways do not.

We have no pricing system, no accounting system, no accountability system. It is a real case of public sector disease. That is what we are trying to cure in this bill. Whether we will succeed or not, I do not know. I would not even say that the odds are high. But we could not allocate our resources much worse than we have been doing, particularly now that the good times are over and the resources are running low.

The Senator says that he will vote for the FAST bill, and I would understand perfectly that he did. He would do it in response to the equitable outcomes for his own State. But as he would note, the administration sent us a transportation bill that was, in fact, an energy policy. The more gasoline you consume, the more money you get. It should be just the other way around.

When we started the Interstate System, we were the world's largest exporter of oil. We are now on the edge of importing half our oil. It is those matters that are addressed in the bill.

I hope that, on the balance, they make up for any injustice that it perpetuates through these formulas. I do not question the need for revision, but not to revise in order to reward the highest level of consumption of imported petroleum.

I see the Senator nodding. I am sure he agrees. Let us see if we can work together in the years ahead.

Mr. BUMPERS. I thank the Senator for his comments.

Mr. President, I thought I might have left a couple of items dangling a moment ago, and I want to be sure that they are correct in the RECORD.

First, I talked about this $8.2 billion compromise, I pointed out that under the budget agreement, the $8.2 billion, while it comes out of the trust fund, is part of the consolidated budget, so we must find that $8.2 billion somewhere else in the domestic discretionary spending program.

As I also said a moment ago, that is going to require some very, very tough choices. As this body knows, domestic discretionary spending is the area, in the past 10 years, in which we have penalized ourselves and we have short changed education, health care, law enforcement, and the environment. As you know, Mr. President, over the past 10 years, spending in these nondefense discretionary programs has gone from 24 percent of the budget to 11 percent of the budget.

Do you want to know why we are not as competitive with the Japanese? Do you want to know why crime is on the increase? All you have to do is to look and see what has happened to the budget insofar as the money we spend on ourselves. Entitlements have gone up. Defense has gone up 110 percent. Foreign aid has gone up 40 to 50 percent. But the money we spend on ourselves to make us a great people has gone up 0.75 percent and declined as a percentage of the budget from 24 to 11 percent. And yet, if we adopt this amendment—and I am going to vote for it because I am willing to face the appropriations process later and decide whether we can do it or not—all we are doing here, if we adopt this Byrd-Mitchell compromise, is saying that the Appropria-

tions Committee should do its best to find $8.2 billion to fund it. I sit on the Appropriations Committee, and I can tell you I do not look forward to that chore.

But, having said that, the other thing I want to point out is that if the $8.2 billion proposal becomes law, my State will get more money back for every dollar it puts into the highway trust fund than it has received in the past. I can tell you it will warm the cockles of the hearts of the Arkansas Highway and Transportation Department and the people of Arkansas, who want good roads and really have been stretching out to get them to receive a fairer return on our trust fund contributions.

I applaud the Senator from New York for his monumental efforts on this bill. We had disagreements on the allocation perhaps, but there is a lot more to that. I do not know; maybe there were monumental efforts in the committee to do something about it. It just did not turn out. But all this goes without saying. I have the utmost respect for the distinguished chairman of this subcommittee. I appreciate his efforts, and perhaps saner heads will prevail tonight and we will get a bill out of here. I hope so.

I yield the floor, Mr. President.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to set aside the pending Byrd amendments.

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

AMENDMENT NO. 327, AS MODIFIED

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Dole amendment No. 327, adopted earlier this afternoon, be modified with the language which I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment (No. 327), as modified, is as follows:

At page 30, following line 19, add the following:

"(g) TRANSFER OF FUNDS.—Up to sixty (60) percent of the apportionment of Bridge Program funds are eligible to be transferred to either the Surface Transportation Program or the Interstate Maintenance Program if apportionment of bridge funds exceed bridge funds obligated in the previous year by more than fifty (50) percent. These transferred funds may be programmed in any area of the state and are not subject to the requirements of distribution specified in section 133(b)(1) of title 23, United States Code.

Mr. MOYNIHAN. I thank the Chair.

I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CRANSTON. Mr. President, I ask unanimous consent that it be in order to proceed with an amendment and that we lay aside the pending amendment.

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

AMENDMENT NO. 328

(Purpose: To amend the Urban Mass Transportation Act of 1964, and for other purposes)

Mr. CRANSTON. Mr. President, I now send to the desk an amendment that includes as a title in this bill the language of S. 1194, the Federal Transit Act as reported by the Committee on Banking, Housing, and Urban Affairs. I ask unanimous consent that the amendment be agreed to and considered original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection. If not, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SARBANES, Mr. DODD, Mr. DIXON, and Mr. KERRY, proposes an amendment numbered 328.

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

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

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

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 328) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I am pleased to offer this amendment together with my colleagues Senators DON RIEGLE, AL D'AMATO, PAUL SARBANES, CHRIS DODD, ALAN DIXON, and JOHN KERRY.

Our amendment would offer in all but two respects the language of the Senate-reported Federal Transit Act of 1991 (S. 1194) as a new title III in the highway bill that is now before the Senate.

Our amendment would change the Senate-reported language in two places to remove conditions on the funding flexibility of transit funds if a metropolitan area chooses to use the funds for roadway projects. These changes were arrived at in agreement with Senators SYMMS, CHAFEE, BURDICK, MOYNIHAN, RIEGLE, and D'AMATO.

Let me now describe the measure that we bring before the Senate.

First, the committee-reported transit bill would be amended in the section on Metropolitan Transportation Strategies that provided exceptions to an MPO's ability to transfer funds to roadway projects. The only exception remaining would be for projects that the Secretary determines are mandated by the Americans With Disabilities Act. That, of course, is a necessary exclusion.

That section would also be amended to clarify that nothing in this section confers on a metropolitan planning organization the authority to intervene in the management of a transportation agency. Again, that is a necessary clarification to ensure that the management of transit agencies and other agencies are not subjected to undue political influences as a result of the strengthened planning authority established in this bill. The intent of both committees, I believe, has always been to provide funding flexibility for capital investment decisions.

Second, the committee-reported bill would also be amended in the section providing for discretionary transfer of apportionment in the formula grant program. The limitations on the use of transit construction for highway projects would be dropped so long as a determination is made by the Secretary that appropriate provision is made for investments mandated by the Americans With Disabilities Act.

I am pleased to have been able to arrive at this accommodation with Senator SYMMS and other Senators. I believe these changes are appropriate clarifications and make the highway and transit titles compatible with respect to funding flexibility. I believe these changes clear the way for adoption of the transit title to this important bill.

Mr. President, this Federal Transit Act is a bipartisan bill. It was reported unanimously from the Committee on Banking, Housing, and Urban Affairs. I believe it is the most important transit bill in many years.

In recent years, public transit has become increasingly important in virtually every part of the country. Federal transit assistance serves millions of Americans with a wide array of services—from the heavy rail transit that is expanding in our largest cities, to bus service in our medium-sized cities, to van-based paratransit services that

meet special needs in smaller communities.

Despite significant advances in recent years, the unmet need for modern, efficient public transit is even greater today than it was in the past.

Senate action on the surface transportation bill gives us a great opportunity to begin closing that gap. For the first time in 35 years, we are finally free to decide the future of Federal transportation policy without the cost burdens of completing the Interstate Highway System. The Nation now has that vital asset.

We also know that in our major population centers we cannot continue trying to achieve nationwide mobility by building bigger and better roads to accommodate more and faster vehicles. In many areas, more highways simply do not bring mobility—new highways tend to generate new congestion.

Continuing a highways-only policy will burden us with increasing intolerable traffic congestion, with atrocious and worsening air pollution, with overreliance on foreign oil.

Continuing with a narrow-viewed highway policy will lead us up a blind alley. The Senate must find a better path.

I am confident that a new transportation bill can move the country toward a more balanced, integrated and efficient transportation system. We can do a better job of linking highways, mass transit, ports, railroads, and airlines. We can move goods more efficiently within urban centers and to distant markets. We can help people move quickly to and from home, jobs, and other destinations.

And I believe that this bill—together with the work of the Environment and Public Works Committee, which I praise—steps up to that challenge.

The Subcommittee on Housing and Urban Affairs, developed this bill on a bipartisan basis for several months. Earlier this year, we invited policy recommendations from transportation leaders across the country. We convened a national symposium on public transportation. We have held a total of nine hearings in Washington and elsewhere.

Many experts responded with very thoughtful advice. The committee print now before us has many provisions that were developed by my colleague AL D'AMATO. The bill would make a number of important changes in transportation policy.

First, the bill will provide comparable funding increases for highways and public transit. That is urgently needed after a decade in which transit was cut by 50 percent in real terms. Both the discretionary grant program and the formula grant programs will be funded partly out of the transit account of the highway trust fund and partly out of general funds. That responds to the concerns of many States who have complained that they were paying into the transit account but getting little or nothing back.

Second, the bill opens up the highway trust fund so that highway and transit dollars can be used to improve mobility in the most efficient way—whether that is with roadways, or transit, or some multimodal solution. These sections were refined, as I indicated, in discussions with the floor leaders of this legislation in the last few hours.

Third, the bill makes sure we get the most bang of transportation service for every transit buck that is made available. The bill improves full funding grant agreements to stretch available funding over more projects and enable transit operators to finance and manage long-term projects more efficiently. The bill also will permit operators to enter into long-term purchasing agreements for buses and rail cars to provide fleets of compatible vehicles that can be operated and maintained more efficiently. In addition, the bill will provide new authority that is needed for turnkey procurement of high technology transit systems.

Fourth, the bill addresses differing needs of mass transit systems across the country—providing valuable reforms affecting new starts, system extensions, rail modernization, bus procurement and paratransit services. The bill doubles the section 18 rural transit program.

Fifth, the bill gives metropolitan areas responsibility to develop comprehensive strategies for meeting their long term transportation needs. For the first time, we will closely link transportation planning with budgeting of scarce resources.

Sixth, the bill removes the bias against the choice of transit when it is the most efficient use of Federal transportation funds. The bill provides a more level playing field between transit and highways.

And finally, the bill reinforces the country's ability to achieve the Clean Air Act, the Americans With Disabilities Act and other important national objectives.

The bill reflects the suggestions of many transit leaders across the country. It breaks some important new ground to provide for more effective mass transit.

The transit title included in our amendment is fully compatible with the highway bill now before the Senate. Combined, the highway and transit titles form an historic piece of transportation legislation—a sound framework for a national transportation policy to meet the country's needs over the next decade.

Now we need to get it enacted. I urge my colleague to adopt this amendment.

Now it is the turn of AL D'AMATO to speak on this. Before he does so, I would like to thank him for his wonderful, bipartisan cooperation on this measure. Al and I worked together on the housing bill and the result was a landmark housing piece of legislation that will help many Americans in the course of the not-to-distant future. Now we have worked together, again successfully, on a very, very important transit bill that I think will improve the lives of every single American.

Mr. D'AMATO. Mr. President, the Senator from California has been much too gracious, because I think the record will demonstrate the fact that he and staff have worked for many, many days, many weeks, many months in tireless effort to put together a package with limited resources that really attempts to treat those areas that have been neglected.

I rise, along with the chairman of the Banking, Housing, and Urban Affairs Committee, in support of, S. 1194, The Federal Transit Act of 1991, an amendment to S. 1204. The Federal Transit Act of 1991 is a bipartisan bill which reauthorizes the Federal transit programs for 5 years, fiscal years 1991–96, for a total of $21 billion. S. 1194 was reported out of full Banking Committee by voice vote on June 6, 1991. As you know I introduced S. 1160 on May 23, and am glad to see the main features of my legislation retained in the bill we are now bringing to the floor.

This amendment represents a continued and enhanced commitment by the Federal Government in supporting our transit infrastructrure nationwide. This legislation does not represent drastic changes in program structure or purpose but it does make a number of positive changes to existing programs. Changes that are intended to make the transit programs more workable. In view of the fact that the funding levels in this amendment fall far short of actual needs, the focus on refinement and improvement in current program structure are ever more important.

Local matching shares have been preserved at their current levels. This is vital to States who now are hard pressed to come up with more local dollars for their projects. New starts have been funded, demonstrating our commitment to continue this widely supported program at increased levels. Transit is the Nation's clean air solution and this bill makes it more available. As you know, the administration bill largely would have turned off the tap for new starts with the exception of three projects, and some minimal funding for others.

The Elderly and Handicapped Program has been doubled from $35 to $59 million which will increase mobility for our disabled seniors. The rural program also has been doubled from $65 to $127 million, which will assure continued transit service in areas like Jamestown, Watertown, Oneonta, and Ithaca, NY. These programs will continue to

grow over the life of the bill. Moreover, we have preserved operating aid for larger cities which will help reduce pressures to raise fares and cut service.

This amendment also highlights predictability by relying more on formula and less on discretionary funding. It also includes the President's planning and research proposal which will increase the focus on research and technology development with coordination of the private sector, the academic community and the State and local governments.

Mr. President, this legislation also provides for further pursuit of ways to improve safety on our transit systems. I am still not satisfied with the level of safety found in some of our systems, be it in terms of crimes committed against transit riders or in terms of inadequate equipment or operating procedures which potentially jeopardize transit riders. This amendment requires the Secretary of Transportation to work with the Banking Committee in making recommendations to Congress on the need for legislative or administrative action necessary to pursue the elimination of hazards that pose the potential for death or injury to transit users.

Extensive negotiations between committee members have resulted in compromises on tough issues including turning the section 3 rail modernization program from a discretionary program into a formula program. The transit industry has demanded more predictability and equity from this program, and a formula approach accomplishes that goal.

The established formula was based on a combination of historic averages and rail tier formula factors. The historic averages, unfortunately, represent the skewed distribution patterns that were criticized under the discretionary program. The rail tier formula factors represent a statutory formula prescribed by Congress that distributes funds under a service based needs formula.

Under this formula distribution of funds the dollars flow where the service is located. Accordingly, New York qualifies for 41 percent of the rail modernization funds since it represents 41 percent of the service nationwide. I refer to a chart that illustrates how this formula would distribute funds nationwide. Also, I refer to a letter, sent to all full Banking Committee members, from UMTA Administrator Brian Clymer stating the administration's position on and the fairness represented by use of a service based formula.

I am proud to continue my active role in the reauthorization of programs that I helped to develop back in 1982. The cornerstone of the 1982 reauthorization was my proposal to set aside one penny from the gas tax revenue and dedicate it to a special transit account of the highway trust fund. This generates approximately $1 billion annually for the transit account.

Last fall, under the Budget Reconciliation Act, Congress authorized a new 5 cent gas tax which took effect December 1, 1990. Two and a half cents was set aside for deficit reduction. Two and a half cents was allotted to the highway trust fund of which one-half cent, 20 percent, is dedicated to the mass transit account generating another half a billion dollars a year to the transit account. But, we cannot spend this additional half a cent without violating the Budget Enforcement Act which counted the revenue as part of the overall domestic discretionary cap for fiscal year 91–93.

Mr. President, the infrastructure needs of our transit systems nationwide are greater than available Federal dollars. Thus, our limited Federal resources are critical to maintaining control of our systems. Federal investment here promotes job creation and economic stimulus. In addition, it also helps in addressing critical congestion and pollution problems, reduce our dependence on imported oil and increase productivity. Federal spending on transit is not a one-way street.

Mr. President, I ask my colleagues to consider this bipartisan bill in the context of the many important economic and environmental concerns addressed by the Federal investment in transit.

Let me thank the fine staff of the chairman of the subcommittee: Don Campbell, Bruce Katz, Eileen Gallagher, Nancy Smith, Chandra Williams, and Kris Warren who have worked diligently throughout this process.

I am going to simply emphasize several points.

No. 1, there are at least 20 cities that can say thank you for this bill which preserves operating assistance totaling more than half a billion dollars a year that would have been lost. Whether it is the smaller transit properties such as Buffalo, or Baltimore, or Atlanta, or St. Louis, they cannot afford to lose that operating assistance.

Six million dollars may not seem like a great deal of money, but if we see the problems that urban America is having we begin to recognize those are important dollars. Without those dollars, these places have to curtail services, in some places drastically.

They do not have the ability to increasingly raise their fares because that means less riders. So I think one of the great things we do is preserve the $500 million in operating assistance.

This bill saves large cities such as New York and others by preserving the current matching formulas. We are talking about tens and tens of millions of dollars.

Again, if we are going to call upon the cities to make investments, preserving the 80–20 match, the 4-to-1 match is important. It is the difference between capital programs carried out and having no capital improvements. If we double the match, which is what the administration asked for, we are talking about incredible fare increases and service cuts.

Finally, our bill places the rail modernization program on a formula basis. Why is that important? Because for the first time, it assures predictability in annual funding levels. So the old rail systems that have to make improvements can count on the moneys and do not have to guess whether or not they are going to win a competition, or guess whether the discretionary funds are going to be there. It is an assured flow of moneys.

I again thank the chairman for recognizing our problems with the high growth areas. How do we deal with them? So there were amendments that came through on this bill during the committee process which begin to address those areas, whether they are in California, whether they are in North Carolina, whether they are in the State of Florida. So we addressed the annual census to pick that up, after 4 years. I think that certainly makes sense.

Finally, if I might be somewhat parochial as it relates to the trade-in funds that New York in its battle with Westway, which was very contentious at times—this bill provides the opportunity for our city to drawdown on those moneys over a 2-year period of time. We desperately need that ability. I thank the committee. I thank the Senate for giving us that opportunity. That is $180 million, that is $90 million a year that New York will now be able to avail itself of.

It is a good bill. It is an environmentally sound bill. It moves to give people an opportunity to get out of the automobile and to use mass transit wherever possible.

I conclude by thanking Senator CRANSTON and, again, the wonderful professional staff on both sides who have done a magnificent job, and by asking unanimous consent to have printed in the RECORD a letter from Brian W. Clymer, the administrator of the Urban Mass Transportation Administration and a table detailing the impact of formulizing the rail modernization program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION, URBAN MASS TRANSPORTATION ADMINISTRATION,
*Washington, DC.*

Hon. ALFONSE M. D'AMATO,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR D'AMATO: As you prepare to mark up transit reauthorization legislation, I strongly urge you to retain a cornerstone of the administration's bill—placing the rail modernization program within the section 9 formula. Distribution of these funds under a responsible service-based formula will build predictability into a formerly discretionary

program. Grantees will be better able to plan projects and maximize the use of Federal dollars.

The administration's proposal would allocate funds to those cities with rail needs under the existing section 9 Program. I believe that an equitable allocation should tie funding to rail service factors. Formulas based on historic shares received of this formerly discretionary program will result in skewed distributions of funds.

Our proposal would allocate $600 million to the section 9 formula program. These funds would be allocated by the rail tier factors in the current section 9 formula: 60 percent fixed guideway revenue vehicle miles and 40 percent fixed guideway route miles. These statistics come directly from our section 15 Uniform System of Accounts and Record Keeping. This would have the effect of providing funds for rail modernization needs of the traditional rail modernization cities and other cities with newer rail systems from an expanded formula program.

Equity and predictability are best served by allocation of the rail modernization program by the section 9 formula. This important program affects the distribution of close to half a billion dollars in Federal funds each year. Under separate cover the Department is responding more broadly to issues raised by S. 1194. I am available at your convenience to discuss this matter in more detail.

Sincerely,

BRIAN W. CLYMER.

FISCAL YEAR 1992 SECTION 9 BUDGET PROPOSAL: IMPACT OF FORMULIZING THE RAIL MODERNIZATION PROGRAM

| Urbanized area | Fiscal year 1991 apportionment | Fiscal year 1992 budget proposal | $455 million allocated in rail tier only | Percent of $455 million allocation |
|---|---|---|---|---|
| Amounts apportioned to urbanized areas over 1,000,000 in population: | | | | |
| Atlanta, GA | $22,343,334 | $31,863,660 | $6,469,016 | 1.4 |
| Baltimore, MD | 20,642,361 | 26,425,165 | 3,952,051 | 0.9 |
| Boston, MA | 50,575,603 | 91,169,651 | 26,563,818 | 5.8 |
| Buffalo, NY | 8,392,562 | 10,210,106 | 625,859 | 0.1 |
| Chicago, Illinois-Northwestern Indiana | 137,406,291 | 223,159,694 | 59,186,345 | 13.0 |
| Cincinnati, Ohio-Kentcky | 9,097,063 | 9,538,387 | 40,253 | 0.0 |
| Cleveland, OH | 17,648,107 | 22,489,675 | 2,619,950 | 0.6 |
| Dallas-Fort Worth, TX | 18,805,228 | 21,334,213 | 267,910 | 0.1 |
| Denver, CO | 13,275,466 | 15,057,541 | 462,497 | 0.1 |
| Detroit, MI | 27,268,011 | 30,374,989 | 0 | 0.0 |
| Fort Lauderdale-Hollywood, FL | 11,225,455 | 16,768,843 | 3,412,500 | 0.8 |
| Houston, TX | 22,594,304 | 25,700,065 | 1,703,444 | 0.4 |
| Kansas City, Missouri-Kansas | 6,235,678 | 7,129,214 | 39,036 | 0.0 |
| Los Angeles-Long Beach, CA | 106,615,205 | 115,001,779 | 4,455,034 | 1.0 |
| Miami, FL | 19,464,084 | 25,925,105 | 3,466,041 | 0.8 |
| Milwaukee, WI | 12,138,530 | 12,919,235 | 0 | 0.0 |
| Minneapolis-St. Paul, MN | 14,061,217 | 15,859,357 | 655,706 | 0.1 |
| New Orleans, LA | 11,727,452 | 13,232,494 | 768,850 | 0.2 |
| New York, NY-Northeastern New Jersey | 425,521,644 | 727,899,602 | 0 | 0.0 |
| New York, NY | | | 183,831,897 | 40.4 |
| Northeastern New Jersey | | | 31,698,072 | 7.0 |
| Philadelphia, Pennsylvania-New Jersey | 80,043,195 | 132,603,547 | 36,325,251 | 8.0 |
| Phoenix, AZ | 9,270,985 | 10,419,045 | 0 | 0.0 |
| Pittsburgh, PA | 24,202,491 | 32,035,186 | 4,388,165 | 1.0 |
| Portland, Oregon-Washington | 13,054,659 | 15,913,247 | 1,353,409 | 0.3 |
| St. Louis, Missouri-Ilinois | 14,403,567 | 16,597,796 | 483,114 | 0.1 |
| San Diego, CA | 19,061,383 | 24,886,985 | 3,412,500 | 0.8 |
| San Francisco-Okland, CA | 67,019,402 | 106,829,068 | 27,168,126 | 6.0 |
| San Jose, CA | 15,630,955 | 21,903,658 | 3,413,500 | 0.8 |
| San Juan, PR | 10,234,154 | 11,546,226 | 268,189 | 0.1 |
| Seattle-Everett, WA | 26,169,084 | 36,965,762 | 7,485,265 | 1.6 |
| Washington, D.C.-Maryland-Virginia | 53,280,862 | 85,644,379 | 22,124,294 | 4.9 |
| Total | 1,287,591,244 | 1,937,403,671 | 436,639,093 | 96.0 |
| Amounts apportioned to urbanized areas 200,000 to 1,000,000 in population: | | | | |
| Akron, OH | 3,511,158 | 4,053,538 | 20,113 | 0.0 |
| Albany-Schenectady-Troy, NY | 4,806,657 | 5,330,100 | 0 | 0.0 |
| Albuquerque, NM | 2,946,212 | 3,382,889 | 0 | 0.0 |
| Allentown-Bethlehem-Easton, PA-NJ | 2,398,645 | 2,704,094 | 0 | 0.0 |
| Ann Arbor, MI | 2,251,736 | 2,585,980 | 0 | 0.0 |
| Augusta, Georgia-South Carolina | 1,123,057 | 1,267,285 | 0 | 0.0 |
| Austin, TX | 5,753,743 | 6,177,385 | 0 | 0.0 |
| Bakersfield, CA | 1,916,172 | 2,185,083 | 0 | 0.0 |
| Baton Rouge, LA | 2,131,846 | 2,305,700 | 0 | 0.0 |
| Birmingham AL | 3,404,131 | 3,804,615 | 0 | 0.0 |
| Bridgeport, CT | 3,830,331 | 5,760,445 | 1,159,324 | 0.3 |
| Canton, OH | 1,296,785 | 1,491,013 | 0 | 0.0 |
| Charleston, SC | 1,745,149 | 1,897,286 | 0 | 0.0 |
| Charlotte, NC | 3,187,722 | 3,340,309 | 0 | 0.0 |
| Chattanooga, Tennessee-Georgia | 1,655,987 | 1,964,300 | 54,578 | 0.0 |
| Colorado Springs, CO | 1,958,401 | 2,182,173 | 0 | 0.0 |
| Columbia, SC | 1,784,327 | 2,012,316 | 0 | 0.0 |
| Columbus, Georgia-Alabama | 1,186,855 | 1,353,129 | 0 | 0.0 |
| Columbus, OH | 7,285,229 | 7,969,834 | 0 | 0.0 |
| Corpus Christi, TX | 1,830,738 | 2,080,945 | 0 | 0.0 |
| Deverport-Rock Island-Moline, Iowa-Illinois | 1,906,626 | 2,170,955 | 0 | 0.0 |
| Dayton, OH | 7,781,096 | 12,810,651 | 3,058,689 | 0.7 |
| Des Moines, IA | 1,900,218 | 2,155,158 | 16,761 | 0.0 |
| El Paso, TX | 3,737,677 | 3,612,665 | 0 | 0.0 |
| Fayetteville, NC | 879,283 | 1,017,999 | 0 | 0.0 |
| Flint, MI | 2,236,629 | 2,570,416 | 0 | 0.0 |
| Fort Wayne, IN | 1,761,632 | 2,022,252 | 10,251 | 0.0 |
| Fresno, CA | 2,851,273 | 3,169,268 | 0 | 0.0 |
| Grand Rapids, MI | 2,583,412 | 2,942,832 | 0 | 0.0 |
| Greenville, SC | 1,257,773 | 1,448,861 | 0 | 0.0 |
| Harrisburg, PA | 1,648,810 | 1,888,660 | 14,310 | 0.0 |
| Hartford, CT | 4,927,972 | 5,374,763 | 0 | 0.0 |
| Honolulu, HI | 12,913,320 | 12,014,343 | 453,754 | 0.1 |
| Indianapolis, IN | 5,316,472 | 5,978,513 | 69,442 | 0.0 |
| Jackson, MI | 1,305,606 | 1,493,984 | 0 | 0.0 |
| Jacksonville, FL | 4,149,330 | 4,570,311 | 0 | 0.0 |
| Knoxville, TN | 1,502,697 | 1,716,333 | 0 | 0.0 |
| Lansing, MI | 1,923,295 | 1,214,554 | 0 | 0.0 |
| Las Vagas, NV | 2,604,578 | 2,744,844 | 0 | 0.0 |
| Lawrence-Haverhill, Mass.-New Hampshire | 2,206,235 | 3,550,928 | 814,925 | 0.2 |
| Little Rock-North Little Rock, AR | 1,859,682 | 2,057,642 | 0 | 0.0 |
| Lorain-Elyria, OH | 818,692 | 959,509 | 0 | 0.0 |
| Louisville, Kentucky-Indiana | 6,944,701 | 7,402,659 | 0 | |
| Madison, WI | 2,868,774 | 3,524,418 | 254,105 | 0.1 |
| Melbourre-Cocoa, FL | 1,507,956 | 1,642,454 | 0 | 0.0 |
| Memphis, Tennessee-Arkansas-Mississippi | 5,837,446 | 6,345,610 | 0 | 0.0 |
| Mobile, AL | 1,583,218 | 1,766,468 | 0 | 0.0 |
| Nashville-Davidson, TN | 3,268,854 | 3,504,213 | 0 | 0.0 |
| New Haven, CT | 4,130,578 | 6,020,632 | 1,163,221 | 0.3 |
| Newport News-Hampton, VA | 2,001,411 | 2,165,972 | 0 | 0.0 |
| Norfolk-Portsmouth, VA | 5,302,120 | 6,034,409 | 2,508 | 0.0 |
| Ogden, UT | 1,678,679 | 1,824,432 | 0 | 0.0 |

FISCAL YEAR 1992 SECTION 9 BUDGET PROPOSAL: IMPACT OF FORMULIZING THE RAIL MODERNIZATION PROGRAM—Continued

| Urbanized area | Fiscal year 1991 apportionment | Fiscal year 1992 budget proposal | $455 million allocated in rail tier only | Percent of $455 million allocation |
|---|---|---|---|---|
| Oklahoma City, OK | 3,249,927 | 3,753,340 | 0 | 0.0 |
| Omaha, Nebraska-Iowa | 4,006,420 | 4,533,718 | 0 | 0.0 |
| Orlando, FL | 5,155,015 | 7,250,131 | 1,215,019 | 0.3 |
| Oxnard-Ventura-Thousand Oaks, CA | 1,959,519 | 2,231,130 | 0 | 0.0 |
| Penascola, FL | 1,174,968 | 1,347,072 | 0 | 0.0 |
| Peoria, IL | 1,612,266 | 1,866,356 | 0 | 0.0 |
| Providence-Pawtucket-Warwick, R.I.-Mass | 10,422,120 | 15,817,957 | 3,412,500 | 0.8 |
| Raleigh NC | 1,324,768 | 1,506,906 | 0 | 0.0 |
| Richmond, VA | 4,195,491 | 4,476,213 | 0 | 0.0 |
| Rochester, NY | 5,383,740 | 6,059,798 | 0 | 0.0 |
| Rockford, IL | 1,235,748 | 1,418,683 | 0 | 0.0 |
| Sacramento, CA | 7,230,384 | 9,561,816 | 1,148,041 | 0.3 |
| St. Petersburg, FL | 5,668,094 | 6,319,730 | 0 | 0.0 |
| Salt Lake City, UT | 6,938,862 | 7,125,718 | 0 | 0.0 |
| San Antonio, TX | 11,443,148 | 12,238,432 | 11,274 | 0.0 |
| San Bernardino-Riverside, CA | 4,881,729 | 5,485,598 | 0 | 0.0 |
| Sarasota-Bradenton, FL | 1,696,323 | 1,960,479 | 0 | 0.0 |
| Scranton-Wilkes-Barre, PA | 2,465,672 | 2,799,900 | 0 | 0.0 |
| Shreveport, LA | 1,667,104 | 1,878,113 | 0 | 0.0 |
| South Bend, Indiana-Michigan | 1,552,676 | 1,752,639 | 0 | 0.0 |
| Spokane, WA | 3,050,764 | 3,400,955 | 0 | 0.0 |
| Springfield-Chicopee-Holyoke, Mase, CT | 4,456,020 | 4,968,679 | 0 | 0.0 |
| Syracuse, NY | 3,909,949 | 4,352,973 | 0 | 0.0 |
| Tacoma, WA | 4,510,346 | 5,468,112 | 338,766 | 0.1 |
| Tampa, FL | 4,664,385 | 5,238,277 | 0 | 0.0 |
| Toledo, Ohio-Michigan | 3,506,241 | 3,928,357 | 0 | 0.0 |
| Trenton, New Jersey-Pennsylvania | 2,688,616 | 3,632,391 | 495,230 | 0.1 |
| Tucson, AZ | 4,217,721 | 4,678,448 | 0 | 0.0 |
| Tulsa, OK | 2,702,736 | 3,068,265 | 0 | 0.0 |
| West Palm Beach, FL | 2,783,332 | 3,181,966 | 0 | 0.0 |
| Wichita, KS | 1,988,304 | 2,246,033 | 0 | 0.0 |
| Wilmington, Delaware-New Jersey-MD | 2,725,178 | 3,080,937 | 0 | 0.0 |
| Worcester, MA | 2,033,367 | 2,328,533 | 0 | 0.0 |
| Youngstown-Warren, OH | 1,885,910 | 2,197,864 | 0 | 0.0 |
| Total | 287,587,769 | 333,722,644 | 13,712,812 | 3.0 |
| Over 1,000,000 in population | 1,287,591,244 | 1,937,403,671 | 436,639,093 | 96.0 |
| 200,000 to 1,000,000 in population | 287,587,769 | 333,722,644 | 13,712,812 | 3.0 |
| 50,000 to 200,000 in population [1] | 159,989,481 | 176,287,375 | 4,648,095 | 1.0 |
| National totals | 1,735,168,494 | 2,447,413,690 | 455,000,000 | 100.0 |
| Their rail numbers in total are [1] | 5,545,604 | 11,852,777 | 4,648,095 | 1.0 |

[1] There are only four urbanized areas (all in Connecticut) out of 258 in the 50,000 to 200,000 population size category which have rail factors: Danbury, Norwalk, Stanford, and Waterbury.

Note.—
(1) Comparison of fiscal year 1991 apportionment to fiscal year 1992 budget proposal; and
(2) Effects of $455 million added to formula (rail tier exclusively).

Mr. CRANSTON. Mr. President, I once again thank Senator D'AMATO very much for his work, and for those remarks, and for his commitment to this bill.

I want to ask the Senator from Idaho, I have one amendment we can adopt, and it will clear the air. I thank him for the great work he has been doing on the transportation situation.

Mr. DIXON. Mr. President, at the outset, I congratulate the distinguished Senator from California [Mr. CRANSTON] for his leadership in bringing this amendment to the Senate floor. I also congratulate the distinguished Senator from New York [Mr. D'AMATO] for his numerous contributions to this legislation. Both of my colleagues have worked hard to craft the sound, thoughtful, innovative bill that is now before the Senate, and I want them both to know that I am proud to be joining them as a coauthor of the amendment.

Mass transit has a critical role to play in an overall transportation strategy. Transit increases mobility, supports economic growth and development, and helps cities cope with their air pollution problems.

Major cities like Chicago, New York, San Francisco, and Philadelphia, simply could not function without their transit systems. And more and more cities, like St. Louis, Los Angeles, and Miami, to cite just three of the many examples, have come to the realization that they must have comprehensive transportation strategies that include a growing role for mass transit in order to cope with growth and increasing congestion.

There is a lot in this bill, Mr. President. Rather than attempting to cover all of its provisions, however, I would like to focus on just a few.

First, I would like to say a word about blending. Blending is a funding strategy for Federal transit assistance that I authored in the 1986–87 reauthorization bill. To understand what blending is all about, you first have to understand that, unlike highway assistance, Federal transit assistance comes from both the highway trust fund and general revenues.

In the past, general revenue money has gone solely to the formula program, and trust fund money has gone solely to the Major Capital Discretionary Grant Program. Given the pressure that the Federal budget has been under, what one might expect would happen did happen. General revenues for the formula program fell, while trust fund money for the Discretionary Program was more stable. The result was that the formula assistance that transit systems across this country count on for support was steadily eroded.

Blending changes that by funding both major transit programs out of both major revenue sources. Blending, therefore, has two major benefits: First, it ensures that every transit system in this Nation gets some trust fund money; and second, it restores the formula program to its position as the most important source of Federal transit assistance, and reverses the former steady erosion of that program.

I am very pleased, therefore, that this bill adopts the blending approach. I think it is a financing mechanism that will help guarantee a more fair and stable structure for Federal transit assistance in the future.

I also want to say a word about some of the changes the bill makes in what is known as the new start area—the financing of new fixed guideway transit systems. The bill very creatively sets up a contracting process that is budgetarily responsible, but which enables us to take advantage of the increasing surplus in the mass transit account of the highway trust fund to build more transit systems faster. The new mechanism is an innovative approach to dealing with the fact that there are a lot more transit projects out there than there is money to finance them under the current approach. That is because our current financing approach reserves the full amount to cover the project cost up front, even though the project may take many years to build. And what that means is that once a few projects are approved, the entire amount available for new starts is used up for the entire 5 years of the authorization bill,

even though the projects may take many years longer than that to complete.

The amendment now before us takes advantage of that fact, and enables us to put more projects into the pipeline, thus enabling more projects to be built more quickly while not increasing the authorization levels. It is a change that makes sense, and one that helps maximize the benefits of scarce Federal transit dollars.

It is also important to note, Mr. President, that the transit provisions, like the highway provisions now before us, allow flexible use of transit funds for highway projects in appropriate circumstances. Additionally, transit matching ratios and other program features are designed to be as similar to their highway counterparts as possible, in order to ensure to the greatest degree possible that transportation decisionmakers make allocation decisions between highway and transit projects based on a level playing field.

This amendment also makes major changes in the planning area. Under both S. 1204 and the transit provisions, metropolitan planning organizations [MPO's], will play a much more important role in the transportation project decisionmaking process. For the first time, MPO's will be able to initiate projects, and not just approve projects initiated elsewhere. Further, the greatly increased flexibility in the use of Federal transportation funding means that MPO's will have a lot more to do, and a lot more critical decisions to make. The planning provisions are sensitive to the major changes being proposed in Federal transportation assistance, and are designed to ensure that MPO's are able to meet their new responsibilities in a way that is responsive to the interests of the States, local governments, and other current or future MPO members.

Finally, before I close, I want to say a word about allocation formulas in the transit programs generally, and about the new rail modernization allocation formula in particular.

Transit allocation formulas are designed to provide transit assistance to where the need is greatest, and where the likelihood of being able to provide cost-effective assistance is best.

As is obvious, we do not have anywhere near as much money as is needed to fully meet the demand for increased transit service. In 1981, we provided almost $4.7 billion in Federal transit assistance; Federal highway programs were funded at about $9 billion that year. We are now talking about a bit more than a $3 billion transit program for this year, and if the bill is fully funded—unfortunately, not a very likely possibility—we get back to about $4.6 billion in fiscal 1996. Meanwhile, highway assistance for that year, fiscal 1996, will be over $20 billion.

Since we cannot fully meet all needs, if we are to be responsive to the legitimate concerns of American taxpayers, we must use the money we do have in the most effective way we can.

That particularly applies to the new allocation formula for the Rail Modernization Program. Historically, the Rail Modernization Program has helped cities with major established transit systems to make the large expenditures necessary to maintain those systems. We could not afford to duplicate these systems if they were allowed to deteriorate to the point where complete replacement was necessary. The most cost-effective thing to do, therefore, has been to attempt to maintain the huge investments these cities have already made in their transit infrastructure.

The new allocation formula is based on that premise, but it also acknowledges the fact that there are now more major transit systems than there used to be, and that the newer systems will begin to need rehabilitation assistance in the foreseeable future.

The result is a three-tiered approach to rail modernization assistance. The first tier is hold harmless funding to the old rail cities, based on their historic share of rail modernization assistance. The second tier, splits the funding provided between the newer transit systems and the old ones, and the third tier provides assistance to all the major transit systems based on a portion of the section 9 program formula.

Now there are some who may argue that it is unfair to create a hold harmless for the older cities that have been the exclusive recipients of rail modernization assistance up to now. In my view, however, that is simply the most cost-effective alternative to pursue. It makes no sense to disinvest in older systems that carry the most riders in order to spread assistance more thinly across more systems, and not prevent deterioration anywhere.

Further, the hold harmless concept is commonly used around here in many other program areas. Finally, the formula does attempt to accommodate the interests of the newer major transit systems. As transit assistance grows, the newer systems will get increasing benefits.

I would not argue that this formula is perfect. However, I do want to point out to my colleagues that this three-tiered approach was recommended to the Senate by the American Public Transit Association, which represents all the major transit systems across the country, after extensive negotiation and thought. It is a fair, equitable approach, and I recommend it to my colleagues.

I simply want to say in conclusion, Mr. President, that I wish we were doing more. The case for significantly higher levels of transit assistance than we are providing here is a very strong one. This amendment, however, is a good one. It is budgetarily responsible. It increases transit spending at the same percentage highway spending is increased. It will help us meet transit needs in a responsible, efficient way over the next 5 years, and I strongly recommend its adoption by the Senate.

HIGH-SPEED/MAGNETIC LEVITATION TRAINS

Mr. ADAMS. Mr. President, as we debate the crucial issue of national surface transportation policy, I would like to highlight the importance of high-speed trains. It is important that when the Federal surface transportation law bill finally reaches the President's desk, this year's reauthorization must address not only current transportation problems, but also should lay a strong foundation for new transportation modes, such as high-speed trains. Because of the Federal deficit, we are all concerned about the costs of new programs. Nonetheless, we must encourage some programs, such as surface transportation generally and high-speed train development, in particular.

I want to commend Senator MOYNIHAN and the rest of the committee for the excellent work that they have done in this area. However, the high-speed rail section of the committee's bill calls for a grant to construct only one prototype system. We need a more aggressive construction timetable than that. We need to begin preliminary work on at least several systems over the next 5 years if high-speed trains are going to be more than a mere curiosity of our new national transportation policy.

Last year, with my colleagues' assistance, I was able to obtain $500,000 for a study on preliminary corridor design and other work for a high-speed trains system in the Northwest. I am happy to announce that Washington State has appropriated $1 million as a matching share for this important undertaking. At the very least, I expect the final study will recommend that a high-speed train should connect the three major metropolitan areas of the Pacific Northwest: Portland, Seattle, and Vancouver, Canada.

In order to be successful, high-speed trains must be connected in an intermodal network with other mass transportation systems. In the Seattle area, the train could be connected through a mass transit network to Sea-Tac, the region's international airport. More than 20 percent of the air traffic at the airport, which is suffering from severe congestion, flies to Portland, OR, a mere 172 miles away. The high-speed train could also be connected to a proposed commuter train, which will connect Washington's two largest cities, Seattle and Tacoma, and other points in between. The high-speed train should also connect with the Seattle regional mass transportation plan, Vi-

sion 2020, which will be before the area's voters next year.

We have seen how the hub-and-spoke system has revolutionized airline route planning in this country and throughout the world. High-speed trains need to be planned as part of a vast intermodal mass transportation system as well. As I have mentioned, I hope that one day high-speed trains can connect the three jeweled cities of the Pacific Northwest.

Foreign countries have already taken the lead in developing high-speed trains. The Bullet train in Japan and the TGV high-speed train in France are old news. In June 1993, if construction schedules hold true, for the first time in 8,000 years, England will be physically connected with the European Continent. The transportation system that will accomplish this linkage will be high-speed trains through a $15 billion English Channel tunnel or chunnel, which already has been drilled through both sides. The French National Railway System has announced a $100 million development program for high-speed trains capable of commercial speeds of 186 miles an hour. The French Transportation Ministry has pledged $38 billion to build and equip 14 new TGV trains over the next 25 years. This program will provide France with 3,000 miles of high-speed track by the year 2005.

New transportation initiatives and solutions to current transportation problems are expensive and raise concern about increasing the Federal deficit. However, good transportation systems increase national productivity and wealth. Therefore, the development of high-speed trains, better highways, and transit systems should be viewed as an investment in America's future that will provide benefits far in excess of our investment.

Mr. SASSER. Mr. President, I rise today in support of the Federal Transit Act of 1991, the mass transit portion of the Surface Transportation Assistance Act.

I believe that this legislation has many laudable provisions that will contribute to the betterment of this Nation's mass transit system in all areas. Our transit needs are substantial and this bill goes a long way in better meeting them through more equitable distribution of funds and by recognizing the important role that localities should play in making transit decisions.

Increasing the responsibilities of metropolitan planning organizations [MPO's] allows local areas to determine their particular needs and develop plans to meet them. With the greater complexity of transit decisions today, expanding the role of the MPO is critical to making sure that all transportation options are considered. This bill requires MPO's to develop metropolitan transportation strategies that consider environmental, energy, and land use effects. Such considerations will add to a more balanced approach to transit projects.

In addition to improved transit decisionmaking, this bill redistributes funds in a more equitable way. In particular, the legislation designates necessary capital grant funds to the Nation's bus system. Buses serve the most transit needs in the majority of areas and they have not had adequate and steady access to capital grants. This bill doubles the percentage earmarked for section 3 capital grants for buses from 10 to 20 percent. This increase makes progress in returning to a commitment to buses. In the past, buses have received as much as one-third of capital grants.

Moreover, this bill provides for fair and stable funding for all modes of transportation. While rail systems enjoyed almost exclusive access to the funds of the mass transit account of the highway trust fund in the past, bus systems have been on constant edge to the appropriations process. This bill changes that imbalance throughout the mass transit program. It equally distributes general funds and trust funds. As a result, the section 9 formula funds for buses, and all other programs such as the section 18 Rural Program, will be funded by both general funds and from the mass transit account. This means that bus systems will share the benefit from the more constant funding mechanism of the trust fund.

I also believe that the amendments added to the bill in committee add another layer of equity to the formula funds. Formula funds are calculated based on vehicle miles traveled, population and population density. The two amendments to the bill provide for the use of updated census and population data. This means that funding will better match need because as populations change, so too do transit needs.

Another improvement in the distribution of funds is the rightly provided resources to rural areas and elderly and handicapped programs. Mass transit is very important in rural areas for people without independent means of transportation. Without essential transit services, these people can be isolated. This is particularly true for elderly and disabled individuals.

Mr. President, the purpose of a Federal mass transit program is to provide mobility to all of our Nation. I believe that this legislation will serve this Nation well to better meet our transit needs. I urge the Senate to swiftly pass this measure.

Thank you, Mr. President.

Mr. RIEGLE. Mr. President, I rise today in support of S. 1194, the Federal Transit Act of 1991. This bill, which was reported out of the Banking Committee this past Thursday, is a critical component of our national transportation strategy. S. 1194 was developed not only on a bipartisan basis by the members of the Banking Committee, but also in consultation with the Bush administration. Thus, this bill represents a package which best accommodates the needs of all interests.

Today the Congress is faced with the challenge of developing a new strategy to meet the Nation's transportation needs for the 1990's, as well as into the next century. The Eisenhower administration embarked upon a strategy of linking all of the States and major cities into a national Interstate Highway System. Since that time, the interstate has made an indelible imprint on key aspects of American life from commerce, to land use patterns, to mobility. In the 1960's, the Urban Mass Transit Act breathed new life into distressed urban areas, reduced congestion and provided mobility to millions of persons—such as the elderly, disabled and poor—who otherwise would have no means of transportation. The goals set forth in each of these policies were successful in meeting the demands of postwar growth on the Nation.

Today we find ourselves facing new challenges. The environment is of greater concern than ever before. Congestion has become so great that countless people find themselves sitting in traffic rather than spending time more productively at work or home. The Persian Gulf crisis once again reminded us that if we do not reduce our dependence on foreign oil, we will jeopardize our economic well being. Finally, if we want to remain a world economic power, we must invest in public infrastructure. Investment in our transportation infrastructure will contribute to the efficient movement of people, goods, and services.

In order to meet the needs I have outlined, it is critical that we have a coordinated transportation policy. When the Committee on Environment and Public Works reported out the highway bill it made a strong statement about the importance of transit by making half of its $89 billion highway program available for transit. The bill recognizes that transit and highways should not be competing entities. They should be viewed as complementary elements in our national network. I commend the committee for taking such a comprehensive view of the Nation's transportation needs.

S. 1194 does a good job of addressing the transit needs faced by our Nation. The bill would commit $21 billion to transit systems over the next 5 years, a significant increase over current funding levels. The bill meets the needs of both urban and rural communities:

For large cities with older rail systems, modernization funds will now be allocated on formula basis rather than a discretionary basis.

For large cities experiencing rapid growth and congestion, the bill will

modify the criteria used to award new start grants which take into consideration a project's impact on the community and allow systems to enter into long-term contracts for large projects.

For communities that rely solely or primarily on buses to meet their transit needs, such as my home State of Michigan, the bill provides a larger share of resources for capital projects and a more stable source of funding. This provision was of particular importance to me as the bill was being considered in the Banking Committee. It is critical that the needs of buses are properly addressed in the reauthorization.

The bill more than doubles the resources available for senior citizens, handicapped persons, and rural transit.

The bill will help communities cope with the new demands of the Clean Air and Americans with Disabilities Act of 1990.

The bill will grant transit systems the flexibility to design strategies to meet the unique needs of each community.

As we consider S. 965 and S. 1194, we have the opportunity to commit our Nation to a coordinated Federal transportation policy which achieves the objectives I have outlined. Creation and implementation of such a policy will require a high degree of cooperation between all transportation interests. I urge my colleagues to support S. 1194 which, I believe, will improve the quality of life for Americans today and into the next century.

Mr. AKAKA. Mr. President, as the Senate considers the mass transit title of S. 1204, the Surface Transportation Efficiency Act of 1991, I would like to commend the Senate Banking Committee, and specifically the Subcommittee on Housing and Urban Affairs, for the significant innovations incorporated in this measure. I believe that the Federal Transit Act of 1991, as this title is called, is a well-crafted, innovative blueprint that will ably guide the development and operation of transit systems in this Nation for years to come.

Having said this, I would like to address the distinguished floor manager and a principal author of the mass transit amendment, Senator CRANSTON, on an issue of some importance to Hawaii, Texas, and possibly his own State of California.

As my friend knows, Senator BENTSEN, Senator INOUYE, and I recently sent a letter to the chairman of the Banking Committee, Senator RIEGLE, drawing attention to a provision in the bill that would allocate all section 9 bus and rail funds on a formula basis and eliminate the section 9 incentive tier. As you know, the incentive tier provisions use the ratio of passenger miles to total operating expenses to allocate a small portion of formula funds; they were first introduced in the 1982 highway reauthorization as a means of rewarding the operating efficiency of transit systems.

In our letter, we pointed out that, as a result of these changes, almost all section 9 recipients would receive additional funds—all, that is, except for Honolulu and El Paso, which would lose a total of perhaps a million dollars. I understand that Los Angeles and a number of other communities would be adversely affected by the elimination of the incentive tier as well. Believing that it is unfair to penalize communities simply for being more efficient than others, we asked that the committee include a hold harmless provision in the leadership package to ensure that those cities which currently benefit from the incentive tier allocation receive at least the same amount of funds that they receive in the current fiscal year. We understand that a similar hold harmless provision was included with regard to section 8 planning funds.

Mr. President, I would ask my friend from California whether our request has been accommodated in the committee package.

Mr. CRANSTON. Mr. President, I fully understand the concerns raised by my friend from Hawaii. I want to assure him that the committee seriously considered the request that he and Senators INOUYE and BENTSEN made to Chairman RIEGLE earlier this week to include a hold harmless provision regarding the section 9 incentive tier funding. Indeed, the committee considered not only a hold harmless proposal, but also the possibility of reinstating the Incentive Tier Program in modified form to accommodate them. However, we determined that neither alternative was feasible, given concerns expressed by a number of Members who feared that such action would run counter to the committee's original purpose in eliminating the incentive tier.

Mr. President, the committee decided to eliminate the incentive tier provisions for three reasons. First, the techniques used to collect the data upon which the incentive formulas are based are difficult to verify and apply consistently among transit operators. Second, in the decade the provision has been in place, the Urban Mass Transit Administration has found no evidence indicating that the incentive tier has induced operators to be more efficient. Finally, the overall financial effect of eliminating the incentive tier, however its negative effect on individual cities such as Honolulu and El Paso, would be insignificant, and more than offset by the increase in the authorized levels for section 9 funding.

Mr. AKAKA. I appreciate the answer and explanation provided by the distinguished Senator from California. I am disappointed in his reply, of course, but I appreciate his taking the time and effort to consider our request seriously. I know he did his best to help us. Nevertheless, I do not believe that this is the end of the road for us. I understand that there is strong sentiment in the House to retain the incentive tier section in its present or modified form. I would pose this question to my colleague: If the House adopts a transit bill with the incentive tier intact, and insists in conference that the provision be retained in some form or another, would you and other Senate conferees be willing to protect the interests of Hawaii, Texas, and other States who currently benefit from the program?

Mr. CRANSTON. Mr. President, I can assure the junior Senator from Hawaii that I will strongly consider during conference provisions that retain some form of the section 9 incentive tier. I believe that the Federal transit program should continue to reward those transit properties that demonstrate operating efficiency and I will work closely with House Members and the administration to devise such a reward system.

Mr. AKAKA. In behalf of Senator INOUYE and Senator BENTSEN, I thank the Senator from California. I know he is a man of his word and will do his best to accommodate our interests in conference.

Mr. SASSER. Mr. President, I would like to inquire with the distinguished Senator from California [Mr. CRANSTON] about regulations of the Urban Mass Transportation Administration pertaining to the procurement of used or rebuilt equipment for rail systems. Opportunities exist throughout the country to rehabilitate passenger cars and locomotives and put them to good use. It is my concern that UMTA's regulations prohibit this activity.

For instance, UMTA regulations state that they encourage the purchase of Federal excess and surplus property whenever such use is feasible and reduces project costs. However, the regulations do not specify that used or rebuilt equipment qualifies under the terms "excess and surplus." Furthermore, UMTA regulations do not address the procurement of used and rebuilt rail equipment from sources other than the Federal Government.

I would appreciate clarification on UMTA's procurement regulations. Does UMTA prohibit the purchase of used or rebuilt equipment and is the source of the equipment a factor? Does excess and surplus property include used or rebuilt equipment? Is procurement of such equipment limited to that of the Federal Government? If not, is purchase of such property permitted to the same degree that it is for Federal property?

Mr. CRANSTON. Mr. President, in response to Senator SASSER's questions, I am informed by UMTA that there are no prohibitions on the procurement of used and rebuilt equipment. Excess and surplus property does indeed include used and rebuilt equipment. Moreover,

it is my understanding that UMTA regulations include the procurement of such property from sources other than the Federal Government and that they are encouraged to the same extent.

Mr. SASSER. Mr. President, I would like to thank Senator CRANSTON for his clarifications on UMTA regulations. I am encouraged to hear that UMTA does not prohibit the procurement of used and rebuilt equipment, and that items not procured from the Federal Government are treated the same as those that are.

Mr. SANFORD. Mr. President, I would like to rise today to make a few comments as the Senate considers the Federal Transit Act as an amendment to the Surface Transportation Efficiency Act of 1991.

I would first like to say that I believe the need to improve our public transportation system is readily apparent and that I am glad the Senate is addressing this important issue. Our roadways are becoming more congested, our skies more polluted, and our country more dependent on foreign oil. Public transportation offers a strong opportunity for this country to reverse these detrimental trends.

For quite some time now, I have been concerned with the programs of the Urban Mass Transit Authority and have felt that Congress must work to restructure these programs to better meet the varied public transportation needs of this country. While tremendous needs are found in large urban centers, our Nation's smaller cities and rural areas face heavy transportationu burdens as well.

To provide an example, over the past years less than 3 percent of UMTA funds have been allocated to rural areas despite statistics which indicate much greater transportation needs in these areas. In fact, studies show that the gap between need and available services are greatest in nonurbanized areas, and that total transit service can meet only 10 percent of the trip needs of the transit dependent in rural areas. Clearly, more transit funding must be made available to assist our country's rural residents and communities.

Thus, I am greatly pleased that this legislation will double the amount of funding for the section 18 program for nonurbanized areas. While this new money still will not meet all the needs of rural America, it takes a great step toward reprioritizing our public transit funding.

I am also very glad that the Federal Transit Act of 1991 increases funding for the section 16 program for the elderly and handicapped by two-thirds as this program greatly helps meet the needs of our Nation's transit dependent particularly in rural and small urban areas.

The legislation before us also doubles the amount of section 3 money available for the replacement, rehabilitation, and purchase of buses. Given the fact that over 98.6 percent of transit systems across the Nation rely solely on buses, I believe this change moves the section 3 program toward greater equity by allowing more States to qualify for more of the section 3 money.

Finally, this legislation would now use the mass transit account of the highway trust fund to finance about 60 percent of UMTA's formula programs which have primarily been funded from general revenues in the past. I have been greatly disturbed by the return my State has received in the past on funds from the mass transit account, and I believe the financing changes included in this bill will greatly improve our return on Federal gas tax dollars.

I would like to commend my colleagues on the Senate Banking Committee, particularly the distinguished Housing and Urban Affairs Subcommittee Chairman Senator CRANSTON, for their willingness to pull together legislation which meets the varied needs of the different parts of this country, and I would like to complement him on producing a bill which is more fair and more equitable than the Senate has seen in the past.

However, I would be remiss if I did not add that while this transit bill is a tremendous improvement over the current structure of UMTA programs, there are still tremendous inequities with the program. The majority of transit funding will still go to a small number of States, and States like my own will still be forced to subsidize the transit system in our large urban areas.

In no uncertain terms, there is more work to do before we have established a public transportation policy which fairly and effectively meets the transit needs of each and every sector of our population. However, this legislation is certainly a step in the right direction and is a more equitable proposal than the Senate has seen before, and for this I am encouraged.

Mr. PACKWOOD. Mr. President, I would like to take a moment of my colleagues' time to express support for the Federal Transit Act of 1991 which will be incorporated into S. 1204, the Surface Transportation Efficiency Act. Mass transit is an important component in solving a number of energy and transportation problems we are having in this country. It is time for the United States to develop a comprehensive energy policy which encourages increased energy efficiency in the various transportation options.

In my own State of Oregon, the Banfield light rail project, better known as Max, was completed in 1986. During its first year, Max carried twice as many riders as originally projected. Since its development, ridership on the line has grown steadily at about 14 percent a year providing environmental and economic benefits along the transit line.

A key component of this project was development and implementation of a comprehensive transportation and management plan. The State of Oregon has provided incentives to the local communities and metropolitan planning organizations [MPO] to enact these plans. These plans provided transit options which allowed Portland to set its own vision of how it wanted to grow, balancing the need for both highway projects and mass transit. I appreciate the cooperation of the Senate Banking Committee for accepting an amendment that I cosponsored that would mandate comprehensive transportation and management plans as one of the criteria for consideration of new transit projects. This change, supported by the Tri-County Metropolitan Transportation District of Oregon [Tri-Met] and the State of Oregon, will provide a better assessment of the potential benefits of our transit investments.

I am also pleased that the Federal Transit Act includes language that protects all existing letters of intent and full funding agreements from the provisions in the bill. Tri-Met is currently negotiating a full funding agreement with the Urban Mass Transit Administration [UMTA] to extend the Max system to the westside of Portland. It is my understanding that this legislation was not intended to change any of the previous commitments or agreements with respect to funding agreements. This should allow the Westside Transit System to proceed on schedule, helping solve the congestion and traffic problems currently experienced by residents of the westside of Portland.

I would like to commend the chairman and ranking member of the Housing and Urban Affairs Subcommittee for their efforts in developing a comprehensive solution to our transit problems and achieving bipartisan support for the Federal Transit Act.

SECTION 3 GRANT ELIGIBILITY

Mr. SASSER. Mr. President, I would like to confirm with Senator CRANSTON and Senator D'AMATO, the managers of the bill, my understanding about the eligibility of activities for grants from section 3 new starts allocations.

My concern is that the capital start-up costs for new rail service on the corridor connecting the population centers of Wilson County and Davidson County, TN, should be eligible for a new starts grant. Although there is an existing right-of-way in this corridor, it is not being used for commuter rail service.

The Metropolitan Transit Authority [MTA] in Nashville is currently evaluating the possibility of offering commuter rail service on this existing right-of-way. While the development of

this innovative service has not yet reached final design, the MTA provided service on a demonstration basis last month that was met with considerable support.

At present, the MTA believes that the most cost-effective service deployment would be to allow the short line Nashville Eastern Railroad to continue ownership so that the right-of-way may be used for a combination of commuter passenger and freight services. Providing such commuter service would require capital investment in rail improvement and coach and locomotive acquisition or leasing. I believe that these startup costs should qualify under eligible activities for section 3 new starts.

The Nashville metropolitan area has grown considerably in population over the last decade and its growth is expected to continue. With this growth has come added congestion on its roadways and highways. Moreover, it is listed as a nonattainment area under the Clean Air Act, as amended. Commuter rail service could substantially meet the increasing transportation needs of its growing population and curb pollution through the use of this innovative service. This project is important to the mobility, efficiency, and productivity of the Nashville metropolitan area and its economy.

Is it the understanding of the managers of this bill that this cost-effective project of the Nashville MTA will be afforded full consideration under section 3 new starts?

Mr. CRANSTON. Mr. President, in response to Senator SASSER's concern for the eligibility of the Wilson and Davidson Counties corridor for section 3 new starts grants, it is my understanding that the Urban Mass Transportation Administration [UMTA] should consider the application of the MTA for section 3 new starts grant funding for the startup costs of providing commuter rail service.

Mr. D'AMATO. Mr. President, I too am informed by UMTA that they will indeed provide the Nashville MTA full consideration for section 3 grant funding for the project described by the Senator from Tennessee. This eligibility for funds will fall under the section 3 new start allocation.

Mr. SASSER. I appreciate the comments made by Senators CRANSTON and D'AMATO regarding the eligibility for section 3 new starts grants for the project being considered by the Nashville MTA. I believe that their clarifications on the eligibility of new starts grants for the MTA are clear—the capital startup costs for new rail service on the Wilson and Davidson County corridor should be eligible for section 3 new start grant allocations.

UMTA RAIL MODERNIZATION PROGRAM

Mr. SPECTER. I commend both the Banking, Housing, and Urban Affairs Committee and the Environment and Public Works Committee for their efforts to forge this landmark legislation we are considering today. While I support the great majority of what the bill contains, I am expressing my concern over the section of the bill revamping the existing Rail Modernization Program. This program traditionally has been intended to help rehabilitate the Nation's oldest rail systems and has enabled transit facilities relied upon by hundreds of thousands of persons daily and initially built without Federal funds to be rebuilt following decades of neglect. Two of the systems still facing significant rail modernization needs are located in my State: Pittsburgh and Philadelphia.

While rail modernization projects until now have been funded through a discretionary grant program, the bill proposes a historic share calculation factored over a 3- and 7-year period as the basis for allocating funds. I believe that a more thorough snapshot of historic share would take into account all rail modernization efforts dating back to the Surface Transportation Act of 1978 which formally established the Rail Modernization Program. Further, the bill places an arbitrary cap on Pittsburgh's funding level which is well below its historic share. Pittsburgh is the only rail modernization system in the country which is treated in this manner.

It is my understanding that this action could cause a severe setback to an important rail modernization project ready to move ahead in the Pittsburgh area. This project is the culmination of an exhaustive planning and project development process intended to restore a vital rail network serving Allegheny County's South Hills community.

My late distinguished colleague, Senator Heinz, took a leadership role in fighting for transit funding, with a particular interest in the Rail Modernization Program. We remain committed today in working to ensure his efforts are continued. While I am not proposing an amendment to the pending Senate legislation, I nonetheless remain extremely concerned about this inequity and ask the distinguished chair and ranking member of the Housing and Urban Affairs Subcommittee if they will work in conference to gain the necessary funding for Pittsburgh's final large rail modernization project.

Mr. WOFFORD. I join my colleague Senator SPECTER in objecting to the funding formula devised for the Rail Modernization Program.

I strongly support this amendment's goal of a balanced integrated and efficient transportation system. This funding formula, however, does not do justice to Pittsburgh. The proposed level of funding for Pittsburgh is more than 70 percent below its historic share of the Rail Modernization Program dating back to 1978. This is unfair to the people of my State.

I intend to fight for a workable funding arrangement for the completion of Pittsburgh's essential modernization project. I ask that this oversight be rectified in conference.

Mr. CRANSTON. I understand the concerns of the Senators in regard to this matter and appreciate their comments. The subcommittee worked long and hard to fashion an agreement regarding the formula distribution of rail modernization funding. No doubt, our efforts will not be sufficient to address all the project needs in each of the cities. In specific regard to Pittsburgh, I appreciate the desire of the gentleman from Pennsylvania to see that the Pittsburgh project moves forward in a timely manner. I commit to work closely with the Senators to ensure that the needs of the historic systems located in their State are fully taken into account when conferees determine the final rail modernization formula.

Mr. D'AMATO. I too appreciate my colleagues' concerns and will join my colleagues in pursuing a remedy in conference to best accommodate Pittsburgh's share of rail modernization funding to a level needed to undertake the area's final large rail modernization project.

AMENDMENT NO. 329

(Purpose: To permit mass transportation providers to coordinate and assist in the delivery of meal service to home-bound persons)

Mr. CRANSTON. Mr. President, I send to the desk a package of noncontroversial amendments that refine the amendment we just adopted. The amendment has been cleared on both sides of the aisle. I will explain it in a moment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 329.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. 16. MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.**

Section 16 of the Act (49 U.S.C. App. 1612) is amended by adding at the end the following:

"(g) MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.—In order to carry out subsection (a), the Secretary shall authorize mass transportation service providers receiving assistance under this section or section 18(a) to coordinate and assist in providing meal delivery service for homebound persons on a regular basis, if the activities authorized do not—

"(1) conflict with the provision of mass transportation services; or

"(2) result in a reduction of service to mass transportation passengers.".

At the appropriate place in the bill, insert the following:

**SEC. 317. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.**

Section 317 of the bill is amended by:

(1) on line 7 by striking "or construction";

(2) on line 8 by striking "or facilities";

(3) on lines 10–11 by striking "or facilities";

(4) on line 14 by striking "or facilities".

On page 21, line 3, after "(C)", strike "may" through "community" and insert the following: "shall identify and consider transit supportive existing land use policies and future patterns, and consider other factors including".

Mr. CRANSTON. Mr. President, the package amendment includes three amendments which I believe are cleared and are acceptable to both sides.

The first one is offered by Senator DOLE. It would allow vehicles under either the section 16(b)(2) program for the elderly and persons with disabilities or the section 18 rural transit program to be used to provide meal delivery services to homebound persons. This service could be provided only if they do not conflict with the provision of general mass transit services or if they do not result in a reduction to services to mass transit passengers.

The second amendment, which I offer on behalf of the administration, clarifies the circumstances under which the higher Federal match will be used. As reported by the Banking Committee, the Federal Transit Act provided for a 90-percent Federal match for the acquisition or construction of bus-related equipment or facilities related to compliance with the Clean Air Act or the Americans with Disabilities Act.

This amendment would limit the higher Federal match to the acquisition of bus-related equipment only and would not include the construction of facilites.

The third amendment was offered by Senators ADAMS, GORTON, HATFIELD, and PACKWOOD. It would ensure that the Secretary consider a community's transit supportive land use policies and patterns when assessing the merits of a new start project.

I ask unanimous consent that these amendments to be agreed to en bloc.

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

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 329) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed to Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to first thank Senators CRANSTON and D'AMATO for their cooperation.

When this title first was shown to me, I was very concerned about what I considered to be the lack of flexibility in the transferability of transit formula funds. We worked very hard on the highway side of this bill to made a very flexible bill with part of these funds that will be used in the urban, congested areas.

I think Senators CRANSTON and D'AMATO deserve the commendation of the rest of us in the Senate to be willing to then redefine the definitions in the language in their bill to be more in conformance with the highway side of the bill with respect to transferability. I hope that when we finally accomplish all this and present a bill to the President that it will include similar flexibility between the surface transportation program funds and the section 9 formula grants.

I just want to thank my colleagues for their efforts, and I hope that they can give us some assurances—I know they cannot make any promises. But we all have to go through a conference. I hope we can end up with flexibility in the programs.

Mr. CRANSTON. If the Senator will yield, I simply will say I will do my best to see that we keep on the track that we embarked upon with your advice.

Mr. D'AMATO. A certainly am looking toward keeping that flexibility. It is important in both projects. We have it in the highway bill and now in the transit bill. I think it makes great sense.

Mr. SYMMS. I thank my colleagues.

Mr. CRANSTON. Mr. President, I would like to thank, as Senator D'AMATO did before me, the staff for their truly brilliant and very diligent work on this: Don Campbell, the staff director of the Subcommittee on Housing and Urban Affairs, who did the same superb job on this measure that he did on the housing measure in the last Congress. Others who played a very significant part in this included, among others: Bruce J. Katz, senior counsel; Eileen Gallagher, legislative assistant; Nancy Smith, counsel; Chandra Williams, legislative aide; Kris Warren, office manager; Pam Ray-Strunk, Republican staff member; and Ann Miano of the Republican staff.

I thank them very much for making it possible for us to move as swiftly and effectively as we did.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 4 minutes as though in morning business.

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

The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1290 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. Mr. President, I made remarks a few minutes ago about the Durenberger-Breaux amendment, and during the course of those remarks I listed a number of organizations which support the Durenberger-Breaux amendment.

One of them that I listed, and apparently the information we had at that time has been shown to be inaccurate, was that of the Associated General Contractors of America. They apparently did not support the Durenberger-Breaux amendment, but they do not support it because it does not go far enough. They are totally opposed to any diversion of the highway trust fund for nonhighway purposes.

Of course, the Durenberger-Breaux amendment at least tries to maintain some connection between the highway trust fund being used to repair, maintain, and protect the highway system in this country by requiring that 25 percent of the funds be used for the purposes of improving the National Highway System.

So while we are moving in that direction far more than the committee's bill does, it is important to note that the Association of General Contractors does not support our amendment because it does not go far enough. I want the RECORD to show that.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 1291 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. LIEBERMAN). Who seeks recognition?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PACKWOOD. Mr. President, I have an amendment to offer, and it has been cleared on both sides. I do not see Senator MOYNIHAN or his staff here, although I know it is cleared. I wish to alert one of them to come to the floor so they could acknowledge that, and I appreciate it. Then I will offer the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PACKWOOD. Mr. President, I ask unanimous consent to temporarily lay aside the Byrd amendment.

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

AMENDMENT NO. 330

(Purpose: To make clarifications concerning the application of certain regulations)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD] proposes an amendment numbered 330.

At the appropriate place in the bill, insert the following new section:

**SEC. . REGULATORY INTERPRETATION.**

Section 635.410 of title 23, Code of Federal Regulations, and any similar regulation, ruling, or decision shall be applied as if to include coating.

Mr. PACKWOOD. Mr. President, the amendment I offer is a noncontroversial amendment that intends only to clarify the intent of Congress in dealing with the buy America provisions of the Surface Transportation Assistance Act of 1982 concerning steel materials. The intent of the buy America provisions is to ensure that only American-source products are used.

My amendment seeks to rectify the problem with the Federal Highway Administration's interpretation of the buy America regulations. The FHWA does not include the coating of steel in their interpretation.

Epoxy coating of steel clearly falls within the buy America provision determination because the physical form of steel rebar is changed during the epoxy coating process. The steel is made larger in diameter by the addition of the coating and the composition of the entire product is altered. Therefore, epoxy coated rebar fits within the buy America provisions of the act both as an integral part of the steel production and as an item manufactured in the United States.

This amendment is important to the American firms who are presently at a competitive disadvantage in the Federal Highway Administration's interpretation of the regulation. Mr. President, all this amendment does is clarify the original intent of Congress.

Mr. President, the amendment has been cleared on both the majority and minority side. I know of no objection to it. I ask for its immediate adoption.

Mr. SYMMS. Mr. President, I compliment the Senator from Oregon for bringing up this amendment. I think it is important that if our trading agreements with our best trading partners, like Canada, in this instance, are going to work and have a lasting impact and we will really want to ultimately realize the kind of North American trade zone we would all like to have, we must do things like the Packwood amendment outlines so we can keep the playing field level.

I support the amendment, and I thank him for bringing it to our attention.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 330) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I rise today in support of S. 1204, the Surface Transportation Efficiency Act of 1991. The bill is a forward looking and much needed piece of legislation which will go a long way toward building and maintaining the roads and bridges of America as we head into the 21st century.

This is the first surface transportation bill to be considered by Congress since 1986 and the only piece of legislation which will even come close to meeting the President's 100-day deadline for the crime and transportation legislation. The credit for this legislation and its prompt consideration belongs to the floor managers, Senator MOYNIHAN and the senior Senator from Idaho, STEVE SYMMS. I would like to thank both of them for their hard work.

This legislation has many positive features. I would like to address a few of those.

Without a doubt, the most important aspect of S. 1204 is its flexibility. As a member of the House Committee on Public Works and Transportation, I spent much of the last session of Congress listening to testimony from State transportation officials. What I heard them saying was that they need flexibility; they do not need Federal strings tied to the highway trust fund moneys. It is time to turn more of the surface transportation program over to the States. This bill will effectively move us in that direction.

The State matching requirements of this legislation recognize the difficult financial position of many States by enacting an 80–20 match, 80 percent to be provided by the Federal Government, largely through the highway trust fund, and 20 percent to be provided by the States. This is a step toward greater responsibility for the States—the 1986 bill provided a 90–10 match, without going to the 60–40 or even 75–25 extremes contained in other proposals, including the President's. The 80–20 recognizes those responsibilities and the dual relationship that we have had in transportation both at the State and Federal level.

Across America, bridges are beginning to crumble. A small wooden bridge connecting the community of Atlanta, ID to the State capital of Boise is currently not being used. It cannot be used. It is supported by only two of seven pilings, with the other five dangling free. No relief is in sight.

Along the State's principal north/south link, Highway U.S. 95, a single bridge near Riggins, ID, connects much of Idaho's population. Its condition is in serious question, but because of the lack of funds provided for bridge replacement and rehabilitation, it is not slated for action until 1995.

Similar problems exist throughout the Nation and need to be addressed. S. 1204 provides a large part of the solution by allowing States the flexibility to spend more money on bridges and expanding what has been a very effective timber bridge program which demonstrates the flexibility beyond just the matching, beyond the State and Federal relationships that I talked about earlier.

Funding for highway running through national forests and other Federal lands is doubled in the bill. This will increase and improve access to our Nation's public lands for millions of Americans and help get timber and other valuable natural resources to the people and businesses that need them.

I am most pleased about the inclusion in this legislation of Senator SYMMS' National Recreational Trails Trust Funds Act and Private Property Rights Act. I was cosponsor of both bills. when originally introduced and believe they are important parts of S. 1204.

The bill has many other important provisions including program efficiencies, a repeal of speed limit sanctions on the States and others too numerous to mention here. Suffice it to say that they are all part of what will

prove to be a most efficient and effective surface transportation program for our Nation.

Even with my support of S. 1204, I must mention a few concerns about the legislation which should be dealt with in conference committee. These include the helmet and seatbelt provisions and long-combination vehicle size freeze contained in the bill. These are significant infringements on the rights of States to regulate safety within their own borders and I am opposed to their inclusion in S. 1204.

In addition, I was concerned about the so-called visual pollution provisions which would severely impact the billboard industry. Fortunately, yesterday we were successful in striking those provisions from the legislation and I hope they will not return during the conference deliberations.

Finally, Mr. President, I would once again like to thank Senators MOYNIHAN and SYMMS for their fine leadership on this important legislation and express my strong support for S. 1204 as it moves toward final passage.

Mr. SYMMS. Mr. President, will my colleague yield?

Mr. CRAIG. I am happy to yield to my colleague from Idaho.

Mr. SYMMS. Mr. President, I thank my colleagues for those very generous remarks. I say to him I think that essentially everything that he outlined I agree with, but I do think that all Senators need to be aware that there is some back room dealings going on with respect to the allocation of the money in this bill.

And I would also say to my colleague and others that I think that once those people come out of the back room and come forward with their program, that it will deem us all well, in a very slow, deliberate, step-by-step fashion, to see exactly how these formulas will be changed. Because, as the Senator mentioned, we have very carefully crafted formulas in this bill to protect those very geographically large States with small populations and difficult terrain and high Federal patterns of ownership. I would hate to see that upset too much in the back room deliberations. I urge my colleagues to watch that with great caution.

Mr. CRAIG. I thank my colleagues for those comments.

I think what is important for all of us and the Senate to recognize is that we are dealing with the reauthorization of a national—I repeat a national—transportation program. We have operated under that concept for a good number of years and we, by that, provided one of the most efficient and effective transportation systems that the world has ever seen. For us to break into regionalism, or even into a State-by-State allocation today, would destroy the concept for which we are striving—and I know my colleague from Idaho and from New York worked so very hard to craft—the concept that all benefit in a national program. Commerce that flows through Idaho, flows into Oregon, flows to the coast, flows east to the Mississippi. That is what speaks to a national transportation system.

What benefits one, benefits all. If we get involved in the game of trading off one against the other, ultimately, our national system will result in a fragmented program that will not have the kinds of efficiencies that my colleague from Idaho has worked so hard to craft in S. 1204.

What that, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. President, the task currently before the Congress is not merely to decide how best to spend $105 billion over the next 5 years but, rather, to design a highway program which will be looked back upon some 20 years from now with the same pride that we now look back on the foresight of the creation of the interstate highway program.

In my opinion, there are three major problems which we must address in this bill if history is to view our actions as beneficial and providential rather than as shortsighted and stifling. Furthermore, if we are to avoid the projections that our gross national product will be reduced by 3.2 percent, disposable income by 5.9 percent and employment by 2.2 percent should we fail to upgrade our transportation system by 1995, we must address these problems immediately or we will have driven one more nail into the coffin of domestic competitiveness.

The first problem with which we must deal, and perhaps the worst of our Nation's infrastructure problems, is the state of our bridges. Studies show that out of the 576,665 bridges in this country, 225,826 are classified as deficient. Of those, three-fourths are classified as functionally obsolete and the rest are classified as structurally deficient. What that means is that 29 percent of our Nation's bridges cannot safely serve the system of which they are an integral part and that another 10 percent of our bridges are restricted to light vehicles only, closed, or require immediate rehabilitation to keep them open.

Particularly in rural areas, the poor conditions of these bridges have strong effects on daily life and safety. A striking example of this situation came to my attention through a letter sent to me last August by Mrs. Sandra Bowers of Princeton, AL, who wrote to me about the closing of the bridge over Paint Rock River in Jackson County. Following is a paragraph from her letter:

> Yesterday, the State of Alabama Highway department closed the bridge to our home. We have no other outlet. Our house is a mile from the bridge. My daughter is unable to attend school as we are trapped. Even though we (and other property owners) asked that they not barricade the road and agreed to travel at our own risk over the bridge until a solution can be found, they did put up a barricade. Our County Commissioner was going to seek a legal exemption for us so we could cross at our own risk, but this did not occur.

Mr. President, none of the available statistics describing the poor state of our Nation's infrastructure and illustrating the need for drastic improvements cannot convey what is conveyed in that letter—the sense of urgency with regard to this situation and the fact that, for many people, particularly those in rural areas, this situation is real, desperate, life-altering and life-threatening.

I wish I could say that our bridges were the only problem but as we know, that is not true. Our second major problem is that, like our bridges, much of the almost completed 43,000-mile Interstate highway System has not been properly maintained. Consequently, much of the system already needs an overhaul, with estimates of the needed reconstruction, rehabilitation, restoration, and resurfacing for our countrry's roads and bridges running as high as $750 billion. Without these repairs and a commitment to maintaining this system, we are doomed to continue wasting unnecessary hours stalled in traffic, reducing our working hours and our economic production while wastefully burning gasoline.

Third, as we approach the 21st century, we must recognize the increased role which mass transit, intelligent vehicle highway systems, and perhaps magnetic levitation trains will play in our Nation's transportation infrastructure in years and decades to come. It is important that we invest now in the necessary resources to keep current mass transit systems operating and expanding, while also making available the necessary funds for researching and developing technologies which may one day hold the answers for our transportation needs.

At present, many of the key issues regarding this transportation bill remain undecided and it appears unclear what amendments will be offered with regard to some of those issues. However, I want to describe three important features which I believe should be contained in any final bill not only because they are best for the State of Alabama but also because I believe they are sound public policy.

The first critical feature which should be present in any final bill is a National Highway System. Any wholesale abandonment of this concept would, in my opinion, be flawed and untimely. The need for maintenance of interstate highways as well as principal arterials cannot be minimized nor

can the fact that the majority of travel occurs on these roads be overlooked. Therefore, any attempt merely to give States the option of spending money on these highways, with no requirement or guarantee that the existing Federal highways will be preserved should be rejected, especially in light of the fact that the condition of one third of these Federal highways are classified as either fair or poor. In my judgment, we must ensure that some portion of this $105 billion go toward the maintenance of our Federal roads.

Second, we must have in this bill a continued Federal commitment to our Nation's infrastructure rather than trying to reduce that commitment as in the administration's proposal. While I would agree that all levels of government need to increase their investment in transportation, now is hardly the time to shift the burden for transportation infrastructure to the States by requiring that they pay 40 percent rather than 25 percent of the costs of regional and local roads. At a time when most States are faced with fiscal problems of their own, increasing the State and local share to 40 percent for highways is inappropriate and I, therefore, believe that the existing 75–25 Federal-State match should be continued.

Third, I believe that the funding formula should be changed to reflect the fact that interstate highway construction now has been largely completed and that growing States need more of the money that they contribute back to address their needs today and to plan for meeting their needs during this decade. I am not recommending that every State receive out of the system exactly the amount it puts into it. However, there can and should be more equity in the funding and this could be accomplished by adjusting the allocation formula accordingly.

Mr. President, I have outlined some of the problems facing our highway and bridge program in this country and some of the proposals which I believe will help solve these problems. I hope that many of my colleagues will be able to support my findings and opinions and that we can move quickly to reauthorize this vital piece of legislation.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, my colleague from Louisiana has indicated on several occasions earlier in the day that he and I intend to offer an amendment with regard to a National Highway System, and I think time may be fairly close for doing that. I think we have had a lot of discussions with various people who have an interest in this. Hopefully, those discussions will lead us to a conclusion that every Member of this body can agree on.

Before we offer our amendment, I would like to say how much each of us, the people who are on the floor right now and the proponents of this amendment, all Members of the Environment and Public Works Committee, wish to express our respect for the chairman of the subcommittee, Senator PAT MOYNIHAN.

Many lament the bureaucratization of the Senate. They lament the fact that we spend all our time imitating the executive branch rather than debating and setting broad outlines for national policy. But I cannot ever recall saying that about PAT MOYNIHAN. Every time he brings an issue to the floor, the fundamental policy debate is substantially advanced. To me he is a credit to the historic traditions in the role of this body, and I rise to thank him for the role model he always is to all of us.

I also want to commend STEVE SYMMS, who has been both the chair of the subcommittee and the ranking member of our subcommittee. He gets better at either or both all the time. His very valuable contributions, particularly to rural States, to all of our rural States, and particularly to his own State of Idaho, are all over the bill before us.

Of course, I recall sitting with STEVE SYMMS in a small room back here in the Capitol with all of our Republican colleagues a few years ago when we got a rather direct and forceful pitch from then-President Ronald Reagan trying to get 1 of 11 of us to switch our vote and sustain his veto on the current highway bill.

All of us knew, all of us know today that Ronald Reagan was and is STEVE SYMMS' hero. It took quite a tough Senator from Idaho to look the President, his hero, in the eye and say, "No, I cannot do it. The interests I am here to represent, the interests of the people of Idaho come first." I will never forget that experience.

I just want to say STEVE SYMMS, too, made a very valuable contribution to the bill before us. I doubt the farsightedness of a PAT MOYNIHAN would have been as successful if it had not been supported by the courage of a STEVE SYMMS. So I commend him for his work on this bill as well.

As I made the decision to propose this amendment, I began with a question I often ask myself on these issues and that is, in this particular case, why is the Federal Government in the transportation business? Why do we collect billions of dollars in gasoline taxes at gas pumps all across America, bring all of that money to Washington, DC, and then send it back to the States? Why does the National Government go through the time-consuming effort of writing a 200-page or a 500-page bill every 4 years?

At this point in our political development, on both sides of the aisle, we all believe the best answers to public problems are found closest to the source of those problems. The presumption is the closest level of government does the best job. Referring problems to another level of government has to be justified by the value that would be added.

So why is the National Government involved in highways and mass transit? What is the national purpose to be served by the bill before us?

Article I, section 8 of the Constitution enumerates the powers of the Congress. The second clause appears to be the rationale for this bill. The Congress is empowered by the Constitution to regulate interstate commerce.

In our historic interpretation of the interstate commerce clause, we have taken it as our duty to promote a productive and internationally competitive national economy.

Our national purpose, therefore, in collecting all of these gas taxes at all of these gas pumps and redistributing 105 billion dollars' worth of them every one of these 5-year periods to the States is to provide a transportation system which promotes interstate commerce. And that is the standard against which we should measure this bill.

Since 1806, when Thomas Jefferson signed the first Federal highway program into law, we have been working on what is called the National Highway System, a network of roads to move people and goods to promote interstate commerce. For 150 years, the Federal Government made investments in highways all over America.

As our people spread out and our economy matured in this century, we felt the need at the national level to go beyond our incremental efforts. So in 1956, we specifically created the gas tax to pay for highways and embarked on a massive interstate highway program.

At the time, President Eisenhower said America needed to free itself from what he called the "antiquated shackles of our secondary roads." And that, Mr. President, is what we have been doing progressively for the last 35 years.

This is the result: We have 44,000 miles of interstate highways. They represent only 1 percent of all of the roads in America, but this 1-percent carries 22 percent of our traffic.

It is this network of roads on which the pending bill is focused. States are required to spend a large proportion of their allotments on maintaining this system. Under the proposal the Senator from New York has brought to us, once the States have serviced the Interstate System, they have fulfilled their national obligation. Under the bill before us, the rest of their allocation can be spent on whatever they want. They have total flexibility. That, Mr. President, is the problem with the bill before us, and the reason for the

amendment the Senator from Louisiana and I intend to offer.

I believe the bill before us shortchanges the national purpose we are trying to serve, and that must be corrected. That is the position of the President of the United States, and I believe it is the position of the majority of our colleagues on this floor.

The basic point is that this, labeled "interstate," picture of America is not the real National Highway System. The real National Highway System in this country is right up here. That is the real National Highway System. The blue lines on this map are the Interstate System of 44,000 miles, and the red lines are the principal arterial routes, the Feeder System to the Interstate System. These arterials are 141,000 miles of additional roads which do a lot of America's transporting.

As you can see, the interstates and the arterials together are still only 4 percent of all the roads in America today, but they carry 40 percent of the traffic in this country and they carry 75 percent of the commerce.

The bill before us is designed to support the Interstate System. The amendment which my colleague from Louisiana and I will bring is designed to support the real system, the one that exists in all 50 of our States. I believe it is clear which course better serves the national interest.

The amendment we intend to bring will do two things: It will establish a National Highway System. Basically, it will set up a procedure for drawing a map just like the one with the blue and the red lines. And it will be a map of the key feeder routes in America. The States will take the lead in that process, which is something that the Senator from New York feels strongly about, and so does the Senator from Louisiana. The States will take the lead in the process, with the approval of the Secretary of Transportation, and together they will identify what highways make the greatest contribution to the Nation's transportation needs.

Second, the amendment requires that the States spend at least—well, I wanted to say at this point 30 percent, Mr. President, and I was informed that we had to bring it down to something less than 30 percent because there were a lot of people in a few States, at least, in the western part of this country that could not tolerate that.

So we said, well, maybe it ought to be 25 percent; that is 25 cents out of every $1 of discretionary funds. Of every $1 of nationally collected money sent back to the States, only 25 cents, we said, would have to be spent on this National System that carries 75 percent of our traffic.

Even that was not enough to satisfy the concerns of some of our colleagues, so over the course of the day, my colleague from Louisiana and I have discussed moving down another legitimate notch, I guess, and get down to 20 percent of the flexible allotment on the system. In case anybody thinks that is 20 percent of $105 billion, it is not. It is 20 percent of the 50 percent which goes to the States in their discretionary account.

As a matter of fact, if we offer our amendment at 20 percent, it will total $23 billion over 5 years—$23 billion over 5 years. And that figure, Mr. President, includes both the 20 percent of the discretionary fund and the proportion of the nondiscretionary which is allocated to the interstate part of this system.

So that is only $23 billion out of $105 billion of these nationally collected moneys to go to a national system.

I really hope we can persuade all of our colleagues that 20 percent of 50 percent is not too great an amount of nationally collected dollars with which to maintain a national system.

Mr. President, we are indebted to the President of the United States and to the Secretary of Transportation for contributing the concept of the National Highway System to this debate.

We are also clearly grateful to a number of our colleagues who have expressed concerns about how the program should be structured to deal with the needs of individual States. Over the course of the last 2 days, I would say, the amendment has substantially grown to accommodate the interests, particularly the interests of some of the Western States that may have long interstates but do not have quite as many of the principal arterial roads. We built into this amendment a wide variety of flexibility so that those special needs can be accommodated.

So I say to all of my colleagues who have contributed to the amendment that I trust we will be submitting soon, and hopefully will be accepted by the managers of this bill, we are all very grateful for their input, and it certainly has made it a stronger amendment.

Mr. President, at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, last evening and early this morning, I indicated that the schedule for this evening would include a period of time during which there would not be rollcall votes to accommodate our Republican colleagues who had a long-established function this evening which many Senators wished to attend, and as has been our practice we are, of course, prepared to accommodate that request.

Following consultation with Senator DOLE and a number of other Senators, I now wish to announce for the information of all Senators there will be no rollcall votes between 7:30 and 9:30 this evening. There will be that period of time.

We hope that we will be able to proceed with this bill during that time. I do not know what the status will be. I think we are very close with respect to proceeding on the formula, and I do not know what the status is of the discussions now underway with respect to the other major amendment that is under consideration.

But the possibility of rollcall votes prior to 7:30 remains. If we can expand that window at any time, if we make some now unanticipated breakthrough on the bill in either of these areas, I will make that decision and announce that immediately. But as of now, the period will be between 7:30 and 9:30.

Mr. SYMMS. Will the leader yield for a comment?

Mr. MITCHELL. Certainly.

Mr. SYMMS. Mr. President, I might just say, it appears we are very close to settling the issue, or maybe we are very close to settling the issue on the National Highway System. If that issue is settled, there are really no other amendments that I see around that anyone is ready to offer.

I think this Senator has one amendment to put this bill in conformance with the Budget Act which should be accepted, because we have been advised that part of the National Trails Act is out of conformance with the House. It is a very small issue. That will probably be accepted by the committee.

I would say, as one Member who has not been in the negotiations, that I hope the leader and others that have been could get those numbers out and not expect us to be prepared to vote on it in a very short time afterward, because I think that is really what the guts of the whole fight is about.

Mr. MITCHELL. If I may respond, I have no idea on what basis the Senator has any inclination of an effort to require people to vote before there has been ample time for debate.

Mr. SYMMS. I would just be interested to know what the Senator might anticipate would happen. May I should have put it that way.

Mr. MITCHELL. We have been at this now for a few days and we are making some progress. I hope we can reach agreement. I want to assure the Senator and every Senator, consistent with what I hope has been every action I have taken, that every Senator will have ample opportunity to review the matter, to debate the matter fully, to express his or her view. We are not going to rush into a situation where any Senator feels that he or she has not had that full opportunity. I know it is very important to every Senator,

and every Senator is going to have that chance.

Now, that means we are going to be here tonight. I want to repeat that. We want to move forward on this bill and Senators should be prepared for a very long and late session this evening, if that proves to be necessary. That will be the judgment, of course, of individual Senators. But we are not going to foreclose any Senator, shut off any Senator, cut off any Senator, or deprive any Senator of the full opportunity to consider this matter, which is of importance to every State, and to debate it thoroughly.

Mr. CHAFEE. You are going to finish the bill tonight; is that the idea?

Mr. MITCHELL. We hope very much to, Mr. Chairman. [Laughter.]

The first week here I learned that everyone has been, is, or will be a chairman.

Mr. CHAFEE. Or hopes to be.

Mr. MITCHELL. If I could say to my distinguished friend from Rhode Island, I, obviously, cannot predict what is going to happen. That may prove to be impossible, but that is certainly my intention.

I thank my colleague very much.

Mr. SYMMS. I thank the leader.

Mr. WARNER. Mr. President, before the leader leaves, I wonder if the leader and the managers of the bill would enable the Senator from Texas and myself to discuss a subject in his presence. Would that be appropriate? The reason is to keep the leader and other Senators informed. Senator BENTSEN and I would hope to give an update to as many Senators as possible from the donor States who are interested.

I yield to the Senator from Texas.

Mr. BENTSEN. I say to my friend Virginia that we are awaiting the numbers, which are quite important, to try to make a decision in achieving the compromise that we, hopefully, will be able to gain. My understanding is that the numbers are on the way.

Mr. WARNER. Mr. President, I think we could also acquaint those with the knowledge that we have a proposed draft amendment that we hope to share with them so that they could look at that. It represents a work product of some several Senators over a period of days. Perhaps more details could be forthcoming by protocol from our distinguished leader.

Mr. MITCHELL. If I may respond, numbers are on the way. We hope that that does mean the same thing as when we are told a Senator is on the way and that they are going to be here promptly.

We expect that to be the case. We had hoped to actually have them already. And as soon as they are available, they will be made available for distribution to as many Senators as possible to review and then we hope we can proceed to them.

I want to especially thank my colleagues from Virginia and Texas for their cooperation in this matter.

Mr. WARNER. The sole purpose in seeking recognition was to use this system in the most expeditious way to alert Senators that Senator BENTSEN and I will make ourselves available to respond to questions at the earliest possible time.

Mr. GRASSLEY. Mr. President, I am pleased to cosponsor the amendment by Senator DURENBERGER that would establish a National Highway System. This amendment would dedicate 30 percent of Surface Transportation Program authorizations to the National Highway System.

Mr. President, the distinguished senior Senator from New York provided an interesting, detailed history of the Federal highway program in his comments included in the committee report that accompanied S. 1204, the Surface Transportation Efficiency Act of 1991. It was fascinating reading.

He began with Thomas Jefferson, and the first Federal highway program in 1806. And he took us on an engrossing journey that brings us to today's consideration of the bill before us.

In his comments, the Senator from New York refers to the year 1916, when Congress enacted a permanent Federal roads program. The main focus of this program was the farm-to-market road.

Mr. President, a lot of things have changed since the year 1916. But one thing has stayed the same. We still have farmers and we still have markets. In fact, we have a lot more than just farms and farm markets. There is an ever-expanding need for a National Highway System to meet the many and varied demands of our diversified economy.

Mr. President, what is the National Highway System? It is a network of primarily existing major highways throughout the country. The National Highway System would include the Interstate System and would connect major population centers, rural areas, major ports, airports, and international border crossings. The National Highway System would receive targeted Federal funds.

The National Highway System was the No. 1 priority of the administration's surface transportation reauthorization proposal. In fact, Department of Transportation Secretary Sam Skinner has stated that a Presidential veto of his legislation is likely if it does not include a National Highway System as proposed in the amendment of Senator DURENBERGER.

The idea of a National Highway System is critical to maintain the integrity of an efficient transportation system throughout the United States. I believe it is essential to dedicate a substantial portion of Federal highway dollars into a system that will meet national needs. A National Highway System would connect those highways that serve national commerce, travel, and defense needs.

The National Highway System under our amendment would ultimately include about 4 percent of total public highway mileage in the country. However, it would carry about 40 percent of total vehicle miles traveled in both urban and rural America, and would carry 75 percent of intercity truck travel. This system would help to ensure the swift movement of interstate commerce, enhancing our economic efficiency and international competitiveness.

Mr. President, the vision of Dwight Eisenhower is realized every day in our country. Whenever we drive on the Interstate System, we should praise the foresight of this great man. President Eisenhower's vision of the Interstate System has revolutionized our country.

However, the Interstate System was established more than 35 years ago and does not comprehensively reflect today's transportation needs. We need to build on the vision of President Eisenhower. We need to build the National Highway System.

Since 1940, new population and production centers have emerged, and travel patterns have changed. The adoption of a National Highway System would recognize these changes.

Under this amendment, all interstate and principal arterials would be eligible for National Highway System funding for a 2-year interim period. During that period, the States, working in conjunction with the Department of Transportation and metropolitan planning organizations, would define a final National Highway System.

Mr. President, flexibility and national purpose are not diametrically opposed to one another. They can work hand-in-hand. The flexible nature of the Surface Transportation Program will only work to better enhance the National Highway System, the National Highway System will give a national focus to the flexible funding decisions on the part of the States and metropolitan planning organizations.

Mr. President, I believe we need to maintain the integrity of our national transportation system. The adoption of this amendment is critically important if we are to achieve this objective.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter received from the director of the Iowa Department of Transportation expressing his support for the establishment of a National Highway System.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IOWA DEPARTMENT
OF TRANSPORTATION
*Ames, IA, June 13, 1991.*

Hon. CHARLES GRASSLEY,
*U.S. Senator, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR GRASSLEY: I am writing to reinforce my support for the identification of a National Highway System and the establishment of a National Highway Program in the reauthorization bill currently before Congress.

While S. 1204 does provide for the Secretary of Transportation to submit to Congress a proposal for a National Highway System, we continue to believe that a separate National Highway Program must be a central component of this bill. A National Highway Program will provide the national focus necessary if we are to have a truly National Transportation System providing for the interstate and interregional movement of goods and people.

As the construction of the interstate is nearing completion, much attention has been focused on how to divide the federal trust fund dollars among the competing transportation needs. Congress must continue to recognize the importance of the Interstate Highway System and those highways of national significance. The size of the system has also generated considerable discussion between the Iowa DOT and the Federal Highway Administration. While we are not in total agreement, we continue to make progress in identifying the routes in Iowa which should be a part of the National Highway System. However, the size of the system is secondary and should not detract from the primary issue—the establishment of a National Highway Program.

Thank you for your continuing efforts to establish a National Highway Program.

Sincerely,

DARREL RENSINK,
*Director.*

UNUSED OBLIGATION AUTHORITY

Mr. REID. In the committee report on S. 1204, under the section-by-section analysis, section 104, on page 15, the third paragraph of that section states that States with large unobligated balances would be given priority for redistributed obligation authority. In markup, I offered an amendment to change that, and the amendment was accepted. Therefore, is it the Senator from New York's opinion that that paragraph was left in the report by accident, it is a typographical error and it should have been deleted?

Mr. MOYNIHAN. That is the opinion of the Senator from New York. Unused obligation authority is to be redistributed first to prevent lapses of authority not intended by States, and then to States that are ready to spend the money—States with projects ready to go.

Mr. REID. I thank the Senator from New York for clarifying this point.

BROWNSVILLE RAILROAD RELOCATION PROJECT

Mr. BENTSEN. Mr. President, I would like to take this opportunity to engage in a colloquy with my distinguished colleague and chairman of the Senate Environment and Public Works Committee, Senator BURDICK, regarding a project of great importance to this Senator—the Brownsville Railroad relocation project.

I ask the Senator, the committee has essentially agreed to a bloc grant approach to the majority of surface transportation projects, leaving significant discretion on specific project funding to the States; is that correct?

Mr. BURDICK. The Senator, the distinguished chairman of the Finance Committee, is correct.

Mr. BENTSEN. As my esteemed colleague knows, I wrote him and the distinguished ranking member of the Committee, Senator CHAFEE, on May 17, 1991, requesting a specific reauthorization for the ongoing Brownsville Railroad relocation project in Brownsville, TX, a project that has been in process for many years and which is still several years away from completion. This particular project is the single most important health, safety, and economic development transportation project in Brownsville and, if taken to completion, will dramatically improve surface highway and rail transportation in and through this important southeast Texas city. I am particularly interested in this project because it will significantly improve the safety of downtown Brownsville where, currently, hundreds of trucks and trains are moving through the most populated portions of the city, often loaded with hazardous materials. The relocation project will allow commerce from neighboring States in Mexico to flow through the Port of Brownsville, connecting to more efficient highway and rail routes north of the city, leading to the Midwest and other States in the country.

I am informed that this type of railroad-highway relocation project is an eligible cost item in the bill that is before the Senate. Is that correct?

Mr. BURDICK. The Senator from Texas is absolutely correct. The Brownsville relocation project is a worthwhile project and would be eligible for funding under the provisions of the committee reported bill. Railroad relocation projects like the one currently under construction in Brownsville is clearly an authorized activity under the bill. As the Senator from Texas knows, I gave his request for categorical authorization for the Brownsville project every possible consideration and believe that it is a project with considerable merit. I join the Senator in urging that funding be provided to continue this important surface transportation initiative in his state.

Mr. BENTSEN. I thank the distinguished floor manager for his confirmation and for his words of support for this important project in my State. His comments will be very helpful as we continue to pursue funding for the Brownsville Railroad relocation project.

SECTION 111 OF S. 1204

Mr. INOUYE. Mr. President, I rise to seek clarification of the provision in section 111(b) which would amend section 204 of title 23 of the United States Code as it relates to Indian reservation road programs and park roads and parkway programs. The amendment proposed in section 111(b)(2) would add at the end of subsection (a) of section 204, new language to provide that "no public lands highway project may be undertaken in any State pursuant to this section unless the State concurs in the selection and planning of the project."

It is my understanding that the law does not currently require State concurrence in the selection and planning of Indian reservation road programs or park roads and parkway programs. The report which explains the intent of section 111 states that—

> The current federal lands highway program is reduced from four categories to three categories by combining the public lands highways and forest highways into one public lands highway program. The park road and parkways and the Indian reservation roads categories will remain unchanged.

The report language appears to be at odds with the language in the bill. Is it the intent of this bill that the Secretary of the Interior or the Indian tribes will now have to seek the concurrence of the State in the selection and planning of Indian reservation roads or park roads and parkways or will these programs continue to be administered as they have under current law?

Mr. MOYNIHAN. Mr. President, the provisions in section 11(b)(2) were added because the public lands highways and the forest highways programs are being combined into one public lands highway program category. The provisions requiring State concurrence in the selection and planning of projects is only intended to apply to this new, combined program. It is not intended to apply to the park road and parkways, and the Indian reservation road programs. Those programs will continue to be administered as they have been under current law.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 332

Mr. STEVENS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 332.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . NATIONAL DEFENSE HIGHWAYS.

(a) Upon certification by the Secretary, after consultation with the Secretary of Defense, that a particular highway or portion of such highway, located outside the territory of the United States, is important to the national defense, up to $20,000,000, as determined by the Secretary, shall be made available for the purposes of this section in fiscal year 1993, 1994, 1995, and 1996 from the Interstate Construction Program funds authorized under section 103(b)(5) of this Act.

"(b) Funds made available under this section shall be available only for the reconstruction of any highway or portion thereof certified under subsection (a), and shall remain available until expended."

Mr. STEVENS. Madam President, I am grateful to the managers of the bill for the consideration of this amendment. The Alaska Highway has been discussed on the floor before on this bill. It stretches over 1,500 miles from Dawson Creek into Alaska. It was constructed on an emergency basis using Defense funds in 1942, and the Defense use of the highway is still appropriate. We still maintain four major bases in Alaska which are accessed by road. This is the only road that would give them access from the continental 48 States, as we call them. Eighty percent of those who use this connection through Canada are Americans using their private automobiles.

I have a letter from my good friend, the Ambassador from Canada. We call him our southern neighbor, Madam President. He is as concerned as am I about the funding for the reconstruction of the Alaska Highway. Ambassador Burney pointed out that, in January 1977, a bilateral agreement was signed. This agreement stated that Canada would arrange the reconstruction to a jointly agreed standard and that the United States would pay Canada the cost of reconstruction. That has not been done. This amendment that I have offered will, I hope, yield some funds from the Interstate Highway System. Alaska is not in the Interstate Highway System, but this is an international connection to our highway system.

Nearly $200 million is needed for the repair of the highway. The Ambassador has informed me that a 300-mile segment of the road in Canada will have to be closed if the repairs are not effected, and they would have to begin almost immediately. Under my amendment, the Secretary of Transportation, in consultation with the Secretary of Defense, would designate international highways important to our national defense and up to $20 million could be used for the reconstruction of such highways. I have, obviously, particularly in mind the Alaska Highway, the ALCAN as we call it.

I point out to Senators that this amendment does not mandate any money. This is discretionary authority to the Secretary to allocate funds that have not been used by States which have allocations under the interstate highway fund. It may get us the funds, Madam President. It does not mandate them. I see no way under the current system to mandate them.

I appreciate the consideration of my friends. I ask unanimous consent that the letter from the Ambassador of Canada be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
*Washington, DC, June 6, 1991.*

Hon. TED STEVENS,
*U.S. Senate Office Building, Washington, DC.*

DEAR SENATOR STEVENS: Since we spoke in April on the matter of adequate funding for the reconstruction of the Alaska Highway, we have continued to pursue our concerns with the Administration, and have also raised them with Members of the House of Representatives. As I understand that you and your colleagues will be considering this further, I would like to stress the importance Canadian authorities attach to this matter of adequate funding and to point out the benefits for U.S. and Alaskan interests.

The United States and Canada have cooperated on the Alaska Highway since its inception. In the 1970s, the U.S. Government initiated discussions with Canada on the reconstruction of two portions of the Alaska Highway that cross Canada's Yukon Territory (Haines Road and the North Alaska Highway). In January 1977, a bilateral agreement—the Shakwak Agreement—was signed. This agreement stated that Canada would arrange the reconstruction to a jointly agreed standard, and that "the United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States . . ." Canada has fulfilled its obligations.

During the last 13 years, American funding has been provided originally from the Federal Highway Administration and more recently from the State of Alaska. Canada has spent $60 million on maintenance costs alone. As a result, the reconstruction of the Haines Road is now essentially complete. But the North Alaska Highway remains largely unreconstructed. The lack of previously agreed American funding has halted reconstruction and has increased Canadian maintenance and repair costs. There is now growing concern about the safety of the road, and this has implications for load and speed limits, and even possible closing some eight years out.

I need hardly remind you of who benefits from this road link—your State. Eighty percent of this traffic is U.S. origin. Notwithstanding this, we have a shared interest in the safe flow of commercial and tourist traffic in this area.

Therefore, I very much hope that you will succeed in persuading the Congress to appropriate the remaining $21 million from the original authorization, and to establish a dedicated fund in the 1991 Surface Transportation Assistance Act to enable the United States to meet its financial obligation in the 1977 agreement to complete the reconstruction of the Alaskan Highway.

This is a worthy example of neighbours working together and the task should be completed.

Yours sincerely,

D.H. BURNEY,
*Ambassador.*

Mr. STEVENS. I urge adoption of the amendment.

Mr. MOYNIHAN. Madam President, it is always a pleasure to accommodate the senior Senator from Alaska, and particularly in a joint enterprise with the Government of Canada. Ambassador Burney is well known in our Chamber. We have no objection. We accept the measure on this side.

The PRESIDING OFFICER. Is there further debate? The Senator from Idaho.

Mr. SYMMS. I join with the floor manager of the bill to say I support the amendment. I have had the opportunity to visit Alaska on a couple of occasions, and the distance to the lower 48, as the Senator from Alaska says, is long. Once you get to Alaska, it is a long way to wherever you want to go. Alaskans have unique problems in this country with respect to conditions and roads. I hope that we will be able to accomplish the goals of this amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 332) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

(Purpose: To impose on refiners a clear gasoline requirement)

Mr. MOYNIHAN. Madam President, I send an amendment to the desk on behalf of Senator DOLE and ask unanimous consent that again we lay aside the pending Byrd amendment.

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

Mr. MOYNIHAN. Madam President, this amendment would simply provide that no refiner may enter into the common carrier pipeline system any gasoline that would preclude the addition of a legally waivered fuel or fuel additive unless the gasoline contains a legally waivered fuel or fuel additive in quantities sufficient to meet the requirements of regulations issued pursu-

ant to section 211 of the Clean Air Act. It refers to ethanol in pipelines.

The PRESIDING OFFICER. The clerk will report this amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. DOLE, proposes an amendment numbered 333.

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

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

The amendment is as follows:

On page 131, after line 22, insert the following new section:

**SEC. 140. CLEAR GASOLINE REQUIREMENT.**

No refiner may enter into the common carrier pipeline system any gasoline that would preclude the addition of a legally waivered fuel or fuel additive unless the gasoline contains a legally waivered fuel or fuel additive in a quantity sufficient to meet the requirements of regulations issued pursuant to section 211 of the Clean Air Act (42 U.S.C. 7545).

Mr. MOYNIHAN. Madam President, I believe this amendment is acceptable.

Mr. SYMMS. It is acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 333) was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 334

Mr. MOYNIHAN. Madam President, I offer an amendment for myself and Mr. DOLE. I think Mr. SYMMS would like to join me. It instructs the Director of the Bureau of Transportation Statistics and other officials to study the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs. This is another example of the absence of a data base on which to make judgments in this area.

Much of the difficulties we have had in recent weeks in this bill go to the fact that the data are so uncertain, nonexistent or controversial, if you will, to put it that way.

Mr. MOYNIHAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. DOLE, and Mr. SYMMS, proposes an amendment numbered 334.

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

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

The amendment is as follows:

Sec. 115(d) is amended by adding the following new paragraph:

(10) STUDY OF STATE LEVEL OF EFFORT.—(A) Not later than 3 months after the date of enactment of this Act, the Secretary and the Director of the Bureau shall undertake a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(B) Such study shall include collection of data relating to State and local revenue collected and spent on surface transportation programs. Such revenue shall include income from fuel taxes, toll revenues including bridge and ferry tolls, sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and other appropriate State and local revenue sources as the Director of the Bureau deems appropriate.

(C) Not later than 9 months after the date of enactment of this Act, the Secretary and the Director of the Bureau shall provide a written report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives detailing the findings of the study. Such report shall include recommendation on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data by State on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

Mr. MOYNIHAN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 334) was agreed to.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. I would like to thank Senator MOYNIHAN and the rest of the committee on his excellent work on the Surface Transportation Efficiency Act of 1991. I especially support his effort to develop a new approach to solving the transportation congestion problems that have become endemic on our urban interstate highways and other primary routes.

As he is aware, highway planners and transit officials in Washington State and across the Nation are particularly interested in HOV/bus-on-freeways system. HOV lanes may not work everywhere, but they are an especially effective option in increasingly congested urban centers.

Studies have shown that HOV systems are working. For example, a Federal Highway Administration study shows that the HOV lanes in the Seattle area carry four to five times the amount of passengers, not cars, as normal lanes. These figures are impressive. In most cases, HOV systems are by far the quickest and most economical way to fight traffic congestion.

Due to the novelty of the concept, HOV lanes were often underused when they first implemented in this country. Today, ask any of the drivers in the Washington, DC, area that pick up their neighbors on the I-395 corridor if they appreciate the HOV lanes. They will tell you that the public wants them and that the HOV concept works.

Because HOV lanes are so important, I would like to clarify a few aspects in the committee's bill. Provisions in the Surface Transportation Program in section 106 and in the definitions contained in section 131 concerning the term "carpool project" make eligible for funding certain programs and projects for carpools and vanpools. Does this also include motorist and transit-related passenger information programs and ride-sharing services?

Mr. MOYNIHAN. Yes, that is the intent of the committee.

Mr. ADAMS. S. 1204 contains provisions in the surface transportation, bridge and interstate maintenance programs which offer an 80-percent Federal match for new construction which is not primarily intended to accommodate single occupant vehicles at peak rush hour periods. Is it the committee's intent that this construction would include HOV facilities and that such facilities should be designed for use by vans, public and private transit vehicles, and intercity buses, in addition to automobiles?

Mr. MOYNIHAN. Yes, the intent of the committee is to include all the modes of transportation which the Senator just mentioned.

Mr. ADAMS. Secton 115 of the bill authorizes a new highway research program to undertake data collection and analysis activities. Does the committee intend that one of the features of this program will be to gather and make available on a regular basis statistical information on HOV lanes and miles which are planned, under construction, and in operation, including cost and patronage data, in metropolitan areas throughout the United States?

Mr. MOYNIHAN. Yes, one of the areas that the committee expects the Bureau of Transportation statistics to explore is HOV usage and mileage.

Madam President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MORNING BUSINESS

Mr. MOYNIHAN. Madam President, I ask unanimous consent that there be a

period for morning business with Senators permitted to speak therein.

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

## TRIBUTE TO MRS. WALTER BISHOP OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today with great pride to pay tribute to an outstanding and distinguished daughter of South Carolina who also happens to be my sister, Mrs. Martha Thurmond Bishop.

Martha Bishop is a woman of character, courage, and compassion, who has been a positive influence in the lives of countless young South Carolinians through her years of teaching and volunteer service. She has also been an inspiration to all who know her, especially this Senator.

Martha graduated from Winthrop College in Rock Hill, SC, in 1930, with a degree in home economics. Until her retirement in 1976, she taught home economics, holding positions with the South Carolina Public Schools, the Connie Maxwell Children's Home and Lander College. During World War II, she worked with the National Youth Organization teaching young people how to combat food shortages.

Martha has always been an active and conscientious woman, serving a variety of educational and community organizations, including the PTA, the YMCA, and the United Way. She is currently serving on the board of the Bowers-Rodgers Home for Abused Children in Greenwood, SC.

She has also played a very active role in her church, First Baptist of Greenwood. She has been a member of First Baptist for over 55 years and has served as a Sunday school teacher, a leader of the church's mission auxiliary and a member of many church committees. In recognition of her leadership and dedication, she was elected as the first woman deacon in the church's history.

Martha recently received several awards in recognition of her selfless devotion to others and her great contributions to education in our State. The South Carolina Mother's Committee named her "South Carolina Mother of the Year," an honor which is especially meaningful because our mother, Gertrude Strom Thurmond, was Mother of the Year in 1947.

Martha's students and many friends hold her in high respect for her professional achievements, but I know that she believes her best time has been spent as a mother. She has always taken her duty to her family very seriously and her four boys have grown into outstanding adults under her careful and loving guidance.

Martha was also honored by her alma mater, Winthrop College, which presented her with its highest alumna honor, the Mary Mildred Sullivan Award. The Sullivan Award is presented annually to a distinguished graduate of Winthrop who has shown a strong commitment to serving others.

Finally, the South Carolina Commission on Women honored Martha with their Pioneer Woman of Achievement award. The commission cited her contributions to the lives of women in South Carolina and her service as a role model for young women, as well as the enduring value of her achievements.

Mr. President, although I admit to a certain amount of bias, I believe Martha Thurmond Bishop to be one of the finest women I know. She is renowned for her kindness and delightful personality. She was a devoted wife to her husband, the late Walter Bishop and an outstanding mother to her four sons; Dr. Walter Grady Bishop, Judge William Thurmond Bishop, James Allen Bishop and Dr. John Barry Bishop.

Martha Thurmond Bishop has met the formidable challenges of working and raising a family with energy and grace. Excellence in all things is her standard, and her family and friends, especially her brothers, sisters and children, are very proud of her and happy to see her many contributions recognized.

Mr. President, I ask unanimous consent that news articles from the Greenwood Index-Journal, The York Observer and the Greenville News concerning the recognition accorded her follow these remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Greenwood (SC) Index-Journal, Apr. 18, 1991]

### SOUTH CAROLINA COMMISSION ON WOMEN HONORS BISHOP

Martha Thurmond Bishop of Greenwood, S.C.'s "Mother of the Year," was selected by the South Carolina Commission on Women to receive a Pioneer Award as a part of the Commission's Woman of Achievement Awards Program. Mrs. Bishop was presented with her award at a recent luncheon in Columbia honoring this year's award winners.

The Woman of Achievement Award is made to South Carolina women who have impacted on the lives of women at the community, state and national level and who have served as role models for young women.

Bishop was honored for long-time community service combined with a career in teaching and raising a family. The widow of Dr. Walter G. Bishop and mother of four sons, Bishop is retired from teaching, she remains active in her church, the Colonial Dames, the Greenwood Medical Auxiliary, Cateechee Club, Tulip Garden Club and the Greenwood Republican Women's Club. She serves on the Board of Directors of the Bowers-Rodgers home.

Other honorees for the Woman of Achievement Award were Dr. Joan Altekruse, Anne Springs Close, Doris Glymph Greene, Ida Crawford Stewart and Ruby Middleton Forsythe.

Dr. Janet Sipple of Lander College was one of the nominees for the 1991 award.

[From the Greenville News, Apr. 3, 1991]

### THURMOND'S SISTER NAMED MOTHER OF THE YEAR

COLUMBIA.—Sen. Strom Thurmond's spry, 81-year-old "younger" sister upstaged the venerable lawmaker Tuesday when the Legislature honored her as South Carolina Mother of the Year.

Martha Thurmond Bishop of Greenwood accepted the honor with poise and grace in a brief speech to state senators.

"Motherhood is a challenge, a responsibility and a job," she said.

"Children are gifts from God, to be loved, to be nurtured and to be inspired," she said.

Thurmond, R-S.C., beamed with pride over his sister's recognition by the South Carolina Mother's Committee.

"She's an outstanding lady. The whole Thurmond family's proud of her," the 86-year-old senator said.

"Everything she's done has been exemplary. She's about as near perfect as any woman I know," Sen. Thurmond said.

Sen. John Drummond, who served with Mrs. Bishop's husband in World War II, sponsored a resolution in honor of "so distinguished a daughter of South Carolina."

Mrs. Bishop was salutatorian at Edgefield High School and Winthrop College, where she earned a degree in home economics.

She married the late Dr. Walter Bishop of Greenwood and raised four sons.

One son, W. Thurmond Bishop, is a U.S. Bankruptcy Court judge in Columbia.

During the war, Mrs. Bishop remained active in her community by teaching, canning and preserving fruits and vegetables to help families cope with shortages, according to the resolution.

Mrs. Bishop taught in the public schools and at Lander College until her retirement in 1976.

"She's spent a large part of her life helping other people," Thurmond said as he introduced his sister outside the Senate chamber.

In her speech to the Senate, Mrs. Bishop noted, "I don't see too many women" in the chamber.

"Maybe they are home mothering their children. There's no higher calling than that," Mrs. Bishop said.

Sen. Sherry Martschink, R-Mount Pleasant, is the only woman among the state's 46 senators.

Mrs. Bishop took the hoopla in stride.

Her brother tried to stay in the background and let Mrs. Bishop take center stage.

When Drummond, D-Ninety Six, introduced Mrs. Bishop, Thurmond stood discretely to her side, head bowed.

Later, like a seasoned politician, Mrs. Bishop handled a question about whether she had outshone her famous brother—for at least one day.

"No, not really," she said as Thurmond listened nearby.

---

[From the Greenwood (SC) Index-Journal, May 12, 1991]

### A MOTHER'S DAY VISIT WITH MARTHA THURMOND BISHOP

(By Alice Hite)

The parenting philosophy of South Carolina's "Mother of the Year" includes a tremendous amount of love and prayers.

Title-holder Martha Thurmond Bishop of Greenwood said, "Motherhood is a challenge, a responsibility and a joy. Children are gifts from God and are to be nurtured, loved and inspired."

She wouldn't want to be known as the Emily Post of Greenwood but she also be-

lieves acquiring and practicing manners and social graces are important.

Usually soft-spoken and unassuming, Bishop, a retired Lander College home economics teacher, becomes demonstrative on the subject.

"Oh yes, young people need to know etiquette," she said, stressing the affirmative. "This knowledge is essential to guide them in their personal and professional lives."

Bishop also taught a mini-course in social guidance at Lander.

Since winning the state's tribute to a mother in early April, Bishop competed for the national title in St. LOUIS, Mo. April 27 and garnered the Pioneer Award presented by the S.C. Women's Association and a distinguished alumni award presented by Winthrop College in Rock Hill.

With vivid blue eyes twinkling, Bishop, the widow of Dr. Walter G. Bishop Sr. who practiced in Greenwood for 50 years and mother of four sons and grandmother of nine, reflected on motherhood, family, career, and community activities that lead to the state honors.

A native of Edgefield, she and her twin, Mary Thurmond Tompkins, share a politically illustrious brother, Sen. Strom Thurmond.

Bishop refrains from being identified as "Strom Thurmond's sister." "Oh, I'm extremely proud of my brother but I want to be known and remembered in my own right," she said.

Since her husband's death seven years ago, Bishop has on occasion accompanied the senator on official trips overseas. "Strom is so thoughtful and so good to his family, we are constantly in touch," she said.

Recalling her youth in Edgefield, Bishop said their home was always filled with activity. Her father, John William, was a solicitor and district attorney. Winning state awards is not uncommon for the Thurmond women. Bishop's mother, Gertrude Strom Thurmond, was S.C. Mother of the Year in 1947.

"I suppose my interest in the social graces began at an early age," she smiled. "My father was always bringing home business acquaintances and friends for dinner—it seemed we were continually entertaining."

"My mother didn't seem to mind. I remember she would run upstairs about the time my father would be coming home to see if she could preview how many people he was bringing home.

"Our house was a like a dormitory."

Besides her sister and brother, Strom, the Thurmonds had two other sons. Being surrounded by a rich family life, Bishop said, gave her a strong foundation for her career accomplishments and personal life as a wife and mother.

She recalls her famous brother as always having a project of some sort going. "Strom was always active and sometimes, he would scare us the way he would ride horses bareback with no bridle or saddle."

Bishop grew up instilled with a deep sense of honesty and integrity crediting her parents love and teaching. "We were taught thriftiness and, I remember my mother's favorite saying was, 'nothing succeeds like success."

On rearing her four sons, Bishop said, perhaps her strongest attribute was, "I gave them my time."

Bringing up her boys didn't always run smoothly. "Oh, they weren't perfect and neither were we," she laughed. "But we never had any real problems."

Firm discipline with a soft stroke was practiced in the Bishop household. "Our boys were taught to work and they were given an allowance which was adhered to."

Her children were given freedom at the same time love and nurturing resulting in individual self-esteem, she said.

Bishop described her efficient method of keeping up with each son's clothes as sometimes going awry. "I labeled and taped name tags in clothing, but, sometimes they would get all mixed up anyway.

"My boys grew up with horses to ride and gained a respect for nature and the outdoors—they went to camp and some became counselors," said one of the original members of the YMCA board of directors who currently serves on the board of the Bowers-Rodgers Home for abused, abandoned, or neglected children.

"When we were little girls, Mary and I had a pony named 'Dixie' and a cart that we could ride in," she said. "We took a prize one time for Dixie and her buggy."

Prize-winning and awardtaking seems to have followed Bishop throughout her professional and personal life.

She was one of the first recipients of the Lander College medallion for distinguished service.

Her love of the arts and music was also passed down to her children. She wasn't a "pushy" mother, either, she said. "I would open doors for them and encourage them but if they weren't interested, they could quit."

Now she is a doting grandmother with four girls and five boys.

"You might say, I got some girls back," she laughed.

Bishop's sons are Walter G. Jr. and John Barry, doctors, Thurmond is a federal judge, and James Allen, is an administrator in the Georgia Dept. of Labor.

"I would like to brag about my sons but I'm not," she said.

Competing for the national title as "U.S. Mother of the Year," was an experience Bishop said she will never forget. She added, she was honored to represent the state. A Nebraska mother won.

The competition wasn't conducted as a pageant but included interviews and delivering a three-minute speech on her life.

"That took some condensing," she smiled.

The trip to St. Louis for the contest was another highlight in Bishop's life.

Bishop has the distinction of being the first woman deacon at First Baptist Church. She has served in numerous capacities president of the Women of the Church, Sunday School teacher. She has also been a member of the Committee of Doctrine, Chancel Committee, and Pulpit Committee.

"The routine on Saturday mornings at our home included preparations for church the next day—polishing shoes to wear and studying Sunday School lessons," she said.

A major part of her life has been spent teaching young people beginning with teaching at Orangeburg High School, Connie Maxwell Children's Home and concluding her professional career with 18 years at Lander.

Bishop continues to hear from her former students.

One, a teacher at Greenville Technical College, recently wrote, "You taught me in the seventh grade. I can't tell you how much I appreciate the social graces you helped me acquire. With this honor, you've helped make South Carolina history."

Another, now living in Clemson, won an oratory contest while being instructed by Bishop that earned her a scholarship to Erskine College. "I almost didn't compete because my mother made me wear a dress I didn't like." The former student wrote, "You happened to comment to me that the dress I was wearing looked very nice—and, I thought, well, if Mrs. Bishop thinks it's pretty, it must be."

Bishop has boxes of cards and letters from well-wishers throughout the state. "I've tried to answer them all with personal notes—I want them to know I remember."

Representing the state as Mother of the Year has also meant a lot of traveling. But this Mother's Day weekend she intends to see a grandchild graduate from Davidson College. First Lady Barbara Bush is scheduled to speak at the commencement.

Although she might not be in town on Mother's Day, Bishop has made her mark. As part of a campaign by the American Mothers, Inc., sponsors of the national competition, she has been contacting churches in the area with bell towers to "Ring the bells for all mothers at noon on Mother's Day."

---

[From the York Observer, Apr. 20, 1991]

WINTHROP ALUMNA HONORED

Martha Thurmond Bishop is the 1991 recipient of the Mary Mildred Sullivan Award given to distinguished Winthrop College alumni.

The award was presented by President Anthony DiGiorgio at a special ceremony during alumni weekend festivities Saturday morning in Byrnes auditorium. DiGiorgio said the award recognizes her service to her community, her church and her state.

The Sullivan Award has been presented annually since 1940, recognizing an alumna who has demonstrated a strong commitment in serving others. It is the highest award that the school can give to a former student.

Bishop, a sister to U.S. Sen. Strom Thurmond, H.S.C., graduated from Winthrop in 1930 with a B.S. degree in home economics. After graduation she taught home economics at Connie Maxwell Children's Home and at Lander College. She retired from teaching in 1976, but her work at Lander earned her two medallions for outstanding service from the college.

During World War II, Bishop worked with the National Youth Organization, demonstrating methods to help families meet war shortages, such as canning and preserving. She was on the board of directors of the Greenwood YMCA when the first YMCA building was built in 1947. She served on the board for many years and she presently serves on its advisory board.

A member of the first Baptist Church in Greenwood, Bishop was the first woman to serve as a deacon in that congregation. She is also director of the Women of the Church and a Sunday school teacher.

Bishop currently serves on the Board of Directors of the Bower-Rodgers home, a shelter for abused children in Greenwood. She has co-chaired the March of Dimes campaign and has served on the United Way Board of Directors. She was named South Carolina's 1991 "Mother of the Year."

Bishop also was recently awarded the Woman of achievement Award by the South Carolina Commission on Women.

---

## RUSSIAN AND INDIAN ELECTIONS REPRESENT ESSENCE OF DEMOCRACY

Mr. PELL. Mr. President, two historic elections are occurring this week—in the Russian Republic of the Soviet Union, and in India. In style and in substance, the two elections are

worlds apart. But at their core, both elections represent the essence of democracy. In Russia and India, countries with imperialist legacies, the elections symbolize the population's basic desire for leadership that represents the will of the people.

In the Russian Republic, where democracy is being reborn after more than 70 years of Communist rule, voters went to the polls yesterday to choose their first elected President. Leningrad voters further broke with their Communist past yesterday by renaming their city St. Petersburg, the name that the westward-looking Tsar Peter the Great gave it nearly 300 years ago.

Boris Yeltsin, who for the last year has served as the Chairman of the Russian Legislature, apparently has won more than 57 percent of the vote in the Presidential election. Mr. Yeltsin has been described as a populist, charismatic leader. He appears to be the choice of the Russian people, and he appears already to have had some success in reaching agreement with the Soviet Central Government on the many pressing issues facing the entire Soviet Union. I hope that in his new role, he will continue to work for a responsible future of the entire Soviet Union. This will be crucial for the prospects for Western aid. Where Yeltsin is heading will make a diference.

In India, with its 40-year tradition of democratic elections, voters will go to the polls on Saturday for a final round of balloting in parliamentary elections. The election has been tumultuous and marred by violence, culminating in the assassination of Rajiv Gandhi. Tragically, with this loss, there appears to be no candidate with a national claim to popular leadership. I sincerely hope that the final stage of the election will pass without incident. I also hope that India will reembrace its nonviolent tradition, and that the leadership that does emerge will move quickly to reaffirm India's proud claim to be the world's largest democracy.

---

## SADRUDDIN AGA KHAN'S LEADERSHIP CREATES NEW WAYS FOR U.N. HUMANITARIAN PROTECTION

Mr. PELL. Mr. President, in an article in the Washington Post, June 12, Prince Sadruddin Aga Khan, the former U.N. High Commissioner for Refugees who currently serves as the United Nations Secretary General's Executive Delegate for Humanitarian Programs in the Persian Gulf region, sets forth the elements of an innovative program that did much to provide security as well as humanitarian aid for Kurdish and other refugees in Iraq and on the Iraq-Turkey and Iraq-Iran borders.

The challenge facing the international community in this region was immense, and the obstacles for a time seemed insuperable. There was concern that a traditional U.N. peacekeeping operation, aside from facing possible opposition and veto in the Security Council, would, as Sadruddin writes, "freeze a situation in an uneasy stalemate with the underlying issues conveniently shelved." The examples of Kashmir and Cyprus need no elaboration.

In his role as the U.N. Executive Delegate for this problem, Prince Sadruddin was able to draw on his unparalleled record of experience in solving humanitarian problems. What he proposed was what became known as the "guards contingent," U.N. personnel with the mandate of protecting the people and the material resources involved in a humanitarian operation.

This concept of humanitarian observers echoes an earlier proposal that Sadruddin elaborated in a 1981 U.N. report on "Human Rights and Mass Exoduses." These observers are not peacekeeping troops or policemen. But they can provide a moral authority that is present "to observe, monitor, and report," and thereby can stabilize a situation and provide significant protection for vulnerable groups.

The very modesty of the proposal is part of its attraction. Rather than confronting a nation-state with the challenge to its sovereignty that is inherent when U.N. military forces are deployed, and rather than attempting the uphill political battle of pushing an authorization for such forces through the Security Council, here is an approach that is at its essence on a human scale—constructive and nonconfrontational.

Such a plan may not offer a complete solution, but it can be an important part of a solution. It provides a degree of assurance that humanitarian assistance reaches those that need it most. And it raises the threshold, as it were, between peace and violence.

It can also be cost-effective, particularly compared to the high costs of comprehensive peacekeeping operations.

This article is a welcome reminder of the skill and experience that Prince Sadruddin brings to the enormous challenges that he has taken on throughout his career. He served as U.N. High Commissoner for Refugees for 12 years, and more recently directed the U.N. humanitarian programs for Afghan refugees in Pakistan. No one has had more experience in resolving the humanitarian issues that confront us throughout the globe. His success in helping devise an effective solution in Iraq is simply the latest accomplishment in an illustrious career.

The nations of the world would do well to give the most serious consideration to Prince Sadruddin as a future Secretary General of the United Nations. It is a position he would fill with enormous distinction.

Mr. President, I ask unanimous consent that the article by Sadruddin Aga Khan "U.N. Protection Born in Necessity" that appeared in the June 12 Washington Post be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 1991]

### U.N. PROTECTION BORN OF NECESSITY

(By Sadruddin Aga Khan)

On May 23 the United Nations secured Iraqi agreement to the deployment of up to 500 U.N. guards, to be assigned wherever a U.N. humanitarian presence is needed. This is not a panacea for the tensions and dangers of the region—and certainly not a means to "monitor all of Iraq," as Jim Hoagland writes [op-ed, June 5]. That was never the intention. But it is a small step for peace, a tentative but instructive idea of how innovation, even within the United Nations' somewhat rigid structures, can unblock the impasse.

The world's media spotlight—dazzlingly effective but lamentably brief—has focused on the grim plight of the Kurdish population in northern Iraq, which should not blind us to the needs of the victims of upheaval in other regions. Coalition forces responded first with a military efficiency that is enviable to traditional relief agencies. And since the signing of our framework agreement in Baghdad on April 18, the United Nations has had underway a humanitarian operation designed to bring succor to vulnerable groups throughout the country. The U.N. high commissioner for refugees has already taken over the Zakho transit camp. But security was hard to address within the confines of a humanitarian program.

Recourse to the Security Council was ruled out at the time. The peace-keeping option was tried to no avail. And indeed traditional U.N. peace-keeping, for all its successes, does have one pitfall: It can freeze a situation in an uneasy stalemate, with the underlying issues conveniently shelved by the parties—a "hard and bitter peace," in the words of John F. Kennedy. Just look at the 33 years of dispute over Kashmir or the 27 years of Cyprus's division.

Another approach was needed. That was why we came up with the "Guards Contingent" formula, blending the disparate humanitarian, political and security elements. A novel if still unproven experiment, the guards' basic mandate is to protect the precious human and material assets deployed in the humanitarian operation. They are neither peace-keepers nor policemen where U.N. resources are not involved. There are no guarantees. But they are there to observe, monitor and report. Any security incidents will be rapidly communicated up the chain of command. In the most direct sense, the guards may be a highly visible but symbolic presence—as indeed are peace-keeping operations themselves, where the "blue helmets" protect more by their color than by their dimension. But the guards ensure the international context. They will bear moral witness and help create confidence. As the eyes and ears of the United Nations, their reports can trigger further action. Moreover, bound as they are to the humanitarian program's time frame, a cutoff date prevents the inertia of the situation in Kashmir or Cyprus.

On first sounding out the concepts in Baghdad, I recalled an earlier idea, which we put forward in a 1981 U.N. report on "Human Rights and Massive Exoduses"—for a corps of "humanitarian observers." These observers were "to monitor situations and contribute through their presence to a de-escalation of tensions," as well as to facilitate humanitarian work. In a refugee context, they could contribute to speedy repatriation. Ahead of their time, they never materialized; however, a decade later the guards represent by another name much of that same philosophy.

The debate over a right of humanitarian intervention has been given a good airing recently. Compassion and self-interest find temporary common cause in international action to alleviate suffering that knows no frontiers. In a vacuum of authority, responsibility must be assumed, and services disrupted by disasters must be restored. Yet imposed concern remains largely unwelcome. Once again, innovation and flexibility are crucial. Life-saving and face-saving may have to go hand in hand.

Critics remind us that the United Nations enjoys no reputation for rapid response to crises: Its potential must indeed be better tapped. Nonetheless it may step in where other powers rightly hesitate to tread. The guards' deployment was risky and cannot shoulder a burden it was never intended to bear, but it deserves its niche in U.N. history. Whatever the outcome, we must not fear to improvise. When hundreds face death each day, as parents bury their children on barren mountaintops, we cannot await the ideal solution. Relief from starvation and disease brooks no bureaucracy.

Complex humanitarian and political challenges defy easy solution. There are no quick fixes: An idea such as the guards contingent for our operation in Iraq can only be part of a broader package. In such situations, where distrust, distress and violence feed upon each other in a poisonous circle, the antidote must have multiple ingredients. First, tensions must be lowered, with the parties agreeing to show some restraint and to support, at the very least, the implementation of the humanitarian program. Specific agreements to that effect should be concluded between all concerned. Second, civilian authority should prevail, reflecting the spirit if not the letter of a demilitarized region. Third, tentative or interim security arrangements might be ensured through a tripartite grouping of both sides together with international representatives associated with the humanitarian endeavor. Other assurances or leverage may come from outside. The tissue of confidence must be rewoven thread by thread. One missing strand, one unchecked incident, will unravel the safety net.

We cut some corners in sending in first a guards contingent before the ink was dry—in fact before the agreement was even signed. And as they had to be part of the humanitarian package, their funding is dependent upon voluntary contributions, in cash or in kind. So far the response has fallen short of the needs, estimated at some $35 million till the end of the year—about as much as it costs the coalition every week, according to press reports, to keep its forces in northern Iraq. Give us the means to make this operation a success. As the refugees return down our "blue routes," we must keep up the momentum. Peace comes cheaper than war; it is also a good investment. Solidarity today can reap stability in a volatile region tomorrow.

## EXTENDING AN INVITATION TO THE INTERNATIONAL OLYMPIC COMMITTEE

Mr. SIMPSON. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 46, submitted earlier by Senators GARN and HATCH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 46) extending an invitation to the International Olympic Committee to hold the 1998 winter Olympic games in Salt Lake City, Utah, and pledging the cooperation and support of the Congress of the United States.

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

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

Mr. GARN. Madam President, today, along with my colleague Senator ORRIN HATCH, I have submitted a Senate concurrent resolution which extends an invitation to the International Olympic Committee to hold the 1998 winter Olympic games in Salt Lake City, UT, and pledging the cooperation and support of the Congress of the United States.

On June 15, 1991, in Birmingham, England, the International Olympic Committee will select, from among six candidates, the site for the 1998 winter Olympic games. Salt Lake City, UT, is the United States' only candidate for that honor.

In its effort toward being the site selected for this prestigious honor, Salt Lake City, indeed the State of Utah, has made an unprecedented commitment to putting in place the finest infrastructure ever offered for a winter games bid. Olympic village is situated at a modern university within 15 minutes of an international airport. One 12,500-seat arena is completed and another, much larger, arena will be finished by November 1991. The people of Utah, in a referendum, have committed more than $50 million toward funding the bobsled/luge run, additional ski jumps and a speed skating oval. Completion of these projects is scheduled for the end of 1993.

The theme of Salt Lake City's bid has been the athletes. The benefit of the winter sport training center to the world-class athletes who will be competing in the 1998 Winter Olympic Games will be tremendous. That benefit will be felt by those athletes who come after the Olympics, as well. The close proximity of all the resources Salt Lake City has to offer makes this training center a valuable asset to the world of sports, continuing long after the games are over. I believe the several members of the International Olympic Committee that have visited Salt Lake City would agree with me.

In addition to the outstanding facilities available to the Olympic athletes, there is Utah's snow. Being an avid skier myself, I can personally attest to the incredible snow which falls on Utah's ski slopes every winter.

We all know of the spirit of the Olympic games, of bringing together the world's greatest amateur athletes in an effort to better understand other nations and their people. Inherent in the Olympic spirit is the determination to make the world a better place in which to live, for now and for future generations. I can think of no better place to bring these people together than Salt Lake City. I hope the U.S. Senate and the International Olympic Committee will agree.

Mr. HATCH. Madam President, on Saturday, June 15, the International Olympic Committee will meet in Birmingham, England, to choose the site for the 1998 winter Olympics. Salt Lake City, UT, is one of the cities being considered to host this prestigious sporting event and is, I believe, one of the best possible sporting venues in the world.

Today Senator GARN and I have submitted a concurrent resolution expressing the Senate's support of Salt Lake City's bid for the 1998 winter games. Last night, the House of Representatives agreed to a concurrent resolution encouraging Salt Lake City's effort to secure the Olympic bid. As the International Olympic Committee members cast their votes for the 1998 Olympic venue, they should know that the U.S. Congress fully supports Salt Lake City's efforts and favors Salt Lake City as the Olympic choice for 1998.

Salt Lake City possesses the best transportation infrastructure, accommodations, and top-flight sports facilities ever offered by a winter Olympic site. Additionally, the region's central location and easily accessible international airport make Salt Lake the most attractive candidate for the games.

Madam President, Salt Lake City and surrounding areas in Utah are well-suited to host the Olympics. Many winter athletes already train there. The U.S. Ski Team is headquartered there. For several years, most of America's top skiers have trained in Utah. They realize that Utah provides some of the best natural geography and most livable cities in the world for athletic pursuits.

Additionally, the people of Utah have long demonstrated their unequalled support for winter sports. They have voted to fund publicly world-class sporting facilities and have continually demonstrated their desire to make Utah the winter sports capital of the world.

If Salt Lake City hosts the 1998 winter Olympics, many others will also

learn what Utah has to offer to athletes, businesses, and families. Nowhere else in the world can one find such friendly, outgoing people in a region that is so profoundly blessed by natural beauty.

Adoption of this concurrent resolution today will demonstrate to the world that Congress supports Utah and America in this Olympic effort.

As one who represents the great people of Utah, I can say with confidence that we are prepared to host the Olympics, that we are proud to live in Utah, and that we welcome the world with open arms to experience firsthand the many wonders of our beautiful State and this great Nation.

Mr. MOYNIHAN. Madam President, speaking as a Senator from New York, I would simply like to note with great satisfaction the proposal that the winter games be held in Salt Lake City. They were held in Lake Placid in 1978, if I recall, and were a great success and a great joy. I wish all the Olympiads the joy of it.

The PRESIDING OFFICER. Without objection, the preamble is agreed to and the concurrent resolution is agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 46

Whereas the International Olympic Committee will meet on June 15, 1991, at Birmingham, England, to consider the selection of a site for the 1998 winter Olympic games;

Whereas Salt Lake City, Utah, has been selected by the United States Olympic Committee as the United States candidate for the 1998 winter Olympic games;

Whereas it is the consensus of the Members of Congress of the United States that the designation by the International Olympic Committee of Salt Lake City, Utah, as the site of the 1998 winter Olympic games would be a great honor for all the people of the United States; and

Whereas the people of Utah, who symbolize the heart of America's pioneer spirit, and who have for a number of years fully supported the effort to bring the winter Olympic games to the United States, have fashioned their Olympic bid with the goal of establishing the world's finest winter sports center based upon Olympic ideals: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the International Olympic Committee be advised that the Congress of the United States would welcome the holding of the 1998 winter Olympic games in Salt Lake City, Utah, the site so designated by the United States Olympic Committee; and be it further

*Resolved,* That the Congress of the United States expresses the sincere hope that Salt Lake City, Utah, will be selected as the site for the 1998 winter Olympic games, and pledges its cooperation and support of their successful fulfillment in the highest sense of the Olympic tradition.

Mr. SIMPSON. Madam President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

---

## TO AMEND PROVISIONS OF TITLE 18, UNITED STATES CODE, RELATING TO TERMS OF IMPRISONMENT AND SUPERVISED RELEASE FOLLOWING REVOCATION OF A TERM OF SUPERVISED RELEASE

Mr. SIMPSON. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 188, regarding the Sentencing Commission. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will read as follows:

A bill (S. 188) to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of supervised release.

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

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

Mr. THURMOND. Madam President, I rise to urge my colleagues to support this important bill, S. 188, which will implement various technical and clarifying proposals related to the revocation of supervised release and probation. This important measure is cosponsored by Senator BIDEN and Senator KENNEDY. These proposals were suggested to me by the U.S. Sentencing Commission with the desire that they might be promptly enacted so that the supervised release component of sentences will function as Congress intended.

Regarding the history of the U.S. Sentencing Commission, in 1984, I worked with Senator BIDEN, Senator KENNEDY, and other colleagues on the Judiciary Committee and in the Senate to formulate the Sentencing Reform Act which was enacted into law as part of the Comprehensive Crime Control Act of 1984. The Sentencing Reform Act focused on two major problems in the Federal criminal justice system: First, the disparity in sentences imposed on individuals convicted of similar crimes; and second, the actual time served by those convicted of crimes which was often much less than the sentence imposed. In an effort to address these problems, the Sentencing Reform Act created the U.S. Sentencing Commission. Its purpose is to formulate guidelines to be used by judges in the sentencing process. As a result of the Commission's efforts, people now convicted of similar crimes will serve similar sentences and the sentences imposed will reflect the actual time that must be served.

Despite the success of the Sentencing Commission and its guidelines, steps must be taken to ensure that it is free to carry out its duties and responsibilities. The legislation I am introducing today will enhance the Commission's ability to carry out its mandate.

Briefly, this legislation would make the following changes to current law. First, it would clarify that Federal courts retain the flexibility to order an additional period of supervised release following the imposition of a term of imprisonment for a violation of a condition of supervised release. This measure would also grant the Sentencing Commission greater flexibility in drafting sentencing guidelines for the sanctioning of offenders who, while on supervised release, are found in possession of a controlled substance. This greater flexibility will enable the Commission to draft guidelines and policy statements that best achieve the goals of consistency and proportionality that the Sentencing Reform Act was intended to cover.

Finally, this bill provides that decisions to revoke supervised release should be based upon sentencing guidelines and policy statements issued by the Commission specifically for that purpose. The effect of this change would be to settle a split among the Federal courts on the issue of whether the guidelines applicable to initial sentencing of defendants also apply to probation revocation decisions.

In closing, the technical changes embodied in this legislation are consistent with original congressional intent under the Sentencing Reform Act. I believe this legislation will further the goals of the Sentencing Reform Act to provide uniformity in sentencing as well as assure that sentences will be served in their entirety.

For these reasons, I strongly urge my colleagues to support this important measure.

Madam President, I ask unanimous consent that an explanation of the provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF PROVISIONS

The purposes of this legislation are to clarify the statutory provisions relating to revocation of probation and supervised release to ensure that they work within the scheme of the Sentencing Reform Act of 1984 as intended. The bill would: (1) make more explicit the intent of Congress in the Sentencing Reform Act that, when revoking a probationary sentence, the guideline range operative at the time the defendant was sentenced to probation is no longer applicable; rather the court is constrained only by the maximum statutory penalties for the offense and any Sentencing Commission guidelines or policy statements specifically applicable to probation revocation; (2) clarify the circumstances mandating revocation of probation and supervised release for possession of a controlled substance or firearm, and ensure that any defendant committing such violations of supervision is required to serve a term of imprisonment; (3) authorize a court upon revocation of supervised release to im-

prison the defendant up to the maximum statutory period of supervised release (but not exceeding five years for a Class A felony, three years for a Class B felony, two years for a C or D felony, and one year in any other case); (4) expressly authorize a court to order an additional period of supervised release to follow a period of imprisonment when supervised release is revoked; and (5) provide authority for a court to adjudicate violations of supervised release for which a summons or warrant was timely issued, even though the term of supervised release expired before the court could act on the alleged violation.

SECTION 1. IMPOSITION OF SENTENCE

Under subsection (a)(4) of 18 U.S.C. §3553, a court currently is required to consider guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. §994(a)(1). Additionally, under subsection (a)(5) of 18 US..C. §3553, a court currently must consider policy statements issued by the Commission pursuant to 28 U.S.C. §994(a)(2). Current law, however, does not expressly command court consideration of guidelines or policy statements governing violations of probation and supervised release that derive from Commission authority under 28 U.S.C. §994(a)(3).

Section 1 of the bill corrects this oversight by amending 18 U.S.C. §3553(a)(4) to require court consideration of Commission guidelines or policy statements pertaining to violations of probation and supervised release. The amendment thereby strengthens and clarifies the Sentencing Reform Act principle that all court decisions affecting the imposition or modification of sentence are to be structured by the standards of the Act and by Sentencing Commission guidelines and/or policy statements relevant to the particular sentencing determination.

SECTION 2. TECHNICAL CORRECTION TO MANDATORY CONDITIONS OF PROBATION

Section 2 of the bill makes a technical correction in 18 U.S.C. §3563(a)(3), relating to the mandatory condition of probation prohibiting a defendant from possessing controlled substances. The amendment substitutes the more technically precise term "unlawfully possess a controlled substance" for the existing phrase "possess illegal controlled substances".

SECTION 3. REVOCATION OF PROBATION

*a. Clarification of Imposable Sentence.*

In general, 18 U.S.C. §3565 currently permits courts to respond to violations of conditions of probation in a variety of ways, including revocation of probation and imposition of "any other sentence that was available under subchapter A at the time of the initial sentencing." 18 U.S.C. §3565(a)(2). Ignoring the context of the Sentencing Reform Act as a whole (including the specific directive to the Sentencing Commission to issue guidelines or policy statements for revocation of probation and supervised release, 28 U.S.C. §994(a)(3)), several courts of appeals have narrowly interpreted the phrase "any other sentence that was available under subchapter A at the time of the initial sentencing" to mean a sentence within the guideline range applicable to the initial sentencing decision. *See United States* v. *Smith*, 907 F.2d 133 (11th Cir. 1990); *United States* v. *von Washington*, 915 F.2d 390 (8th Cir. 1990); *United States* v. *White*, 925 F.2d 284 (9th Cir. 1991); *United States* v. *Alli*, —F.2d—, 1991 WL 47409 (4th Cir. 1991).

The effect of these decisions is to severely restrict the discretion of the court to sanction serious violations of probation conditions. This construction of the applicable statutory language means, for example, that in the case of a defendant sentenced to probation under an initial guideline range of 0 to 6 months imprisonment, the court would generally be limited upon revocation of probation to a maximum sentence of 6 months imprisonment, regardless of the seriousness of the violation.[1] Because the guidelines applicable at a defendant's initial sentencing permit a probation sentence, absent a departure decision by the court, only when the bottom of the range does not exceed six months, this interpretation of the statute will result in an inadequate sanction for probation violations in many cases.[2] *See United States* v. *Alli*, *supra* (Norton, J., dissenting).

In contrast, the policy statements issued by the Sentencing Commission effective November 1, 1990, provide ranges of imprisonment that more adequately accommodate the varying seriousness of probation violations. Unfortunately, full implementation of these policy statements presently is frustrated by the narrow statutory interpretation adapted in these several circuits.

Section 3 of the proposed legislation addresses this problem—a problem that has grown increasingly serious with several other circuits having followed the interpretative decision first adopted by the Eleventh Circuit in *Smith*, *supra*. The legislation amends the language in section 3565 by striking the phrase "any other sentence that was available under subchapter A at the time of initial sentencing." As amended, section 3565 would permit a court, upon revocation of probation, to "resentence the defendant under subchapter A." The purpose of this amendment is to clarify Congressional intent under the Sentencing Reform Act of 1984 that, upon revocation of probation, a defendant may be resentenced to any authorized sentence up to the statutory maximum(s) for the offense for which the defendant was initially sentenced to probation. Within these statutory constraints, the court's discretion would be guided by any guidelines or policy statements issued by the Sentencing Commission, pursuant to 28 U.S.C. §994(a)(3), for probation revocation and resentencing determinations.

*b. Mandatory revocation for controlled substance or firearm possession.*

Section 3565(a) currently mandates revocation of probation in the case of any defendant who is found by the court to be in the possession of a controlled substance. The same provision purports to require that the defendant be resentenced "to not less than one-third of the original sentence." While the probable intent of this provision was to require imposition of an imprisonment term of at least one-third of the original term of probation, the existing language is ambiguous.[3] Moreover, even if the provision is consistently construed to have this meaning, the "one-third" minimum requirement arbitrarily varies the sanction according to the length of the initially-imposed term of probation, instead of rationally relating the punishment to the nature and seriousness of the violation and other relevant considerations. Recognizing these problematic aspects of the current statutory language, the Senate approved a provision in its version of the 1990 Crime Control Act (S. 1970, 101st Congress) that would have eliminated the one-third minimum requirement; however, this provision was not included in the enacted version of that legislation.

Section 3(b) of the proposed legislation clarifies this potentially problematic language. It also combines into one new subsection the provisions mandating revocation of probation for violations relating to controlled substance or firearms possession. Substantively, the amendment essentially carries forward the provision in S. 1970 of the last Congress relating to mandatory revocation of probation for controlled substance possession. Under the provision, revocation of probation would continue to be mandated in the case of any defendant who unlawfully possesses a controlled substance while on probation. The length of the required term of imprisonment imposed upon resentencing would be structured by the guidelines or policy statements issued by the Sentencing Commission for such determinations.

Similarly, the proposed legislation carries forward present law policy of mandating revocation of probation and a sentence to a term of imprisonment, structured by Sentencing Commission guidelines or policy statements, in the case of a defendant who violates probation by possessing a firearm. Significantly, the proposal also closes a gap in the current statutory provision mandating revocation for firearm possession. Under current law, revocation is mandated only "if the defendant is in actual possession of a firearm." The amendment strikes the word "actual," and is thereby intended to cover both actual and constructive firearm possession. In view of the danger to society inherent in firearm possession by those probationers prohibited by law or their conditions of probation from having a firearm, no sound reason exists for mandating revocation and imprisonment in the case of a defendant found with a firearm on his person, while not imposing such sanctions on the defendant found to have a firearm in close proximity (for example, in a jacket in his closet).

In addition, the proposal more closely correlates the circumstances under which revocation for firearm possession is mandated with the circumstances under which probationers are prohibited from possessing a firearm. Under current law, it is discretionary with the sentencing court whether to prohibit a defendant from having a firearm as a condition of probation. *See* 18 U.S.C. §3563(b)(9). Whether or not such a condition is imposed, a defendant on probation is always subject to the prohibition against committing another Federal, State, or local crime. *See* 18 U.S.C. §3563(a)(1). While a first blush the current provision in Section 3565(b) appears to mandate revocation whenever a probationer is found to have actually possessed a firearm, it is doubtful whether probation could be revoked if no condition of probation has been violated. Consequently, under current law, it would appear that revocation for actual firearm possession is mandated if either the mandatory condition under section 3563(a)(1) or the discretionary condition under section 3563(b)(9) is violated.

The proposed legislation more clearly states the circumstances under which firearm possession by a probationer would lead to mandatory revocation and a sentence of imprisonment. Revocation would be mandated if the defendant violates probation by possessing a firearm in violation of Federal law,[4] whether or not the court had imposed the discretionary condition under section 3563(b)(9) prohibiting firearm possession. If the court did impose such a condition, and the defendant violated it, revocation would also be mandated, even if the violation would not have constituted a Federal offense.[5] On the other hand, the proposal would not mandate revocation if the court had not imposed a discretionary condition prohibiting firearm possession and the defendant's posses-

[1] Footnotes at end of article.

sion of a firearm violated State or local law (but not Federal law). Because of the wide variation in conduct relating to firearm possession proscribed by State and local law, it seems preferable to leave to court discretion (guided by Sentencing Commission guidelines or policy statements) whether revocation is warranted under such circumstances.

Finally, proposed section 3(b) would substitute language identical to that contained in section 3(a) of the bill for the problematic phrase "any other sentence that was available under subchapter A." As indicated *supra*, this phrase has been construed by several courts of appeals to restrict the available revocation sentence to a sentence within the guideline range applicable to the initial sentence. The proposed replacement language will ensure greater flexibility for courts to impose an appropriate sentence following revocation.

In keeping with the procedures and standards applicable to revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure and pertinent case law, it is intended that determinations of unlawful possession of a controlled substance or a firearm are to be made by the court based upon a preponderance of the evidence. It is not necessary that the defendant actually have been convicted of unlawfully possessing a controlled substance, or a firearm, as the case may be.

SECTION 4. SUPERVISED RELEASE AFTER IMPRISONMENT

*a. Technical and Conforming Amendments.*

The bill effects a technical and conforming change in the existing language in 18 U.S.C. §3583(d), relating to mandatory revocation of supervised release for possession of a controlled substance. The amendment conforms the language to the analogous provision in section 3565, relating to mandatory revocation of probation for controlled substance possession, as such provision is amended by Section 3(b) of this legislation.

The proposal also substitutes the term "defendant" for the term "person" throughout section 3583(e) to conform to usage of the term elsewhere in the sentencing provisions of title 18.

*b. Maximum Period of Imprisonment Upon Revocation of Supervised Release, Class A Felony Offenses.*

Under current law, a defendant convicted of a Class A felony (an offense for which the maximum term of imprisonment is life imprisonment or death) may be sentenced to a term of supervised release of up to 5 years (longer, in the case of some controlled substances offenses). If such term of supervised release subsequently is revoked due to defendant violations, the defendant may be required to serve an additional period of imprisonment equal to all or part of the supervised release term. In comparison, for Class B, C, and D felonies, the maximum period of additional imprisonment that may be ordered upon revocation of supervised release is always at least one year less than the maximum term of supervised release that may be imposed for that class of offense (*i.e.*, for Class B felonies, maximum supervised release term=5 years, maximum period of re-imprisonment=3 years; for Class C and D felonies, maximum supervised release=3 years, maximum re-imprisonment=2 years).[6] For Class E felonies and Class A misdemeanors, the maximum term of supervised release is the same as the maximum period of re-imprisonment; *i.e.*, 1 year.

These "caps" on re-imprisonment time following revocation of supervised release were enacted as part of the Sentencing Act of 1987 (Sec. 25, P.L. 100-182, Dec. 7, 1987), concurrently with extension of the maximum imposable terms of supervised release from three to five years for Class A and B felonies, and from two to three years for Class C and D felonies (Sec. 8 of Sentencing Act of 1987). No cap was placed on the re-imprisonment time for Class A felonies, however.

The proposed legislation rewrites section 3583(e)(3), pertaining to revocation of supervised release, to enhance the clarity of the subsection and to impose a limit of five years on the period of additional imprisonment that can be ordered upon revocation of supervised release in the case of Class A felonies. In part, the five-year cap on re-imprisonment time for Class A felonies addresses a concern voiced by some that authorization of a subsequent period of supervised release following revocation of supervised release and re-imprisonment (*see* proposed section 3583(h)) would lead to unduly lengthy periods of supervision and re-imprisonment. The caps on total re-imprisonment time following revocation of supervised release, made applicable by this legislation to all offenses for which supervised release is authorized, together with the crediting toward the cap of all time in official detention (*see* 18 U.S.C. §3585(b)), should serve to alleviate these concerns.

*c. Mandatory Revocation of Supervised Release for Controlled Substance or Firearm Possession.*

Section 3583(g) currently mandates revocation of supervised release and a prison term of at least one-third the term of supervised release if a defendant is found to possess a controlled substance. In contrast, there is no comparable provision in current law mandating revocation of supervised release for firearm possession.

The proposed legislation remedies this omission by mandating revocation of supervised release if the defendant possesses either a controlled substance or a firearm. The language of the amended subsection 3583(g) parallels that in amended section 3565(b), pertaining to mandatory revocation of probation for such violations. At the same time, the minimum period of re-imprisonment required upon mandatory revocation of supervised release is repealed. The guidelines or policy statements issued by the Sentencing Commission can more rationally structure appropriate sanctions for controlled substance and firearm violations of supervised release than can a statutory minimum that arbitrarily varies with the length of the supervised release term.

*(d) Additional Term of Supervised Release Following Revocation of Supervised Release.*

Current statutory law is silent on whether a court, upon revoking a term of supervised release, may order an additional period of supervision to follow the period of re-imprisonment imposed. Addressing the issue, the United States Court of Appeals for the Ninth Circuit has held that present section 3583 provides distinct, mutually exclusive alternatives. Consequently, "a court may not revoke a person's supervised release, order a term of incarceration *and* then order another term of supervised release." *United States* v. *Behnezhad*, 907 F.2d 896, 898 (9th Cir. 1990). At the same time, the court observed that "there would be great virtue and much benefit to all concerned if courts were given more flexibility in this area." *Id.*, at 900.

Proposed section 3583(h) expressly authorizes a court, within limits, to order an additional period of supervision following revocation of supervised release and re-imprisonment. To ensure that revocation remains an available sanction whenever a defendant is serving a supervised release term, the legislation empowers a court to order an additional term of supervision following incarceration *only* if the defendant has served less time in prison for previous supervised release violations than the maximum authorized period of re-imprisonment for the applicable class of the offense for which the defendant was originally sentenced (*i.e.*, the "cap" on re-imprisonment has not been reached). For example, if a defendant convicted of a Class C felony was required to serve two years in prison following revocation of supervised release, no additional term of supervised release would be authorized because the two-year cap on re-imprisonment for Class C felonies would have been reached. In contrast, if a defendant convicted of a Class B felony was revoked and ordered to serve a two-year prison term, an additional period of supervised release could still be ordered because the three-year cap on re-imprisonment time for Class B felonies would not have been reached.

Under the legislation, the maximum length of additional supervised release term may not exceed the maximum period of supervised release authorized by statute for the offense, less any term of imprisonment imposed upon revocation. For example, in the case of a Class C felony for which the maximum supervised release term is three years, a defendant who is revoked and re-imprisoned for 18 months could be ordered to serve as much as 18 additional months on supervised release (36-month maximum term of supervised release −18 months imprisonment=18 months possible re-release supervision). If the same defendant was again revoked, he could be re-imprisoned for not exceeding six months (24-month cap −18 months previously-served imprisonment=6 months allowable imprisonment) and if so imprisoned, could not thereafter be placed on supervision (because the two-year imprisonment cap would have been reached). Thus, under the proposal, a defendant would always be credited for incarceration time against both the cap on re-imprisonment and the maximum authorized period of supervised release. However, the defendant would not be credited for actual time spent on supervision (*i.e.*, "street-time") prior to a violation or revocation. The latter policy of not crediting "street-time" reflects the need to provide strong incentives to encourage compliance with applicable supervision conditions throughout a required period of supervised release. It also reflects the practical difficulty in many cases of determining precisely when a violaction occurred. This difficulty is compounded in the case of multiple violations.

Under the Sentencing Reform Act scheme, supervised release functions as the rough equivalent of parole under the former sentencing system, insofar as providing a supervised transition for a defendant from prison back into society. Congress envisioned that supervised release would serve multiple sentencing purposes of protecting the public, deterrence of further criminal activity and rehabilitation. *See* 18 U.S.C. §3583(c). When revocation of supervised release is warranted, provision for an additional period of supervision to follow any necessary period of imprisonment continues to promote these purposes. Absent authorization of an additional supervision component, courts may be faced with a Hobson's choice between under-punishment (continuing a defendant on supervision who merits a more severe sanction) and over-punishment (re-imprisonment for a

longer period than otherwise necessary to sanction a supervised release violation). This provision of the legislation provides courts with the clear statutory authority to avoid choosing among these equally unsatisfactory extremes.[7] Instead, the court will have sufficient flexibility to both punish supervised release violations and provide an additional supervision component, the need for which may be all the greater because of the defendant's violation(s).

As one means of responding to supervised release violations, current law permits a court to extend the length of a supervised release term to the maximum term authorized for the class of the offense. Recognizing this existing authority, this legislation provides comparable flexibility for a court to re-imprison a defendant for the maximum term authorized for the class of the offense. Limiting the re-imprisonment period to the maximum of the term of supervised release actually imposed would reduce court flexibility in sanctioning serious violations and create anomalies vis-a-vis cases in which the term had previously been extended to the statutory maximum.

*(d) Delayed Revocation of Supervised Release.* Under existing 18 U.S.C. §3565(c), a court has authority to revoke probation after the term of probation has expired in the limited circumstances where a warrant or summons alleging a violation was filed prior to the end of the probation term. In such a case, the court has continued jurisdiction to revoke and resentence for a "reasonably necessary" period beyond the expiration of the probation term.

In contrast, existing statutory law is silent in respect to court authority to adjudicate alleged violations of supervised release and, if warranted, revoke supervised release after the term of supervised release has expired. The proposed legislation fills this gap in current law by providing continued court jurisdiction to adjudicate alleged supervised release violations and revoke supervised release if a warrant or summons was timely filled before the end of the supervised release term. The proposed language parallels the existing statutory provision for delayed probation revocation.

FOOTNOTES

[1] Although the issue has not yet been adressed by the appellate courts, it would appear that violations arising out of controlled substance possession, for which section 3565(a) mandates revocation and a minimum sentence of "not less than one-third of the orginial sentence," should be excepted from the rule of these several cases. On the other hand, firearm violations, for which section 3565(b) mandates revocation but no minimum imprisonment sanction, would appear to be within the scope of these case holdings because that subsection employs a statutory phrase identical to the language in section 3565(a)(2) construed by these several courts of appeals.

[2] It may even produce the anomalous result of a zero imprisonment sanction for a probation violation for which imprisonment is clearly warranted or even mandated. Consider, for example, a defendant with an initial guideline range of 0-6 months whom the court sentences to three years probation with a condition of 6 months intermittent confinement in the local jail on weekends and a condition prohibiting firearm possession. If, after satisfying the intermittent confinement requirement, the defendant violates probation by possessing a firearm, revocation would be mandated under section 365(b), but because the defendant must be credited with six months' time spent in offical detention under 18 U.S.C. §3585, no additional imprisonment sanction could be imposed (under the statutory construction adopted by the several appellate courts).

[3] Arguably, the phrase could be interpreted to mean one-third of the minimum or maximum of the guideline range applicable at the initial sentencing decision. It is also conceivable that some courts will find the language sufficiently ambiguous to be unenforceable as a mandatory provision.

[4] For example, under 18 U.S.C. §922(g)(1), it is unlawful for a person convicted of a crime punishable by imprisonment for a term exceeding one year (a felony under Federal law) to posses a firearm; it is also unlawful for any unlicensed person to possess certain, more dangerous firearms. *See, e.g.*, 26 U.S.C. §5861, 18 U.S.C. §922(o).

[5] If the defendant has been sentenced to probation for a misdemeanor it would not necessary violate Federal law for the defendant to possess a handgun, but such possession could be in violation of the section 3563(b)(9) discretionary condition, if applicable.

[6] The maximum term of supervised release may be greater for some controlled substance offenses, but the maximum periods of re-imprisonment remain as stated.

[7] A plausible argument can be made that Congress did not intend revocation of supervised release to extinguish the entirety of a defendant's remaining supervised release term. Rather, it may have been envisoned that revocation of supervised release would operate similarly to revocation of special parole terms (as such terms were authorized prior to the Omnibus Anti-Drug Act of 1986 for certain defendants convicted of conntrolled substance offenses). Under that approach, a defendant could be reparoled if the defendant served in prison less than the entire special parole period.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 188

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

**SECTION 1. IMPOSITION OF SENTENCE.**

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

**SEC. 2. REVOCATION OF PROBATION.**

Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "of" and inserting "or"; and

(2) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A".

**SEC. 3. SUPERVISED RELEASE AFTER IMPRISONMENT.**

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (3) by striking "supervised release without credit" and inserting "supervised release authorized by statute for the offense of which the defendant was convicted without credit"; and

(B) by redesignating paragraph (5) as paragraph (4); and

(2) by striking subsection (g) and inserting the following:

"(g) POSSESSION OF CONTROLLED SUBSTANCES.—If the defendant is found by the court to be in the unlawful possession of a controlled substance, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense of which the defendant was convicted, less any term of imprisonment that was imposed upon revocation of supervised release.".

Mr. SIMPSON. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## THE ENERGY AND WATER APPROPRIATIONS BILL

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed at any time to the consideration of Calendar No. 117, H.R. 2427, the energy and water appropriations bill, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

## NATIONAL FOREST SYSTEM MONTH

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 159 designating National Forest System Month; that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 159

Whereas 1991 marks the 100th anniversary of the National Forest System with the establishment of the first forest reserve in 1891, the Yellowstone Park Timber Land Reserve;

Whereas the establishment of this first forest reserve marked a fundamental change in

United States conservation policy towards the administration of public lands;

Whereas the purpose of the National Forest System is to conserve a portion of America's forests for the people of the United States, recognizing the important environmental and economic values in holding such public lands in trust and managing them for the greatest good;

Whereas the National Forest System is one of the few examples in the world where a public effort is being made to manage natural resources in an economically efficient, environmentally sound, and socially responsible manner;

Whereas the National Forest System has introduced new ideas for sound resource management, such as multiple use, sustained yield, and preservation of both wilderness areas and wild and scenic rivers; and

Whereas the 191,000,000 acres of National Forests, National Grasslands, and experimental forests that now make up the National Forest System stretch from Alaska to the Commonwealth of Puerto Rico and from California to Maine: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of June 1991 is designated as "National Forest System Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate activities and programs.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 181, James R. Whelan, to be a member of the Board of Directors of the Inter-American Foundation;

Calendar No. 182, Christopher D. Coursen, to be a member of the Advisory Board for Cuba Broadcasting.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations, considered and confirmed en bloc, are as follows:

INTER-AMERICAN FOUNDATION

James R. Whelan, of Virginia, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

Christopher D. Coursen, of Maryland, to be a member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 1993.

## LEGISLATIVE SESSION

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

Mr. SIMPSON. Madam President, I thank the senior Senator from New York for his courtesy, and I certainly join in the excitement of the proposal that the winter Olympics be held in Salt Lake City, UT; the State of Utah is our neighbor. I think that would be a joyous experience.

Mr. BENTSEN. Madam President, I ask unanimous consent that I might engage in a colloquy with my colleague from Virginia.

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

## SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. BENTSEN. Madam President, we have now been advised that we have received the numbers concerning the situation on trying to work out a compromise with the donor States, and the Senator from Virginia and I are urging those Senators of donor States to join us at 6:45 in room 5–126, and I think that is urgent. We would like to push on with this bill tonight, and I think these numbers are meaningful and important.

Mr. WARNER. Madam President, I join my distinguished colleague, and we convened our group at the specific request of the majority leader, the managers of the bill, and others, to gain an expression of the degree of support for a proposal which will be laid before the group at this time.

So I join my distinguished colleague from Texas in noting the urgency and timeliness of this meeting, which is a bare 20-plus minutes away.

Mr. BENTSEN. Thank you, Madam President.

AMENDMENT NO. 303, AS MODIFIED

Mr. SYMMS. Madam President, I have a modification to amendment No. 303 of the bill, dealing with the National Trails Act.

I send the modification to the desk and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The modification is as follows:

Viz: In amendment No. 303, make the following change:

On page 3, line 2, strike "(1)".

On page 3, strike all after and including the semicolon on line 37, through line 8 on page 4.

On page 4, line 9, strike "(d)" and insert "(c)".

Mr. SYMMS. Madam President, the purpose of this amendment is twofold. Inadvertently, we had trampled on the jurisdiction of two other committees—the Finance Committee and the Agriculture Committee. This amendment puts the National Trails Act section of the bill in conformance with the wishes of the Finance Committee and the wishes of the Agriculture Committee. It removes the portion of the National Trails Act that dealt with the refundability of gasoline taxes of off-road vehicles which, technically, though very miniscule, was a tax increase, and this keeps this bill from being blue slipped.

Mr. MOYNIHAN. Madam President, this is a small technicality, but it could lead to an enormous amount of grief. I thank the Senator for having spotted and resolved it.

Mr. SYMMS. I thank my colleague.

Mr. MOYNIHAN. Madam President, as we move with great deliberation, and some considerable speed, toward the conclusion of our work, the meeting of Senators has been convened. There will not be, for the moment, many Senators available for floor purposes. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## APPOINTMENT BY THE MAJORITY AND REPUBLICAN LEADERS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to Public Law 100–418, announces the appointment of the Honorable Bill Graves, as a representative from State or local government, to the Competitive Policy Council, vice the Honorable Mike Hayden, resigned.

## SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 335

Mr. SYMMS. Madam President, I send an amendment to the desk on behalf of Senator ADAMS and Senator GORTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. ADAMS (for himself and Mr. GORTON), proposes an amendment numbered 335.

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

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

The amendment is as follows:

Insert at the appropriate place in title III the following new subsection:

"SEC. . FERRY ROUTES.

Section 9 of the Act (49 U.S.C. app 1607a) is amended by adding at the end thereof the following new subsection:

"(r) FERRY SERVICES.—A vessel used in ferryboat operations funded under this section that is part of a State-wide ferry system may from time to time be operated outside of the urbanized area in which service is provided to accommodate periodic maintenance so long as the mass transportation service funded under this section is not thereby significantly reduced."

Mr. CRANSTON. I would like to engage the senior senator from Washington in a colloquy on his amendment regarding section 9 funding for ferries. What is the purpose of the amendment?

Mr. ADAMS. Washington State operates a large ferry system throughout the Puget Sound region. Most of its ferry trips begin or end in the urbanized area that includes Seattle, Tacoma, Everett, and Bremerton, but some of them travel between nonurbanized areas. Under current UMTA policy, ferries that have been constructed or refurbished with section 9 funds can only be used on runs serving the urbanized area.

Washington State periodically needs to rotate its ferries out of service for maintenance. This amendment would permit us to substitute a ferry that was constructed or refurbished with section 9 funds on a run between nonurbanized areas during such a maintenance rotation.

Mr. CRANSTON. How often would such a substitution occur?

Mr. ADAMS. Since most of our ferries have not been constructed or refurbished with section 9 funds and most of our ferry runs serve urbanized areas, we believe that such substitutions would be infrequent.

Mr. CRANSTON. I thank the Senator for his explanation of the amendment.

Mr. SYMMS. Madam President, the amendment is simply to give the same flexibility in the transit section of the bill that was adopted today to the ferries which are very important in the transportation of people in the Seattle-Puget Sound area with respect to the transit fund transfer ability that we did yesterday with the surface transportation funds program that is in the highway part of the act. That basically puts it into conformity and gives those people flexibility to use those ferries which, incidentally, carry enormous population.

Mr. MOYNIHAN. Madam President, if I may say, they are certainly mass transit in a very agreeable form. I cannot imagine anything more agreeable than crossing Puget Sound or, for that matter, leaving lower Manhattan and getting off at Staten Island.

I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 335) was agreed to.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the pending amendment is continued to be set aside.

AMENDMENT NO. 336

(Purpose: To require research on the use of rubber from scrap tires in the construction of federally assisted highway projects)

Mr. SYMMS. Madam President, I send an amendment to the desk on behalf of the ranking member of the committee, Senator CHAFEE.

I ask the amendment be read. It is self-explanatory.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. CHAFEE proposed an amendment numbered 336.

Section 127 of the bill is amended by adding at the end thereof the following new subsection:

"(g) The Secretary shall, in cooperation with the Administrator of the Environmental Protection Agency, conduct a program of research to determine—

"(1) the public health and environmental risks associated with the production and use of asphalt rubber pavement;

"(2) the performance of the asphalt rubber pavement under various climate and use conditions; and

"(3) the degree to which asphalt rubber pavement can be recycled.

The research program required by this subsection shall be completed not later than three years after the date of enactment of this Act. The Secretary is authorized to use funds pursuant to sections 103(b) and 115 (making amendments to section 307 of title 23, United States Code) to carry out the research required by this subsection.".

Mr. SYMMS. Madam President, I have no debate. The Senator from New York may want to make comment.

Mr. MOYNIHAN. Madam President, I simply want to support this proposal by Senator CHAFEE, and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 336) was agreed to.

Mr. SYMMS. Madam President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CONGRATULATING THE CHICAGO BULLS ON WINNING THE 1991 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 140, a resolution congratulating the Chicago Bulls Basketball Team submitted earlier today by Senators DIXON and SIMON, that the resolution and preamble be agreed to, and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 140

Whereas for the first time in the 25-year history of the Chicago Bulls franchise, the Bulls have won the National Basketball Association Championship;

Whereas the Bulls posted a 61–21 record in the regular season, the best in franchise history, and tied an NBA playoff record with 15 wins and only two losses;

Whereas head coach Phil Jackson implemented a quick smothering defense which the Bulls used to hold playoff opponents to a record low 91.5 points a game;

Whereas NBA regular season and playoff most valuable player Michael Jordan once again showed his tremendous basketball ability both offensively and defensively;

Whereas Scottie Pippen, Horace Grant, John Paxson, Bill Cartwright and every Bulls player coming off the bench played vintage Bulls basketball, displaying quick athleticism, tenacious defense, clutch outside shooting, and an outstanding transition game to overwhelm the Los Angeles Lakers in the NBA final in five games; and

Whereas the Bulls utilized a total team effort in winning their first NBA championship: Now, therefore, be it:

*Resolved*, That the Senate congratulates the Chicago Bulls for winning the 1991 National Basketball Association championship.

Mr. MOYNIHAN. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

Mr. President, the central issue to the debate over the bill which is before us today is one that hinges upon fairness. Fairness, like beauty, is in the eye of the beholder, but each of us has our own view of what constitutes a fair apportionment of the highway funds.

While the distribution of Federal funds is always controversial, this highway bill has intensified our provincial instincts.

The Federal Government has long recognized the importance of transportation infrastructure, and has a long history of building a national system of roads and highways.

As the senior Senator from New York has pointed out, as far back as 1806 Congress provided for the construction of a toll road, called the National Pike, or Columbia Road.

But even after the Federal Government eventually began collecting transportation-related fees and taxes, for a long time there was no direct relationship between these fees and expenditures on highways.

In 1956, however, Congress established the highway trust fund. This fund was to be financed by highway user fees, primarily the Federal gas tax, and was to be used for highway construction and improvement.

In addition to providing a mechanism to keep track of the Federal Government's recently accelerated investment in highways, the existence of the highway trust fund increased the political acceptability of increases and additions to highway user fees.

The concept of the 1956 trust fund was a simple one—motorists would be willing to pay gas taxes and other highway user fees if they could be assured that these taxes would be used for highway improvements. That original concept of 1956 continues to this day.

Today, each time a motorist fills up his or her gas tank, 10 cents of the Federal gas tax is credited to the highway account of the highway trust fund.

In so doing, Mr. President, a political compact was forged between the Federal Government and motorists from whom the taxes are collected.

While this concept is reasonable, the reality is completely different.

Since I came to the Senate I have been trying to come to grips with the arcane and misleading bookkeeping that the Federal Government uses to administer the highway trust fund.

While I cannot claim to be an expert on the intricacies of the Federal budget process and the convoluted world of Federal highway finance, I can come to only one inescapable conclusion.

Every time a motorist pulls up to a gas pump, a crime is committed. Americans pay Federal gas taxes with the expectation that those taxes will be used to finance improvements on our roads.

But as our roads crumble, billions of dollars of user fees, primarily gas taxes, that are ostensibly dedicated to their repair, are being held back by the Federal Government in an effort to hide from the American people the true size of the Federal deficit.

If an attorney misuses his clients' trust fund, he can be disbarred. If a guardian breaks his fiduciary duty to his or her ward, he or she can be criminally prosecuted. As in many other cases, however, the Federal Government is exempt from that kind of action.

The fundamental dishonesty of this practice is offensive in and of itself, but it is especially distasteful in light of the need for highway improvements. Every State has an acute need for highway improvements, and no State has all the resources needed to realize those needs.

A study last year released in Nevada shows what I am sure is a typical situation. Over the next 10 years, Nevada needs to spend $6.37 billion on transportation improvements.

Unfortunately, the projected revenue for transportation improvements is only $2.53 billion—nearly $4 billion short of what is actually needed.

Nevadans, however, will pay for these improvements one way or the other—either through increased traffic and safety problems due to a deferral of much needed projects, or through increased State spending on highways.

Mr. President, I do not contend that the release of the surplus in the highway trust fund would, in and of itself, solve all of our transportation problems. While the surplus is substantial, it is not nearly enough to meet all of our transportation needs.

What I am suggesting, however, is that these funds are needed desperately by all the States, and that the dishonesty of the Government's treatment of the highway trust fund diminishes the credibility of each of us as Members of Congress, and to the Federal Government in general.

As anyone who shares my interest in this issue can attest, simply determining the true size of the surplus in the highway trust fund can be a daunting task.

At the end of 1991, the cash balance of the highway account of the trust fund will be more than $11 billion. To put this amount into perspective, until just a few years ago, $11 billion would have been enough to finance the entire Federal highway program for a full year.

The duplicity and the dishonesty surrounding the trust fund go far beyond the relationship between the Federal Government and thousands of motorists that travel across the highways each year. Every year, the Federal Highway Administration apportions between the States highway funds that have been authorized to be spent for the coming fiscal year.

But the process does not stop there, however. In addition, the Federal Highway Administration establishes so-called obligation limitation, an artificial device used to control spending out of the trust fund. In most cases, the obligation limitation is lower than the authorization, causing each State to build up balances in their Federal highway account funds, funds which have been promised to the States, but which they will not be allowed to spend. At the end of fiscal year 1990, for example, in Nevada, we held a $40 million balance with the Federal Highway Administration. California's balance was close to $600 million.

The Federal Government, which collects these gas taxes from motorists with the understanding that they will be spent on highways, simply refuses to release the funds to the States.

Earlier this year, I introduced legislation which would have required that Federal highway spending levels be established in accordance with the balance in the highway trust fund. In addition, my legislation removes the obligation limitations which currently prohibit States from spending Federal highway dollars that they have been promised.

Quite simply, my legislation would have required the Federal Government to administer the trust fund in accordance with ordinary business practices. While I realize that common business practices are somewhat foreign to the Federal Government, I consider this to be a reasonable approach.

In sum, the provisions of my legislation would require highway funding of more than $2 billion more each year for the next 5 years than the levels of spending provided in the bill before us today.

While the pending legislation does provide substantial increases in highway funding, an action that meets with my full support, it is simply not adequate to make good on the Federal Government's commitment to American motorists.

Under S. 1204, the cash balance of the trust fund will increase to record levels.

Mr. President, I understand, as we meet this evening, that negotiations on this bill are still underway, and that part of these negotiations includes possible increases in funding for our highways. I am hopeful that such an increase will bring the funding levels more into line with the commitment we made to the American public when we first established the highway trust fund more than three decades ago.

Yesterday, I supported an amendment offered by the senior Senator from Pennsylvania to take the highway trust fund off budget. The amendment offered yesterday would have been an important step forward in restoring honesty to the Federal budget process, and would have ended the irresponsible practice of using the trust fund's balance to hide the true level and the true amount of the Federal deficit.

It was my intention to offer my trust fund legislation as an amendment to this pending legislation. Following yesterday's vote, however, it is clear where the will of the Senate lies. Because of that, I will refrain from offering my amendment at this time.

I assure the Senate, however, that this is not an issue that will go away, and I will continue in my efforts to reform the Federal highway trust fund budgeting process and make sure American motorists receive the benefit of the taxes they pay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. MOYNIHAN. The distinguished chairman of the Committee on Banking, Housing, and Urban Affairs would like to speak at this point.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

(The remarks of Mr. RIEGLE pertaining to the introduction of S. 1296 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this afternoon I spoke on this highway bill. I think that I misspoke in one significant way, and I want to correct the RECORD. I hope the way I correct it is accurate, though I cannot swear that it will be.

This afternoon, in talking about the so-called Byrd-Mitchell-Bentsen proposed compromise, I said that we are going to take, under that amendment, an additional $8.2 billion. We are going to distribute the first $4.1 billion under the first Byrd amendment, and we are going to distribute it based on the gasoline tax in each State. In other words, if a State like Arkansas, has a gas tax in excess of the national average, we would benefit and we would get additional money under the Byrd amendment, an additional part of the $4.1 billion.

The second part of that is an additional $4.1 billion, and that will be distributed to all the so-called donor States, like Arkansas, who traditionally and consistently over the years have paid in more to the highway trust fund than we get back. I am not going to belabor that further now, although I have been indignant about Arkansas' donor status for a long time, but I will come back to the subject in just a moment.

This afternoon, I pointed out that I thought the amendment, which is going to be offered by Senator GRAHAM, had a lot of merit because it deals with the fundamental problem of the formula under which highway trust funds are distributed. I consider the formula to be fatally flawed. If you come from a State like mine that is 46th or 47th in per capita income and contributes 1.4 percent of the total trust fund while accounting for only 1 percent of the Nation's population and, you only get back 72 percent of what you paid in, it is not difficult to be indignant.

With the utmost respect to the Senators in the donee States, my State has no business, just as the Senator from Texas feels his State has no business, with tremendous highway problems therein, contributing to other States. We are not a rich State. So the amendment of the Senator from Florida is a good amendment because it changes the basic formula, and that is the fundamental flaw in the way highway trust funds are distributed. But I intend to support the Byrd-Mitchell compromise because my State, quite frankly, is going to do much better under that.

This afternoon, and this is the thing I wanted to correct the record on, Mr. President, I said that $8.2 billion has to be appropriated. That is still true. That is not a bird nest on the ground. That has to go through the appropriations process. But I was laboring under the assumption this afternoon that, if we took that $8.2 billion and appropriated it for highways, it might very well be coming out of education funds, childhood immunization funds, Meals on Wheels, home health care, and a host of other programs that I care very deeply about. If I had been forced to make a choice between those programs and highways, a choice I did not want to make, I probably would have opted for these other domestic programs.

Now I was told, in a meeting that the Senator from Virginia, the Senator from Texas, and others of us just attended, that this is not the case. The Byrd-Mitchell compromise was crafted because the Budget Committee actually left room for $8.2 billion more of the highway trust funds to be spent.

Now the Appropriations Committee not only can appropriate that money and give it to the States, as I just pointed out a moment ago, and give it to States like Texas, Arkansas, and Virginia, but we cannot use it for any other purpose. We could distribute it under a different formula but the money, the $8.2 billion under that compromise proposal—cannot be spent for anything but highways.

Senator GRAMM makes a point that under the Byrd-Mitchell proposal we are going to be paying in $81 million over the next 5 years, and spending $96 billion.

Well, he maintains that is not fiscally responsible, and in a sense, I suppose you could say that. It is not good to spend more than you are taking in. But I daresay every Senator in this body has made a speech within the last 6 months saying we are going to start taking more money out of that trust fund? It cannot be used for anything but highways. It will create jobs. It will help get us out of this recession. And the fact that we are spending money that cannot be spent for anything else over the next 5 years makes eminent good sense.

There was a suggestion that we should draft some language about how the formula is going to work. As I said, the first $4.1 billion is going to help my State because my State has a gasoline tax higher than the national average, so under this formula, we would benefit considerably.

If your State has a gasoline tax higher than the national average, you will get a good return from the Byrd proposal. I am happy my State is going to benefit from that. The second $4.1 billion is also going to help my State because under this proposal, money allocated to all the donor States, like my State, which have traditionally paid in a lot more to the highway trust fund than they get out. The second formula is going to be distributed on a computerized model so that every donor State will get back the same percentage.

Without this formula requiring the same percentage of return for each donor State, Texas might get 92 percent back, and Arkansas might get 95 percent back. But when this money is finally allocated, both Texas and Arkansas are going to get the same percentage. Is that not correct?

Mr. BENTSEN. That is correct. That is the objective of the compromise. We have sent them back to work their computers and come back with those numbers to achieve that objective.

Mr. BUMPERS. I thank the Senator from Texas. That was my understanding. I am glad to have it verified by him.

Those of us from donor States who have been meeting from time from time over the past week, and feel it is time to change this allocation formula, Mr. President, we have not complained too loudly. I have not much liked it, but we did not complain as long as we were building that Interstate System.

My good friend from Montana is here on the floor. Montana has been a big recipient of trust fund payments contributed by States like Texas and Arkansas and Virginia. During construction of the Interstate System, we did not squawk because Montana had a lot of interstate highway miles to build, and it did not have very many people buying gasoline to help them do it. So they were a big donee State. It is sort of all for one, one for all. We were happy to help out.

But now the Interstate System is finished and it is irrational for people in poorer States like mine to pay these enormous sums of money into the highway trust fund and not get it back.

I will close with this point, Mr. President. When this next 5-year highway reauthorization bill ends, we are still going to be saddled with the same for-

mula that I consider to be fatally flawed insofar as Arkansas is concerned. I know there are a number of Senators on the floor who share my feeling on that.

So, Mr. President, I do not know whether I will be here in 1996 or not. But I can tell you one thing. If I am here in 5 years, I will be right here, fighting this same fight to change the fundamental policy of allocating highway trust funds so that States like mine are not required to continue to pay for the highway systems of wealthy States. Arkansas is not an affluent State. The Congress has no business requiring poorer States like mine to assist other States that are a lot richer than we are under the current allocation formulas.

Mr. President, I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. I congratulate the Senator from Arkansas for his statement. He has eloquently stated what we have suffered and shared together insofar as donor States for a long time. The objectives that started out as making us donor States have largely been fulfilled. Those States that have sparse population and vast territories to cover we quite understand have to be donee States. We even understand it after the interstate is completed because of the maintenance problems on that kind of highway with the few taxpayers that they have.

We are trying to reduce the disparities. We are looking at a situation where some of these States have a very substantial amount of population, have no deserts to cross, no mountains to climb, relatively inexpensive to build highways, and have a high per capita income. Yet, they are very substantial donee States. Obviously the formula is out of date and very unfair.

So what I am now suggesting in an amendment is that we have a study made by the General Accounting Office and, in turn, in conjunction with Bureau of Transportation Statistics, to examine the highway system, and 2 years from the date of enactment of this bill to come back with their recommendation as to what a fair and equitable apportionment formula for the allocation of the Federal aid highway funds would be, one that directs those highway funds to the places of greatest needs for highway maintenance and enhancement based on the use of those highways, the extent of those highways, their present use and their increase in use.

The result of that study would then be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and then be considered by those committees as they reauthorize this at the end of 1996.

Mr. President, this has been examined, as I understand it, by the manager for the minority.

Mr. WARNER. Mr. President, will the Senator yield? I would like to be added as a cosponsor of that amendment. I think in fairness, Mr. President, the Senator from Texas should note that the GAO has already made a study which was in the possession of the Congress of the United States at the very time that the committee devised this formula. For the record, I voted against this bill in committee.

So it really would be an updating of the work which they have already performed and which they already said this very formula is out of date. I put into the RECORD last night a letter from the GAO reciting once again, currently, the dissatisfaction with the formula that is found in the committee bill.

So I congratulate my good friend and working partner on this matter from the State of Texas and hopefully this will lead to a better bill 5 years hence.

Mr. BENTSEN. I thank the distinguished senior Senator from the State of Virginia. I am delighted to have him as a cosponsor. Senator SANFORD from North Carolina is also listed as a cosponsor.

AMENDMENT NO. 337

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself, Mr. WARNER, Mr. SANFORD, Mr. FORD, and Mr. BOND, proposes an amendment numbered 337.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. . ALLOCATION FORMULA STUDY.**

The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to section 115 of this Act, shall conduct a thorough study and recommend to the Congress within two years after the date of enactment a fair and equitable apportionment formula for the allocation of Federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.

The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994, and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

Mr. SYMMS. There is no objection to the amendment on this side of the aisle.

Mr. FORD. Will the Senator yield? I would like to be added as a cosponsor, and I ask unanimous consent to be added as a cosponsor.

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

Mr. BENTSEN. I am delighted to have the distinguished Senator from Kentucky. I have discussed this with the manager of the bill for the majority. He advises me that it is acceptable.

Mr. SANFORD. Mr. President, I am pleased to join with my colleague from Texas, Mr. BENTSEN, in sending to the desk an amendment he and I have been working on over the course of the last few days.

As I have said many times on this floor over the past week, the current formula for the distribution of highway funds bears little relationship to the transportation needs being faced by many States, including those such as North Carolina. The formula contains factors that have been a part of this apportionment scheme since as far back as 1916, before significant automobile travel had even begun. It is high time that these irrelevant factors, such as land area and rural postal miles, be eliminated from the formula.

I had hoped that such factors would be changed before this bill reached the Senate this year. Indeed, I was encouraged by the work the General Accounting Office did in 1986 to develop a formula that more accurately distributes funds to where the needs really are. Unfortunately, the Committee on Environment and Public Works ignored those recommendations.

As such, I believe it is imperative that the Senate adopt this amendment. What the amendment does is two things: First, it requires the GAO, this time in conjunction with the Bureau of Transportation Statistics that is created by this bill, to do a complete and thorough study, and based on that study, to recommend a new formula that will fairly and equitably distribute highway funds to where the highway enhancement and maintenance needs are the greatest.

Second, it requires that the relevant congressional committees give due consideration to this recommended new formula before any further highway legislation is developed. I think it is crucial that we not go through the process we are currently engaging in ever again. It is imperative that we look anew at a new highway formula and I hope that use of GAO recommendations and the process spelled out in this amendment will be a way in which we arrive at a consensus as to what that formula should be and what factors should be included in it.

I urge my colleagues to support our amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 337) was agreed to.

Mr. BENTSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

REGARDING FEASIBILITY STUDY AND COST ANALYSIS FOR ALTERNATIVE, FUTURISTIC MODES OF TRANSPORTATION IN YELLOWSTONE, YOSEMITE AND DENALI NATIONAL PARKS

• Mr. WALLOP. Mr. President, I would like to call my colleagues' attention to a very important provision of this highway bill, section 125, which I sponsored to authorize $300,000 for a feasibility/suitability study and cost analysis for alternative, futuristic modes of transportation in national parks.

It was my original intention to have this study focus on three national parks—Yellowstone, Yosemite, and Denali. I think the study would be more beneficial if it concentrated on the most heavily traveled parks with the least efficient forms of access. Yellowstone, Yosemite, and Denali certainly fall in that category. However, when the Senate Environment and Public Works Committee filed its report language on S. 1204, the Surface Transportation Efficiency Act, it failed to specify these three national parks. Because there is little likelihood that $300,000 will be sufficient to study the problems of mass transportation in all our national parks, I would respectfully ask the subcommittee chairman and ranking members of the committee if they would allow this study to focus on the three parks I originally referenced?

Those findings could then be used to explore broader solutions to exacerbated road conditions and congestion in the remainder of our parks system.

Mr. President, this study, to be done by the Secretary of Transportation in consultation with the Secretary of the Interior, has the strong backing of the National Park Service. As pointed out in its letter to me dated April 19, the Park Service has been concerned with the impact of automobiles on park resources for many years and is deeply interested in how to minimize these impacts while continuing to provide access to visitors. This study should consider the economic and technical feasibility, environmental effects, projected costs, benefits, and suitability of futuristic modes of transportation such as air trains, magnetic levitation trains, monorails or other modes of transportation capable of being constructed without the use of major roadways. Sources of private capital for the construction of such transportation modes and related infrastructure, providing greater ingress and egress to Yellowstone, Yosemite, and Denali should also be fully examined.

We are moving ahead to the 21st century. We would be remiss in our duties if we did not plan accordingly. If we are to preserve our natural resources and avoid imposing restrictions on ever-increasing visitor trends in our park system, we must avail ourselves of new concepts and opportunities which allow us greater freedom to move within their boundaries. I trust my colleagues will join me ensuring that three of our most fragile ecological wonders—Yellowstone, Yosemite, and Denali—survive the adoration being heaped upon them.

Mr. SYMMS. I agree and the Park Service should focus on these three parks.

Mr. MOYNIHAN. I concur. •

AMENDMENT NO. 338 TO AMENDMENT NO. 300

(Purpose: Technical amendment to amendment No. 300 as offered and adopted to S. 1204)

Mr. SYMMS. Mr. President, I ask unanimous consent to send an amendment to the desk, that it be in order to amendment 300, which is a conforming amendment of the previously adopted amendment by Senator DOLE and Senator BURNS; that it might be accepted.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], Mr. DOLE (for himself, and Mr. BURNS), proposes an amendment numbered 338 to amendment 300.

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

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

The amendment is as follows:

Amendment No. 300 is amended as follows: On line 12, after "custom harvesting" insert the following new phrase: "and to vehicles used to transport livestock feed,".

Mr. SYMMS. I ask unanimous consent that the amendment be considered adopted.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Will the Senator from Idaho kind of tell me what is going on? There are a lot of quiet things being done during this window.

Mr. SYMMS. We adopted an amendment earlier which dealt with licensing of farm vehicle drivers and so forth and it needs a technical amendment to correct an amendment.

Mr. FORD. I understand the technical amendment is to the farmers and off-highway use. I have no objection.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MOYNIHAN. Mr. President, I believe shortly the able and learned Senator from Minnesota will be seeking recognition with regard to a very important part of our bill, the President's proposal, having to do with the National Highway System."

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 339

(Purpose: To provide for a National Highway System)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk on behalf of myself, Mr. BREAUX, Mr. GRASSLEY, Mr. GORTON, Mr. BROWN, Mr. LUGAR, Mr. DOMENICI, Mr. SIMPSON, Mr. BAUCUS, and Mr. BURNS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. GORTON, Mr. BROWN, Mr. LUGAR, Mr. DOMENICI, Mr. SIMPSON, Mr. BAUCUS, and Mr. BURNS, proposes an amendment numbered 339.

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

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

The amendment is as follows:

**SECTION 1. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) On page 96, line 9, strike "intercontinental" and insert in lieu thereof "interconnected".

(b) On page 74, line 12, after the word "arterials" insert the words "and designated as a part of the interim or permanent National Highway System."

**SEC. 2. NATIONAL HIGHWAY SYSTEM.**

On page 96, at the end of section 130 add the following new paragraphs and designate subsections accordingly.

"(b) During the two-year period prior to the submission of the proposed National Highway System to Congress, the interim National Highway System shall consist of the Interstate System and such urban and rural principal arterials (including toll facilities) as designated by each State. Each State shall expend at least 17.5 percent of the amounts authorized by section 103(b)(1) of this Act for each of the fiscal years 1992 and 1993 on such interim National Highway System.

"(c) final National Highway System submitted to Congress by the Secretary shall be designated in accordance with guidelines issued by the Secretary which provide for equitable allocation of mileage among States. The final system shall be designated by each State in consultation with regional and local officials, with the approval of the Secretary. Ninety days after submission of the proposed National Highway System to Congress, each State shall expend at least 17.5 percent of the amounts authorized by section 103(b)(1) of this Act for each of the fiscal years 1994 through 1996 on the system so designated in the report to Congress or on such system as is modified by an Act of Congress. Amounts authorized by section 103(b)(1) of this Act do not include any amounts transferred to the Surface Transportation Program from the Interstate Maintenance Program, or any other program.

"(d) If a State certifies to the Secretary that apportionments required to be spent on the National Highway System pursuant to this section are in excess of amounts needed to adequately maintain the National Highway System routes within the State as determined by the Bridge Management System and Pavement Management System under section 135(a) of title 23, as amended by this Act, the State may transfer up to 20 percent of these amounts for any project eligible under the Surface Transportation Program."

Mr. DURENBERGER. Mr. President, I want to take a few minutes to explain the content and purpose of this amendment that I spoke earlier in the afternoon about, the rationale for a National Highway System. During the course of the time between those remarks and now, we have had an opportunity to discuss the appropriate content of this amendment, and I want to particularly thank the managers of the bill and other members of the Environment and Public Works Committee, particularly, the senior Senator from Montana, Senator BAUCUS, and others, for their help and final design of the amendment.

What the amendment does that is significant is that it designates, first, an interim National Highway System, which exists, of the current Interstate System which is shown on this map in black, 44,000 miles of highway in this country which carry about 22 percent of the highway travel in the country, plus the principal arterial system in the Nation; and the two of those in combination are about 185,000 miles of the National Highway System, carrying about 40 percent of our highway travel and about 75 percent of the goods that are shipped in interstate commerce in this country.

It begins with the designation of the interim National Highway System and provides a foundation funding—I must call it that, since we have compromised from our original recommendation that the amount of money committed during this period of time, which was originally proposed to be 30 percent of the surface transportation discretionary fund, is now 17.5 percent. So I will call it a foundation or a minimal funding. It also includes a provision that 20 percent of that money might be transferable within a particular State, given that particular State's needs. It also maintains, in addition, the full funding of the Interstate Maintenance Program, as originally provided in S. 1204.

Third, it allows all of the States of this country a greater role in designating a final National Highway System, which will come about 2 years after the enactment of this legislation.

It provides that each State, in consultation with local and regional officials, shall designate the National Highway System in conformity with guidelines set by the Secretary of Transportation and with the Secretary's final approval.

Finally, Mr. President, it provides for equitable allocation of mileage among the States and, particularly, addresses the concern that I spoke of earlier from the States with large land masses, but fewer population.

Mr. President, I want to leave my colleagues with five thoughts on why it is important that the Senate approve this amendment.

The first is that the Durenberger-Breaux amendment serves the national transportation purpose better than the Moynihan bill did in its original form. Interstate commerce, whether we are moving goods or people, simply means getting people from point A to point B. Some of that trip usually is on an interstate highway. But unless you are carrying something from a factory located at an entrance ramp to a retail outlet at an exit ramp, there is always a noninterstate portion of your trip. So supporting the noninterstate part of the system are all of the red lines on this map, in effect, the feeder system.

Why should a farmer or a small business person in Minnesota care about what kind of roads there are in Rhode Island, New York, or California? Simply because they have a right to expect that Minnesota goods, or commodities, or Minnesota families have an efficient way to arrive where they are sending their goods or where they are going on the east or west coast. If the system is not there to complete the trip from A to B, then it costs Minnesotans in transportation costs and inconvenience.

The second reason is that the feeder network today is where the problem is. President Eisenhower said we need to be free from the shackles of our secondary roads. Today we need to be freed from the bottlenecks preventing us from getting on the Interstate System that we are so proud of.

The most serious problem of the nineties is not congestion on the interstates; it is congestion getting to and from those interstates.

Third, funding the National Highway System is fairer to all taxpayers. People do not pay their Federal gasoline tax so that the Federal portion of their trip will go smoothly. People want to get themselves or their goods from point A to point B. It is the National Highway System that does that, not just the interstate.

As I have pointed out, the National Highway System moves 75 percent of the goods in America. People paying a national tax have a right to expect that the National System will do its job. The American taxpayer had a role in building all of these roads in the system—the arterial as much as the interstate—and they have an interest in maintaining that investment.

The fourth reason is that we are not imposing a difficult burden on the States of this country. The requirement in this case for 17.5 percent spending on the system is much less than what the States have spent over the last 5 years. All we are doing is establishing a floor for spending on the system below which we should not fall. The level we have chosen is below, substantially below, current spending. So this is not something the States cannot accommodate.

Fifth, and finally, Mr. President, we get the best system for the American people when we have direction with flexibility. It seems to me that the irony of this whole debate is that it has been the majority party which is calling for flexibility in a Federal program, and the Republican President who wants more central control. We all support flexibility, because it creates efficiency and responsiveness in government services. But it is our view that 50 good State plans do not add up to a National Transportation System. We need a National Highway System and the funds to back it up to do that.

Mr. President, in our view, a fully funded National Highway System is the linchpin in the Surface Transportation Efficiency Act of 1991. It would ensure that a minimal portion of the highway trust fund will be spent on the rehabilitation of those highways that are most critical to interstate travel and commerce.

I expect that the highway mileage designated by the States and the Secretary will reflect both a national purpose as well as individual State priorities.

We must dedicate a minimal amount of funds, Mr. President, to the National Highway System. We must aim to provide support for a balanced transportation system. The comparison of funding for the National Highway System to funds for mass transit misses a major point that is important to us all. The Federal Government's role in surface transportation is primarily to facilitate interstate commerce, that is, the movement of both people and goods between regions of the country. In other words, the roads outside our individual States are important to our constituents.

Interstate commerce is certainly affected by travel within regions of the country. Is there anyone here today who has not seen trucks caught in bumper-to-bumper traffic on urban highways or been in traffic with trucks? The Federal Government cannot lose sight of our primary mission, because the efficient movement of interstate commerce directly affects the way we live, and what we pay for goods moved by trucks.

Today the efficiency and productivity of our Nation's highway system is at stake. We cannot simply rely on the other body to provide the national view. It is imperative that the U.S. Senate not forfeit this opportunity to provide support for a balanced National Transportation System.

Mr. President, I recognize the difficulties associated with trying to reach an agreement that is amenable to all 50 States. I also recognize the concerns some Senators have expressed for their States. I believe the minimal funding of an existing map and the increase of miles should answer the concerns of those States and allow them to continue working with the Secretary to achieve a final product that achieves the national goal. In my view, S. 1204 needs this minor modification to become an excellent guidepost for the transportation infrastructure in the coming century.

Mr. President, the Federal purpose in transportation does not begin at the entrance ramp and end at the exit ramp to the interstate, and neither should the funding.

The gas-tax payers of the Nation deserve a National Highway System. It is our purpose to give them just that.

I urge my colleagues to support this amendment.

Mr. SYMMS. Mr. President, first I pay tribute to the Senator from Minnesota. He has worked at this on the committee consistently like a tenacious bulldog all year so that we would have a National Highway System in the highway bill, and his persistence and tenacity are noted. I appreciate them. His colleague, who no longer is on the committee, Senator BREAUX, also was very persistent with this committee to get this done.

I also thank my colleague from Montana on the committee for his differing viewpoint with the Senator from Minnesota because he provided a catalyst that made this amendment, I think, livable for a lot of the rest of us who are somewhere in the middle on this issue.

This is a very important issue to the President. I know they are having a celebration for the President tonight, but there is nothing that the Senator from Minnesota could have done that will make the President any happier than to find out that this amendment is going to be part of this bill. It will make Secretary Skinner very happy. It makes Dr. Larsen enormously happy. And the reason for it is that Dr. Larsen, who is a very noted and respected highway engineer, views this as a stepping stone to better efficiencies in a National Highway System.

The manager of the bill, the chairman of the subcommittee, Senator MOYNIHAN, deserves great commendation on this because he has persisted with the idea that if we can start into this thing and walk a little bit first before we try to run we will end up with a better National Highway System than just jumping in headlong with a massive amount of money and not quite knowing where we are going, and I compliment our colleague from New York for his contributions to this.

Throughout the whole thing, I believe that we have achieved a compromise that is very acceptable to this Senator. It has the framework of providing an excellent National Highway System which is consistent with the bill to improve transportation efficiencies, improve the movement of commercial goods and services, as well as people in this country, on our highway system, and I am happy that finally we have achieved the point where we are about to pass this amendment and have it behind us.

I yield the floor, and I compliment my colleagues.

Mr. MOYNIHAN. Mr. President, I rise to join with Senator SYMMS in expressing the gratitude which, I think, is owed by the Senate to the Senator from Minnesota. He has understood this issue from the first. And he has been patient with the committee, which voted out a measure that did not include the National Highway System. We did not because the system itself has not been specified.

There is now an existing principal arterial system which includes the Interstate and the other arterial roads of the Nation. They add up to some 184,871 miles—the administration hopes to bring that down to 150,000, with another 15,000 the Secretary could add at his discretion. We thought it would be best if we said to the Secretary could come to us in 2 years' time and tell us exactly what you want and then we will know what we are asked to deal with. But in the meantime the efforts that were associated with concentrating on the arterial might have been set back, and now we have a National Highway System.

We have thanks to the Senator from Minnesota but thanks also to the Senator from Montana, who has very strongly held views, informed views, representing his State. It certainly has the longest border with Canada of any State—probably the level of density, you know, typical of the high plains and they have different needs.

We have worked it out. The two of them worked it out. We are capable of reasoning together. As Lyndon Johnson used to say when he was trying to make you shut up and do exactly what he intended to be done and he called that reasoning, a reasonable man would do what he wanted to do or else God help.

Here we are. And may I say before closing that I agree that the President will think of this as a birthday present and probably appreciate Senator DURENBERGER's efforts.

And now if Senator DURENBERGER would just please come down, go down to the first floor of the Capitol, and get those 20-odd Senators who are now raging in disagreement over how to allocate an additional $8.2 billion, if he can get them to agree and come up here and move the amendment, move third reading, then the President really would have had a birthday present. But at least this is a good beginning and augers well perhaps of what is yet to come.

So, Mr. President, I certainly want to associate myself with this measure, and I think I understand that the Senator from Louisiana wishes to speak on the measure, and he is on the way.

That being the case, perhaps we could put in a quorum or perhaps the Senator wishes to extend his remarks.

Mr. DURENBERGER. If our colleague will yield, Mr. President, I express my appreciation to my colleagues, the authors of this measure, the Senator from New York and the Senator from Idaho, for their very kind compliments.

I know the Senator from Idaho was here earlier. But the Senator from New York was not when I complimented each of them on their accomplishments in this bill. I also indicated the pride I have in having served with them now for about 10 years in this committee and approved three bills and this is by far the one of which I will be the proudest.

Before he gets here, I really do need to say that without JOHN BREAUX, the Senator from Louisiana, this amendment and this bill would not have accomplished both the ends that the Senator from New York intended for it and the ends that those of us who made the amendment intended for it because it is his contribution that really brought in the States. I was prepared to offer an amendment that gave the Secretary of Transportation all the authority to do all of this, and it was he who reminded me of the genius of this new approach. The designation of highways, the discretion and the flexibility as well as the sense of direction that we give to the States in this country makes it very, very important that the States be the principal authors, if you will, of the system that we intend to approve 2 years from now as the National Highway System. And so it was really his contribution.

And also I must say as I said earlier, it is the majority party here that had flexibility where some of us, including the President, were those who were for centrality and purpose, but it was JOHN BREAUX, who was the first Democrat, the first Member of the majority party who recognized the value in this amendment, to sign on as the chief Democratic cosponsor. So it could not, as I am sure everyone acknowledges, have come to pass without his contributions as well.

I too am tempted to comment on my colleague's remarks that this is the most wonderful birthday present that we could give the President. I am not sure whether that elevates the status of what we are doing here to something beyond what I thought we were trying to accomplish. But, regardless, I know

that the President does approve this measure and this particular amendment. I am given to believe that it is a very crucial part of what he wants to see in a final product, and I trust that having accommodated that and this approach, we might be more persuasive for the President to support what the Senate is doing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BREAUX. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is an amendment by the Senator from Minnesota [Mr. DURENBERGER], amendment No. 339.

Mr. BREAUX. Mr. President, I will not take too long, but I take the floor to comment on the amendment and to extend my thanks for the good courtesies of the distinguished ranking minority member, Senator SYMMS, and for his leadership on this highway program, this surface transportation program. Our work together goes back a long ways prior to our membership in the Senate. I think his good work in this area is really exhibited by the product before the Senate today, along with the distinguished chairman of the subcommittee who, while not on the floor at this time, the product of his work and his tireless effort in developing a national surface transportation program is certainly before the body; his visionary outlook on what the transportation needs of this country are, at a time when we need people with vision in order to put together a national transportation system that works nationwide, not just in one State but in all 50 States.

A lot of work needs to be done to ensure that Americans can move from coast to coast and State to State and within our States in a safe, quick, and efficient manner. Unfortunately, after all of these years, we still have not achieved that result, even from the days of the covered wagon to the days of the jet airplanes to the days of rapid rail transportation systems and the splendid Interstate System we have.

Much needs to be done. I would only say we are making progress, and this product certainly is an example of that.

Mr. President, I think all of us are concerned about something this amendment addresses tonight. There is not a Member among us who cannot point to problems their highway systems have between their State boundaries; the highways are breaking; bridges are falling down; they are unsafe in many sections of this country.

Numerous accidents and, subsequently, deaths and injuries unnecessarily are caused in America because of the condition of our interstates and major highway roads, and much needs to be done to correct that. The States have done a lot of work, a lot of good work.

But I am concerned by the information presented to us by the Congressional Research Service in their report to the Congress on maintaining these highways. It is pretty clear that the CRS report convinces me that we were right with our concerns that the roads were not being maintained. The CRS report in their summary talks about this concern by saying, "close examination of the spending"—that is, what the States are getting—"indicates that most Federal money is used for new construction or capital replacement rather than for maintenance, and this may conflict directly with congressional intent as expressed in various legislative reports."

I think it is very clear that is a fact and that is correct. We are not spending enough of the money that comes to the National Treasury to maintain, to repair, to reconstruct, to resurface, and to rebuild the highways of the Nation. And as a result of that, they are in deteriorating condition and getting worse.

It is incredibly important, as we embark on new modes of transportation and new ways of improving the transportation system with the magnetic levitation trains, with rapid transportation systems, with metro systems, that we also do not forget the $205 billion investment that this Nation has in concrete, in the highways, in the Interstate System, in the primary roads and secondary roads on which most people still commute.

The information I have is only about 2.5 to 3 percent of the people that do commute in this country do so by rapid transit. Most still have to rely on the highways which in fact are crumbling beneath our tires.

Therefore, Mr. President, I was concerned with the initial committee bill which came to this floor through the Environment and Public Works Committee which said that for the first time we were going to create a new category, Surface Transportation Program, in which we would put 50 percent of all of the money into that program. We would give the States ultimate and total flexibility on how to spend it. Fifty percent of the total money could be spent for mass transit; 50 percent of the money could be spent for rail systems; 50 percent could be spent for a magnetic levitation train system; and none of that 50 percent would have to be spent for maintenance of the system that is falling apart.

So, Mr. President, my colleague, Senator DURENBERGER, and I recognized this as a problem and therefore we worked with the committee members to try and construct something that would ensure at least a portion of this 50 percent, or half of the entire program, would be used for maintenance, would be used for rebuilding what is crumbling, would be used to maintain and if need be to resurface or to reconstruct an interstate or a Federal-aid highway.

Therefore the amendment now before the Chamber and this body in fact would reserve a small portion of the 50 percent for the States to use on the National Highway System.

I think, Mr. President, that is very important to note, that with that small percent we are talking about probably only $21.9 billion of the total amount of $105 billion authorized by the bill will be spent on maintaining and resurfacing this $205 billion investment that is out there in the United States.

What we have pursued in this legislation and through this amendment is to say that the States should be involved in coming up with this new highway system that we are going to be working with for the next several years. They should do it in consultation with regional and local interests in their State, but they also should do it with the approval of the Secretary of Transportation.

Some have objected to that concept. Mr. President, we are talking about a Federal-aid highway system. We are not talking about a Louisiana highway system. We are talking about a national transportation system that connects all 50 States. No one State should be able to decide how and where, in and of themselves, they want to participate in a national system. No State by itself decides what type of clean air bill they are going to have. No State decides in and of itself what type of clean water bill they are going to have. And, therefore, no State unilaterally should decide what type of national transportation system the rest of the Nation is going to have.

It is a cooperative, a Federal-State system, to build a national transportation system.

Indeed, there is nothing wrong with the Secretary of Transportation being in on the process. In fact, it would be wrong if he or she were not in on developing that system. This amendment would require that, as the States recommend this new system to the Congress, that it should be in consultation with and with the approval of the Secretary of Transportation.

One of our colleagues from the other side of the aisle who made a very good point—Senator CHAFEE—in floor discussions, privately was telling me that he understood one of the reasons why the Secretary of Transportation should

be involved in approving a State's recommendation.

Suppose my State of Louisiana wanted to build a north-south road running up the eastern side of my State and our neighboring State to the north, Arkansas, wanted to run it down the western side of their State. So we would have two interstate systems being built that would not connect without somebody saying: No; we perhaps should make them connect and maybe put it in the middle or put it on the right. But, let us get together and have a national highway that you do not have to get off of at the border of Louisiana and Arkansas and go down a dirt road and connect it again and get back on this so-called Interstate System.

It makes good sense to me. I think it is good government. I think it is reflective of the system we operate under. It is part of our amendment, and I think the Senator from Minnesota [Mr. DURENBERGER] did an outstanding job in crafting and working with the Members on his side to get them to accept the concept, working with Members also on our side, to come up with an improvement to the legislation.

We are not going to mandate all the roads be repaired. But I think we are going to go a long way toward ensuring this money. And bear in mind, it is from people who drive on highways. That is where it is coming from: People who drive cars and trucks, large and small, vans; people who pay a gas tax. Their money is being used to maintain this transit system.

No one argues that some of it should not be used for mass transit, but no one argues none of it should be used for maintaining the roads. This gives us a requirement, small as it may be, this in fact will be done.

So, with the cooperation of the good ranking chairman of the committee, without whose agreement this could not be reached—and I understand his view of a transportation system—I know this bill would not be as effective as ultimately it may be.

We have to think beyond concrete; we have to think beyond just cement. I think the chairman of the subcommittee, the Senator from New York, has brought that to our attention in a way only he is capable of doing before this body.

I think we have a good compromise. I enjoyed working with my colleague, Senator DURENBERGER. At the appropriate time he would want to urge its adoption. And I enthusiastically support the compromise.

Mr. DURENBERGER. Mr. President, I intend to urge the adoption of the amendment, but I want to pay special compliments to two people who carried the largest part of the load on this amendment over the week or so that we have been here on the floor, in one way or another, in advance of that, as well. And that is Sue Pihlstrom, from my staff, and Marcia Jones on JOHN BREAUX'S staff.

They did a lot of the work of educating everybody in the body on the subject, and did all of the work that was necessary to coordinate this with the administration.

I am certainly grateful to them.

Mr. President, I urge the adoption of the Durenberger-Breaux amendment.

Mr. BAUCUS. Mr. President, I rise today, in a spirit of compromise, to support the amendment offered by the Senator from Minnesota.

It is no secret I would prefer a highway bill without any mention of a National Highway System. In the committee report, Senator REID and I filed supplemental views commending the committee leadership for omitting a National Highway System from the legislation reported to the floor.

As initially drafted by the administration, this proposal would devastate my home State of Montana.

Also, I am not alone in believing a vast National Highway System would be environmentally destructive. It would reduce the flexibility S. 1204 allows the States to increase mass transit spending in heavily polluted areas. And this flexibility is truly the hallmark of S. 1204.

Yet I also realize the administration and many Members of this body believe strongly in the National Highway System concept. So, in the best tradition of this institution, we got together and worked out a compromise we could all live with.

This is far from the National Highway System Administration initially proposed:

The State would be required to spend only 17.5 percent of its total surface transportation funds on the National Highway System;

The initial National Highway System will be selected by the States from our existing network of interstate and principal arterial roads;

After 2 years, in close consultation with the States, the administration would select those roads designated for the National Highway System from our existing network of interstate and principal arterial roads; and

Each State would enjoy 20-percent flexibility to move funds away from the National Highway System, if that State certified the maintenance needs of its National Highway System roads are adequately met.

This all adds up to a balanced, carefully crafted compromise; a compromise that will work well for Montana and every other State in the Union. I firmly believe the Senate must hold the line against any attempt to expand this position at conference.

In closing, Mr. President, I want to thank the committee and subcommittee leadership for their role in working out this compromise. In addition, I commend the Senator from Minnesota [Mr. DURENBURGER] and the Senator from Louisiana [Mr. BREAUX] for their calm and reasonable approach to what could have been a difficult floor fight.

The PRESIDING OFFICER. There being no objection—is there further debate?

Mr. MOYNIHAN. Mr. President, can we have a voice vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 339) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 340

Mr. DURENBERGER. Mr. President, I send an amendment entitled the Durenberger safety amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The Durenberger amendment will be reported.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 340.

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

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

The amendment is as follows:

On page 78, line 23, insert after section 402 "; section 152, except repavement;"

On page 102, line 4, strike line 4 and renumber accordingly.

On page 110, line 11, insert: (19) Section 152 is amended by striking subsections (d) and (e) and by renumbering the remaining sections accordingly.

Mr. DURENBERGER. The only rationale for the Federal Government to be involved in the transportation decisions of the States is to pursue national purposes. Otherwise, there is no reason for us to bring gas tax revenues all the way to Washington and send them back.

There can be no more important national purpose than protecting public safety. I believe the package before us takes a backward step in safety, and unless we change it, we will be sending exactly the wrong signal to the States: That the Federal Government thinks our roads are safe enough.

By repealing the Hazard Elimination Program, discontinuing categorical spending, and reducing the Federal share for safety projects, we send the message that the status quo is OK.

In my opinion, we fall short of our goal to ensure safe roads to the driving population. If our hope is to have safe roads, we need to better articulate that concern. We cannot guarantee drivers

will not have accidents, but we should do everything we can to assure the drivers do not suffer unnecessary death and injury because of hazardous situations that could have been located and repaired.

In my involvement with health care issues, I have seen the long term care cost associated with young people being severely injured in such accidents. Not only is the cost reflected in outright care costs, but also in lost productivity of the person and the major care-giver, which typically is a family member. That does not begin to measure the cost of broken lives and human suffering.

We need to be sure we send the message to the States that safe roads are not an option; they are required. And that is the reason for my amendment. Safety is the last place we want to be unclear or to economize. A vital national purpose is at stake. So are thousands of lives.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, this is a worthy amendment, one in a long sequence which the Senator from Minnesota has offered in this area. On our side we are happy to support it.

Mr. SYMMS. We support the amendment, also.

The PRESIDING OFFICER [Mr. KOHL]. Is there further debate on the amendment?

Mr. DURENBERGER. I urge the adoption of the amendment.

Mr. BRYAN. Can I request an explanation of the amendment? I do not quarrel with the basic proposition that safety ought to be of paramount concern, but I confess I did not understand the full purpose for which the amendment is offered.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURENBERGER. Mr. President, let the record show that I have explained the purpose of the amendment, and I might as well explain it to all my colleagues in case others were not as thoughtful as the Senator from Nevada to be here.

The amendment retains the Hazard Elimination Program. Identical to current law, the States would continue to maintain surveys of all public roads to identify hazardous locations or elements which may constitute a danger to motorists and pedestrians, assign priorities for their correction, and establish and implement a schedule of projects for their improvement.

Second, the amendment proposes to make the Hazard Elimination Program eligible under the safety belt and motorcycle helmet provision's highway safety programs. Currently, S. 1204 includes only section 402 highway safety programs and section 130 rail-highway grade crossings.

With that explanation, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 340) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, once again thanks to the Senators from Minnesota and Louisiana for their very fine work.

This brings us, Mr. President, to perhaps the close or near close of the substantive provisions of the bill. We can only hope that the negotiations over supplemental funding will come to some conclusion.

In the meantime, we have a few not unimportant amendments which I would like to offer.

AMENDMENT NO. 341

Mr. MOYNIHAN. Mr. President, on behalf of Senator DOMENICI, I have a measure that would allow States to fund nonmetropolitan planning groups with 0.5 percent of funds available. These are rural areas, Indian regions. It is entirely agreeable to the managers. It is optional funding. It is State money. If they think this is best done, we think it ought to be done. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. DOMENICI, proposes an amendment numbered 341.

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

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

The amendment is as follows:

S. 1204 is amended by adding at the end of section 115 entitled "Research and Data Collection", the following new subsection:

"(e) Section 307 of title 23, United States Code, is amended by inserting new paragraph (2) to read as follows:

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed one-half of one per centum of sums apportioned under sections 104 and 144 shall be available for expenditure upon request of the State Highway Department to rural planning organizations designated by the State as being responsible for assisting the State in carrying out the provisions of section 135 of this title.

Mr. MOYNIHAN. Mr. President, this is a straightforward amendment that allows States, at their option, to use planning money in nonmetropolitan areas where they have sufficient purpose to satisfy themselves.

Mr. SYMMS. We have no objection to the amendment.

Mr. MOYNIHAN. I believe there is no ojection on either side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 341) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 342

(Purpose: To exclude areas non-contiguous with the continental United States from certain provisions)

Mr. MOYNIHAN. Mr. President, on behalf of the senior Senator from Hawaii, our beloved Senator INOUYE, I send an amendment to the desk, the purpose of which would exempt the noncontiguous States from the requirement that 75 percent of Surface Transportation Program funds be distributed according to population. This, again, is a matter that, in certain specific States, provisions of the bill do not accommodate to the needs of these States. The purpose of the amendment is to let the States function most effectively.

I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. INOUYE, proposes an amendment numbered 342.

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

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

The amendment is as follows:

On page 16, line 10, strike out the semicolon and "or".

On page 16 strike out lines 11 and 12.

On page 18, between lines 2 and 3, insert the following new subparagraph:

"(C) The requirements of subparagraph (A) shall not apply to any State which is noncontiguous with the continental United States.".

Mr. SYMMS. We support the amendment on this side.

Mr. MOYNIHAN. As we do on this side. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 342) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, there does not appear to be any Senator to offer amendments. To the best of my knowledge, the remainder of the amendment process is near its conclusion, and we wait only word of agreement on supplemental funding. How soon that will be, we do not know. We are in a period set aside for the President's celebration. It is to extend until 9:30. I do not know that there is any need to stand in recess. I think I will simply suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SYMMS. Mr. President, part B of the pending legislation creates a dedicated, consistent source of funds for helping States provide and maintain recreational trails.

The National Recreational Trails Fund Act should serve two key purposes: First, it will give States some much needed funds with which to provide Americans with recreational trail opportunities, closer to their homes, and second, it should encourage a spirit of cooperation among diverse trail users while also making funds available to provide for innovative trail sharing experiences.

In this day and age of reduced resources but increasing demand for recreation, we must be sure to get the biggest recreational bang for every dollar spent. This can be done, in part, by promoting trails which accommodate as many diverse trail uses as possible. Just because one person rides, while another hikes, doesn't mean that they cannot share the same trail. Jeanette Fitzwilliams, a member of the board of both the American Hiking Society, and the Rails-to-Trails Conservancy, recounts an incident when hiking one time, when she looked up the trail and saw an all-terrain vehicle rider coming down the trail. The rider also saw her, and stopped to let her pass. The two exchanged pleasantries and went on their way. Ms. Fitzwilliams was favorably impressed with the rider, and later wrote concerning the need for funding diversified-use trails:

It is no longer possible for every type of user to have a trail for his exclusive use. All types of users are entitled to trails. The challenge is not only to see to it that the terrain is suitable to the use, but to develop understanding and cooperation among all users, something that is targeted by the Recreational Trails Fund Act.

I might mention that, in Idaho, horseback riders and hikers have coexisted on certain trails in the Sawtooths for over a half century now without a single reported accident or mishap. The key to compatible trail use seems to be courtesy more than anything else. If, through trail-use education, we can promote more of this kind of user-to-user courtesy, it may be possible to meet the recreational demands of two trails, using funds economically on just one trail.

Through new and improved recreational trails, we can reduce the tensions which have developed when more Americans than ever before have sought to use trails in increasingly diverse ways. The improved trail system plus increased communications prompted by representative trail advisory committees at the Federal and State levels should increase the quality and the quantity of opportunities for all trail activities. These advisory committees are structured to function by concensus as much as possible. In order for a State to remain eligible for fund moneys after 3 years, a trail-user advisory committee must exist within the State. Many such committees already exist, and it is not anticipated that duplicate committee structures would be necessary to satisfy the eligibility requirement as long as the complete diversity of trail use within the State, including equestrian, motorized and nonmotorized recreational trail users are represented. If for some reason an existing committee is not representative of such diverse trail interests, its membership may need to be altered to do so.

It should be noted, Mr. President, that this bill adheres to the general user-fee structure of the highway trust fund. It does not rely on the revenues paid in by highway users, but rather, earmarks only those revenues paid by recreational trail users. For instance, the average snowmobiler now pays $11.25 annually into the highway trust fund in fuel taxes used in his or her sport, and yet receives absolutely no benefits, since snowmobile use on highways is typically neither desirable nor permitted. With most all-terrain vehicles, the same is true. By including part B in this act, we are more perfectly applying the user-fee concept to the Federal fuel taxes paid in association with these fuel uses.

It is not the intent of this legislation, Mr. President, to create additional trail administration bureaucracy. In fact, as purely a funding mechanism, the Trails Fund Act seeks to avoid inserting itself into the middle of already existing trail planning and maintenance structures. Maximum flexibility is left with the States, the Governor in particular, to determine which State agency is best qualified to administer the fund with the least overlap and duplication with current grant administration. In many cases, State agencies which already administer land and water conservation funds are fully equipped to handle Trails Fund Act moneys as well. In other cases, another agency may be more practicable. For instance, the Wallop-Breaux fund enjoys enthusiastic support from both the angling and boating communities because of it focus on cooperation between administering agencies and enthusiast groups who participate in project design and selection as well as in project implementation through volunteered labor and moneys.

The Trails Fund Act, true to the form of the underlying highway bill, tries to minimize Federal intervention in State trail planning and fund administration, allowing the moneys to be used and administered through the mechanism that makes the most sense in that State.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MOYNIHAN. Mr. President, I rise simply to say that the hour of 9:30 has come and passed now and we are out of the window that had been created for the persons attending the President's occasion this evening.

If there are Senators who have amendments of which I am not aware, any that we have not reached agreement on—there is one that Senator DOMENICI will come forward with shortly and that is a good amendment and has been agreed on or will be. If there are other Senators who have concerns, we wish we could hear from them. As far as we know, we are at the end of the substantive matters dealing with our bill.

One of them is a provision in the bill that provides $750 million for a magnetic levitation project to be built somewhere in the United States through competition between States or localities, or combinations thereof, to be awarded by the Secretary of Transportation. This will be the first time that we have proceeded directly to the development of a technology that was invented in the United States. Two American physicists working at the Brookhaven National Laboratories in eastern Long Island patented this quite extraordinary proposal in 1964.

Magnetic levitation is a new mode of transportation, never before conceived. It works on the principle that magnets both attract and repel and affect a train-like vehicle which floats in a trough and moves on air being elevated by magnetic fields and moves forward by those magnetic fields. It is almost certainly going to have a major role in 21st century transportation technology.

It has the great feature of being frictionless and, therefore, the energy efficiencies are very considerable with the advent of techniques for the transmission of power at very highly efficient levels—again a new technology. We look forward to real events of this kind.

It is very much characteristic, however, that this technology, this science—well, let us call it technology—the science of mechansim I suppose it is understood having been invented here. The first development took place abroad both in Japan and in West Germany. And now German Government-sponsored agencies have put in large development efforts—and you have developmental tracks where full-scale models run repeatedly. It is quite an astonishing experience.

This technology moves efficiently, at about 240 miles an hour, easily moves at 300, which is more than the effective rate of movement of airplanes, in innercity transport right now. Its most effective use is intercity routes where the airspace does not admit to much more traffic.

Alternately, as within cities, you have an instant communication, a 4-minute trip from Union Station, just off Capitol Hill, to Dulles Airport makes it entirely feasible. It is being done now in Japan where a farebox mag-lev system will be in place. It is being built right now in an actual working commuter railroad or commuter mag-lev.

We do not have yet a proper name for this, but we will no doubt work one out.

It is troubling that for the first time since the development of the railroad—which did develop in England, in what is now Belgium, and developed there before it appeared here. Since that time all major innovations in transportation technology have originated in the United States or appeared here simultaneously with the development elsewhere.

The steamboat, Mr. Fulton's *Clermont*, appears as the first steam transportation of a waterborne transportation in the world; the Hudson River.

The automobile was well advanced in this country by the 1890's and mass production first appeared here in the first decade of the 20th century.

The airplane was being developed in Europe but the first flight was the Wright Brothers in South Carolina. The jet engine was a British development, but it was in the situation of World War II the first jet planes were made here.

We have been at the very edge of or the leading edge of development in transportation technology for two centuries. And now we face the prospect of moving back. Others are moving into technologies we may have invented but we have not developed. Others are moving to the refinement of technologies already well in place but for which there are new, wider limits being discovered.

The fast trains that have been developed in Germany and France and Italy, earlier in Japan, they have no equivalent here. We are doing well in the Amtrak corridor from Washington to Boston, still basically with a much earlier technology. We do not see enormous changes in a century.

In 1895, in the East Albany yards of the New York Central Railroad, Engine 999 was built, which later that year, as part of the Empire State Express between Batavia, NY, and Buffalo, reached 111.5 miles per hour, the fastest man had ever traveled on Earth. You can work on that machine, and it has been worked up to 160 miles. Better, but not fundamentally different.

Yet still those new trains are that much more efficient and are in use all over Europe, all over Japan. Not here. And this new technology is not yet in place as a working transportation system anywhere.

It is not too late for us to do it best first. Not first. That no longer is possible. But best first, or first best, at some level of economic competitiveness. We have the engineering. We have the advantage of the work that has been done in Europe and in Japan.

Our engineers would now be working on the third generation of this technology of these component parts with the advantage of what has been learned from the development that has taken place in Europe and in Japan.

But yet with it, this is an opportunity to start leading again. Not every technology, because it is fascinating, is necessarily effective.

I think of the supersonic air transport. The development of the supersonic plane, like all major passenger planes in the United States in the last 50 years, was developed first by the Defense Department. It had military usage. All our large, wide-bodied jets and so forth were developed as transport planes for the military. And the time came when they had developed a supersonic plane. Its features were great speed, but its limitations were very small capacity. And in the end the Defense Department, Pentagon you might say, made the judgment it was well and good to get troops anywhere in the world in 4 hours but if only 100 of them were on board when you arrived, maybe sacrifice time for quantity, and in the early 1960's the Pentagon decided not to go forward with military development.

The question then was: Should there be civilian development? Vice President Johnson was then chairman of the Space Committee under President Kennedy and we entered into a long period of very intensive discussions.

The then Secretary of the Air Force, later Secretary of Defense, was our technical adviser, you might say. The Secretary of Labor was a member of the committee. I would occasionally represent him at the meetings of the group, which President Johnson attended with great care and concern.

In the end, the decision was made here in Congress not to go forward, as much on environmental ground as any others; the fear of what would be the effects on, well, goose eggs in the Arctics of polar flights.

The British and the French went ahead anyway. The Concorde developed. A technical marvel, but not an efficient form of transportation. I do not think they have been successful. I think none are being built any longer. I do not speak with certainty of that. But they are not the characteristic mode of flight today. They are a very special niche some people find useful, but in the main too expensive, too limited in the load.

The airbus is the more characteristic and more effective mode of transportation.

So we did not lose from having decided not to develop a supersonic commercial airplane. But we were in a position to choose.

That is the difference between then and now. We had the technology. We made the judgment not to use it. That is a perfectly good and proper assessment of cost and benefits.

But as for mag-lev, as for high speed trains, we do not have those options because we have not developed the technology.

This provision in this bill moves us in that direction. We can say with confidence this will be done. I think Americans will be interested. I know States and cities will compete. I know the Presiding Officer's own State is interested in this, as are many. And out of this first beginning we may go on to yet more impressive events.

In that regard, we are very much in the debt of the Senator from South Carolina, the junior Senator, Mr. HOLLINGS, whose Committee on Commerce has jurisdiction in these matters, which the Committee on Environment and Public Works shares. And in that respect we have decided that when we go to conference with this legislation the Commerce Committee should appoint conferees for this section of the bill.

MAG-LEV

Mr. HOLLINGS. Mr. President, I would like to take this opportunity to

enter into a colloquy with the manager of the bill, Senator Moynihan for the purpose of discussing the bill's approach to mag-lev technology development.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Thank you, Mr. President. I was prepared to offer an amendment to the highway bill to further the development of mag-lev and high-speed rail technology. As the Senator knows, the Commerce Committee has a jurisdictional interest in this area. Though, in many respects I agree with the intent of his measure, I have reservations about committing $750 million for mag-lev during this reauthorization cycle. In lieu of offering a counterproposal on this issue, I would ask for a commitment from the Senator to work toward a comprehensive solution on this issue with the relevant Congressional committees in conference. Additionally, I think it appropriate that members of the Commerce committee be appointed as conferees on this matter.

Mr. MOYNIHAN. I thank the chairman of the Commerce Committee, Senator Hollings, and I appreciate his willingness to withhold his amendment on this issue in order to move forward with consideration of this bill. I have no objection to the appointment of such conferees and welcome the opportunity to work with him and other interested Members toward a comprehensive measure to further the development of mag-lev technology.

MAG-LEV AND HIGH-SPEED RAIL

Mr. EXON. Mr. President, any long term solution to our transportation problems needs to include a comprehensive Federal policy for the development of high-speed rail and magnetic levitation transportation [mag-lev].

First of all, I want to commend both Senators HOLLINGS and MOYNIHAN for their tremendous interest in, and efforts to promote mag-lev development in this country. To date, several ongoing efforts have been initiated to facilitate the development of mag-lev technology. In 1988, the Federal Railroad Safety Act of 1970 was amended to enable the Federal Railroad Administration to initiate research on the safety of high-speed systems. More recently, the national mag-lev initiative was established to conduct research on mag-lev technology development and the feasibility of its commercial development. A part of this effort by the Department of Transportation and the Army Corps of Engineers includes working together to determine what role mag-lev technology will play in our future transportation network.

Mr. President, one of the goals of the Commerce Committee for the 102d Congress was to work with other interested congressional committees to develop and approve during this Congress a comprehensive bill to further steel-on-wheel high-speed rail and mag-lev technology and development. Earlier this week, a symposium was held for pertinent committee staff to discuss a number of issues, including the benefits of developing an American based technology versus purchasing existing technology, the role of high-speed ground transportation in our energy and transportation policies, and options for financing high-speed ground transportation projects.

Mr. President, the process of developing concensus legislation in this area has not yet been achieved, however, currently there is a provision in the highway bill which calls for $750 million to be spent out of the highway trust fund over the next 5 years for mag-lev development. I have concerns about this level of funding as well as such a significant amount of funding being allocated for mag-lev, to the exclusion of high-speed steel-on-wheel options.

While many members of the Commerce Committee are concerned about the level of funding in your bill, we are equally concerned with the jurisdictional issues. However, I feel confidant that the agreement reached between Senators HOLLINGS and MOYNIHAN to address these concerns will serve the desired goals of all interested parties and lead us forward as we pave the way for these transportation technologies.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is it necessary, if the Senator from New Mexico has an amendment that is acceptable to the manager, that I set aside the pending amendment?

The PRESIDING OFFICER. It is.

Mr. DOMENICI. I ask unanimous consent that the pending amendment be temporarily set aside for the purpose of offering an amendment which the managers are aware of.

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

AMENDMENT NO. 343

(Purpose: To provide funding for Indian Reservation Roads)

Mr. DOMENICI. Mr. President, I send an amendment to the desk for myself and Senator INOUYE, the chairman of the Committee on Indian Affairs, Senators MCCAIN, SIMON, BINGAMAN, DECONCINI, DASCHLE, MURKOWSKI, WELLSTONE, and CONRAD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. INOUYE, Mr. MCCAIN, Mr. SIMON, Mr. BINGAMAN, Mr. DECONCINI, Mr. DASCHLE, Mr. MURKOWSKI, Mr. WELLSTONE, and Mr. CONRAD, proposes an amendment numbered 343.

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

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

The amendment is as follows:

On page 5, line 4, delete "$2,370,000,000" and insert in lieu thereof: "$2,320,000,000".

On page 5, line 5, delete "$2,460,000,000" and insert in lieu thereof: "$2,410,000,000".

On page 5, line 6, delete "$2,600,000,000" and insert in lieu thereof: "$2,550,000,000".

On page 5, line 7, delete "$2,840,000,000" and insert in lieu thereof: "$2,790,000,000".

On page 5, line 8, delete "$3,050,000,000" and insert in lieu thereof: "$3,000,000,000".

On page 6, line 11, delete "$150,000,000" and insert in lieu thereof: "$200,000,000".

On page 37, at the end of section 111, add a new subsection "(d)":

"(d) INDIAN RESERVATION ROADS PLANNING.—

Two percent of funds allocated for Indian reservation roads shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or Metropolitan Planning Organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary."

Mr. DOMENICI. Mr. President, this amendment is an Indian reservation road amendment. I want to first thank the distinguished Senator from New York, the chairman of the subcommittee which produced the bill that is here on the floor, because the bill has $150 million a year for the next 5 years for Indian roads in the United States. And the amendment which I sent to the desk will make that $150 million, $200 million. And the distinguished Senator from New York has concurred and agrees to accept the amendment.

Why do I thank the Senator from New York? Because, essentially, even if the Senator from New Mexico had not sought additional money, the Indian people of the United States would have been in the debt of the distinguished Senator from New York because he had added $70 million to the annual allocation to the Indian road system of the United States. It had been $80 million for the last 5 years. Incidentally, prior thereto, it had been little or nothing, such that the 20,000 miles of Indian roads in the United States are without a doubt the worst 20,000 miles under any unit of Government's jurisdiction in the United States.

The surveys would indicate that the Indian people are traveling on nonroads, for the most part. Very few of them are up to any kind of standard that we would travel on. Yet the Indian people paid gasoline taxes, they have trucks and cars, and all the other kinds of things that we have. And we seek for them a better life.

In some cases, we say let us have economic development and some prosperity on Indian land for the Indian peo-

ple. We all admit without roads there would not be any prosperity for any of us, and how can we expect them to have economic prosperity and development when they have hardly any roads to travel on?

What we are doing tonight is we are saying we are going to set aside $200 million a year. We are taking it out of the bridge fund so it will not affect the allocation formulas that are being debated and discussed and worked on by various Senators.

This $200 million did not just come out of the sky. As a matter of fact, the Bureau of Indian Affairs has, for a long time, been evaluating the road system. They recommended $225 million a year for the next 5 years for Indian roads. When we go from $80 million to $200 million, it is a great victory for the Indian people of our country.

I thank all those Senators who are cosponsors. In particular, Senator INOUYE, who is the chairman of the committee. I serve with him on that committee, the Committee on Indian Affairs. Because obviously he has been doing a lot for the Indian people. He does not have any resources; he does not have any money. Tonight we are taking a giant step in the direction of giving them, the Indian people, a chance to have some real roads, some real contacts, some real avenues of economic prosperity and development with this amendment, which I hope we will adopt and then the House will go along with, because we must do at least this much for the Indian people, or they will be going backward, not forward.

Frankly, the needs survey that outlines the inadequacy of this system, rating the condition of these roads, found that only 11 percent of the paved roads and none of the unpaved roads were in good condition. Conversely, 53 percent of the paved roads and a staggering 90 percent of the unpaved roads were rated as poor.

That is in the 20,000 miles—some of which are more like trails—of roadway that are in Indian Country, U.S.A.

To summarize, I rise to offer an amendment on behalf of myself and the distinguished chairman of the Select Committee on Indian Affairs, Mr. INOUYE, along with Senators MCCAIN, SIMON, BINGAMAN, DECONCINI, DASCHLE, MURKOWSKI, and WELLSTONE.

Mr. President, this amendment addresses a funding deficit that has existed for much too long. The problem to which I refer is the inadequate level of funding that has been provided to address the road needs of the Indian people of this country.

The amendment we are offering is quite simple. It strives to finally provide the Indian people with the necessary level of funding to upgrade their deteriorating and inadequate road system. The amendment raises the $150 million per year provided under the Moynihan bill to $200 million per year.

The level of funding contained in this amendment is based on a survey that was performed to determine the needs of the Indian people. The part of the Indian reservation roads system [IRR] that was examined in this survey is comprised of about 20,000 miles of roadway under the jurisdiction of the Bureau of Indian Affairs.

This needs survey outlines the inadequacy of this system. In rating the condition of these roads, it found that only 11 percent of the paved roads and none of the unpaved roads were in good condition. Conversely, 53 percent of the paved roads and a staggering 90 percent of the unpaved roads were rated as poor.

The needs survey explains that this problem has been developing over the past 60 years because funding for Indian roads has been woefully inadequate.

The amendment does one further thing. It provides a set-aside of 2 percent for those tribal governments that wish to engage in transportation planning. As more tribal governments establish strong highway departments, it is imperative that we provide the necessary funds to allow them to engage in credible transportation planning. The set aside is only available to those tribes that wish to engage in this activity.

Mr. President. It is time to correct this situation. Therefore, I urge the Senate to provide the funding that the Indian people have deserved for so very long.

I ask unanimous consent that a resolution from the Western Nation of the Navajo Nation regarding their needs on roadways be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas: 1. The Agency Roads Committee of the Western Navajo Agency is a recognized Local government body by the Navajo Nation Council, and designated to consider and make recommendations to appropriate entities regarding roads needs and related matters, and

2. The Agency Roads Committee has been informed that a proposed Senate Bill 515 will be introduced to both Houses of Congress for consideration, and

3. This Senate Bill 515 is in the best interests of roads development within the Indian Country, which has for many years been underfunded and caused continuously acute growth in economic and other essential amenities within the Indian communities. Now therefore be it

*Resolved* That: 1. The Agency Roads Committee of the Western Navajo Agency do hereby strongly support and urges all members of Congress to positively consider this Senate Bill 515 which will provision and increase in funding of $80 million to $225 million per year for road development within Indian Country.

2. This funding increase will be a historical event for the Indian communities because it has been long overdue and it is without a doubt in the best interest of the Native Americans communities.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. I rise to commend my colleagues from New Mexico for sponsoring this amendment. I am proud to join him as a cosponsor. But I would also commend the chairman of the subcommittee, the distinguished Senator from New York, for his understanding in this matter.

Let me say, I have four reservations in my State. They are in the worst economic shape of any area in my State. We have unemployment levels that are up to 80 percent. The economic hardship could not be overstated.

One element of that hardship is the fact that the roads in Indian country are in abysmal condition; absolutely abysmal condition. They are in that condition because there is not the source of revenue, there is not the source of funding necessary to make those roads decent and effective, and as a result, the whole economic infrastructure of Indian country suffers.

So I conclude by again commending the distinguished Senator from New Mexico. What he is doing is precisely what is required. It is supported by the evidence. It is supported by the studies.

I again thank the Senator from New York, the distinguished chairman of the subcommittee, for supporting us in this effort.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, when I thanked my friend, the distinguished chairman, Senator MOYNIHAN from New York, I did not see the ranking Republican on the floor. He is here now: Senator SYMMS from Idaho. I want to thank him, also, with reference to raising the allocation for Indian roads in the bill that is pending, that is at the desk, from what it was before to the $150 million, which we have now raised to $200 million with the Domenici amendment.

But I think Senator SYMMS, too, joined in a committee work in raising that Indian allocation. I thank him for that.

Mr. MOYNIHAN. Mr. President, I accept the very pleasant remarks on behalf of both of us, although Senator SYMMS will speak for himself, and do very well. But I thank Senators DOMENICI and CONRAD. And to make the point this bill is a bipartisan bill, I referred to my colleague here as my comanager. This bill came out of my committee 15 to 1. We have a committee that works that way, and we are very happy to accept this amendment. I know the Senator will wish to urge it.

Mr. SYMMS. Mr. President, I say to my colleague, Senator MOYNIHAN, it is nice for me, once, to be in the 15, also.

I, too, want to thank Senator DOMENICI for his kind words. I add to that if Senators who come from those Government-owned States in the West inspect this bill, I think they will see the committee very carefully looked at those formulas to protect those States that have land-in-holdings that are held by the Federal Government, and tried to make a very equitable rationing of that money.

I appreciate the great interest the Senator from New York has had, and his understanding of these different, unique problems different States have.

I have no objection to the amendment, and I support the amendment. I thank Senator DOMENICI for bringing it here.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Hawaii.

Mr. INOUYE. On behalf of the Select Committee on Indian Affairs, Mr. President, I wish to first commend my colleague from New Mexico for his leadership, and to thank Senator SYMMS and Senator MOYNIHAN for their sensitive consideration of this measure.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendment.

The amendment (No. 343) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, we are considering this week a surface transportation reauthorization proposal which is historic. This bill is designed to serve the transportation needs of our country as we move beyond the interstate construction era. In doing so, it will contribute to our Nation's economic growth and competitiveness by raising the level of public investment in our future.

The bill reflects the unanimous belief that the Federal Government should increase its commitment to the development and rebuilding of our infrastructure. This bill, as did the administration's original proposal, substantially increases the authorization levels of the Federal-aid highways programs. From 1992 through 1996, the committee bill would authorize $90.7 billion.

Improvement in the quality and productive utilization of our infrastructure clearly contributes to the quality of life for our citizens. In particular, rehabilitation and improvement of our National Highway system is critical to improving interstate travel and commerce. Investments in our highways pay back by reducing vehicle operating costs and travel time. Such returns on investment translate ino real reductions in the costs of doing business for many years to come, improving our global competitive position.

The administration recommended and the committee bill adopts the philosophy that States and localities should assume greater responsibility in the planning and designation of local priorities, and provides greater flexibility in their choices of transportation projects. The administration proposed a greater funding match by State and local government, but this was not adopted in the committee.

While none of us enjoys standing up to propose a larger share requirement of our fiscally troubled State governments, the day may come when we must ask for a greater contribution in order to provide adequate resources for our infrastructure. Reflecting appropriate fiscal responsibilities, State and local governments have been accounting for a larger share of public contributions to our national infrastructure over the decade of the 1980's. Now that the Interstate System is essentially completed, local and State governments have strong incentives to undertake an increased commitment to the upgrading and maintenance of our system of roads. Federal dollars must be used in a way that stimulates greater State, local, and private investment.

The committee bill appropriately reflects an emphasis on improving the facilities and efficiency of existisng resources, recognizing the fact that more is not necessarily better. Through technologies such as Intelligent Vehicle Highway Systems [IVHS], increased utilization of HOV lanes, study and development of multimodal systems, and with an acknowledgement that transportation needs differ dramatically throughout the country, this bill offers the opportunity for significant progress in preparing our Nation's transportation infrastructure for the future.

Finally, the Environment and Public Works Committee has reported a bill which recognizes the fiscal constraints of our budget agreement.

Mr. President, this is not a perfect bill. It is a bill, though, which balances the many competing transportation interests for the greater good and serves well as a basis for our consideration this morning.

Mr. GRASSLEY. Mr. President, I would appreciate the opportunity to join in a colloquy with my esteemed colleague from the State of Idaho, Senator SYMMS, regarding a transportation corridor of great importance to the Midwest, the Avenue of the Saints. The Avenue of the Saints is a four-lane highway corridor that will connect St. Louis, MO, and St. Paul, MN.

Mr. SYMMS. Mr. President, I would be pleased to accommodate the Senator from Iowa.

Mr. GRASSLEY. Let me begin by complimenting my friend from Idaho for his bold leadership as the ranking member of the Water Resource, Transportation and Infrastructure Subcommittee of the Senate Committee on Environment and Public Works. I commend him for his efforts.

I remind by colleague that a study committee was commissioned by Congress to study the feasibility and necessity of constructing a four-lane highway from St. Louis, MO, to St. Paul, MN. This study was released in March of 1990. Mr. President, I would like to submit for the record a letter from the Chairman of the study committee, to Thomas Larson, Administrator of the Federal Highway Administration, presenting the results of the study. I would also like to submit a letter from Secretary of Transportation Sam Skinner endorsing the findings of the study committee.

I further remind my colleagues that during a meeting we had last month, I asked that the Environment and Public Works Committee consider the Avenue of the Saints for a demonstration project or other special consideration. At the time I stressed that I support the idea of a "clean" surface transportation bill without special treatment to individual projects. However, I asked that if there were demonstration projects, that the Avenue of the Saints be one of those projects.

I petitioned all of the Republican members of the Senate Environment and Public Works Committee as well. The junior Senator from Iowa, Senator HARKIN, personally petitioned his Democratic colleagues on behalf of this important project.

Mr. SYMMS. I would like to say to the Senator from Iowa that I recall this meeting and I am aware of the importance of the Avenue of the Saints to the transportation needs of the Midwest.

As the Senator from Iowa knows, there are no demonstration projects contained in the Surface Transportation Efficiency Act of 1991, S. 1204. The Senate Environment and Public Works Committee reported out a "clean" bill.

I would like to stress to my colleague, however, that S. 1204 is very good news for the Avenue of the Saints. The Surface Transportation Program gives enormous discretion to States and metropolitan planning organizations to make transportation decisions. When you briefed me on the Avenue of the Saints, you mentioned that the Iowa Department of Transportation and the Governor of Iowa have publicly stated that the Avenue of the Saints is the No. 1 transportation project for the State of Iowa. They will have the discretion to allocate the needed moneys to make the Avenue of the Saints a reality.

Mr. GRASSLEY. I thank my colleague. If I might inquire about his approach toward demonstration projects as they might relate to action on the part of the House of Representatives.

While I commend the committee for its reporting out a "clean" bill absent of special ocnsideration for individual projects, I note that Members of the leadership on the House side have expressed publicly that they do not necessarily share the Senate committee's enthusiasm for passing a bill free from demonstration projects. In fact, Congressman ROBERT ROE, chairman of the House Public Works and Transportation Committee, has stated that he will support demonstration projects as part of the House committee bill.

I would ask the Senator from Idaho what might be the attitude of the Senator toward the inclusion of Senate demonstration projects in the legislation should the House bring to the conference committee a bill that contains House demonstration projects.

Mr. SYMMS. I appreciate the Senator's interest in this important highway project, and I can assure the senior Senator from Iowa that the Avenue of the Saints will be on our list of projects deserving special consideration if and when we discuss demonstration projects with the House. I believe the highway program and the Nation would be better served if we stopped skewing the funding formulas by diverting money to projects selected by Members of Congress. However, if the House insists on demonstration projects, you can be sure the Senate conferees will put forward the interests of the Senator from Iowa and others who have been so supportive of our efforts to move this important legislation forward.

Mr. GRASSLEY. I thank my friend and colleague for his cooperation.

Mr. SYMMS. I ask unanimous consent that a letter from C.I. MacGillivray to Thomas D. Larson and a letter from Secretary Skinner be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IOWA DEPARTMENT
OF TRANSPORTATION,
*March 26, 1990.*

THOMAS D. LARSON,
*Administrator, Federal Highway Administration*

DEAR MR. LARSON: This letter transmits the final report for the "St. Louis to St. Paul Corridor Feasibility and Necessity Study" and a recommendation of the best route for this corridor. These States items were prepared for the FHWA in response to a congressionally mandated study which was funded in the 1989 Transportation Appropriations Act.

Congress stipulated that this study be done in cooperation with the states of Iowa, Minnesota and Missouri. These states formed a steering committee, along with assistance from the states of Illinois and Wisconsin. All states participated fully and equally in all meetings, study directional decisions and other study activities. This group selected a private consultant in the Spring of 1989 to provide an impartial and objective study. Federal Highway Administration staff were involved in all meetings. The states cooperated with the FHWA and the consultant by providing direction and technical data. In addition, the states implemented community involvement through distribution of newsletters and public information meetings.

We conclude and recommend that:

1. The consultant's report satisfactorily completes their contract, and the firm is complimented for a job well done in terms of accuracy, completeness, comprehension, while completing the job on schedule and within budget.

2. Route B, as analyzed in the report, is the best route for a four-lane roadway between St. Louis and St. Paul. Route B is the only route economically feasible from the standpoint of national transportation service. Route B provides the greatest margin of overall benefits at the most reasonable cost as indicated by the Benefit/Cost Ratios, and is the outstanding route based on the key Travel Efficiency Feasibility Test Indicators.

3. Four lane highway development in the designated corridor is needed, warranted and justified. When constructed, it should be built to expressway standards as described in the report.

The following table shows the feasibility indicators for the four final route options:

ECONOMIC FEASIBILITY INDICATORS *

[Benefit-Cost Analysis for the Expressway Option]

| Route | National perspective[1] | National and regional perspective[2] | National, regional, and local perspective[3] |
|---|---|---|---|
| B | 1l.3 | 1.4 | 2.8 |
| C | 0.8 | 0.9 | 2.2 |
| D | 0.7 | 0.7 | 1.6 |
| E | 0.3 | 0.3 | 0.8 |

*From "St. Louis to St. Paul Corridor Feasibility and Necessity Study—Final report," by Wilbur Smith Associates, 1990.

[1] Includes reduction in travel time, vehicle operating costs and accidents. See consultant report, page 5–3 for explanation, and table 7–13 for data.

[2] The regional perspective includes the road user benefits considered in the national decision plus the economic benefits associated with the improved competitive position of the region. See consultant report, page 5–4 for explanation, and table 7–13 for data.

[3] The local perspective includes the road user benefits, and economic benefits associated with improved competitive position and travel expenditures. See consultant report, page 5–4 for explanation, and table 7–13 for final report.

The consultant's study indicates that three of the four finalist route options have considerable benefits if constructed, however, it clearly indicates that Route B under all scenarios is the most feasible route. The necessity of constructing a four lane expessway is substantiated by the travel efficiencies and local economic development predicated for Route B. A positive benefit-cost ratio indicates that a four-lane highway along Route B would be a wise public investment. Implementation of this beneficial highway would be greatly enhanced with federal support.

The states of Illinois and Wisconsin preferred Route D. They believe the greater cost of this route could be outweighed by the increase in both travel and local development benefits. The consultant points out, however, that these benefits are of local significance, are transfer benefits at the national level, and that they would not be considered relative to a route's feasibility from the national perspective.

We believe that Route B would provide a much needed missing link in the nation's arterial system, it would spur the economic development of regions within the corridor, and would result in overall travel efficiency for the corridor, region and the nation. Sections of all of the other final route options considered would also provide many benefits at the state and local levels, warranting a place in their programs.

Finally we conclude that a major north-south arterial would be consistent with the intent of the proposed National Highway System. We support the initiatives of AASHTO and the FHWA in proposing the NHS for the 1992 Surface Transportation Act and support the concept of expanded federal funding for financing the NHS. This would allow the states to decide the appropriate use of these funds.

Respectfully submitted:

For the Committee:

C.I. MacGillivray, Chairman Director, Planning & Research Division Iowa Department of Transportation

Committee members: Don Hiatte, Division Engineer, Planning, Missouri Highway & Transportation Department; C.I. MacGillivray, Director, Planning & Research Division, Iowa Department of Transportation; Merritt Linzie, Director, Office of Highway Programs, Minnesota Department of Transportation.

---

THE SECRETARY OF TRANSPORTATION,
*Washington, DC, July 26, 1990.*

Hon. CHARLES E. GRASSLEY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR GRASSLEY: Thank you for your letter concerning the proposed Avenue of the Saints. I understand the concern you expressed for this project as you discussed it with Tom Larson at the appropriations hearing and as underscored in your letter to me.

As you pointed out, the Federal Highway Adminstration (FHWA) was to ". . . include recommendations concerning . . . the best route for such a highway . . ." in the report. In fact, the report did include a recommendation. I am writing to assure you that our recommendation is for Route B, based on the overall benefit/cost ratio in the technical data submitted with the FHWA's report.

What seems to have caused confusion is Tom's timely observation that we do not have an authorized Federal-aid highway program beyond next year. A project such as the Avenue of the Saints is an example of the type of highways to be included in a system of national significance, a Federal highway program envisioned for post-Interstate reauthorization. He also mentioned that this proposed system may include more than just the one route in this important corridor. Let me reinforce Tom's assurances, though, that his observations should not be construed as a lack of support for the development of Route B, such as the Iowa Department of Transportation's present efforts to improve segments of the route.

I hope this clarifies the Department's position. I look forward to working with you as we approach surface transportation reauthorization. I appreciate your dedicated concern for all of America's transportation needs.

Sincerely,

SAMUEL K. SKINNER.

Mr. MOYNIHAN. Mr. President, the Senate has now been on the bill for 12 hours. We are patient, and yet I know Senators would like to see the matter concluded. We are not aware of more than two other amendments that might be offered. Senators are not

urged to think up amendments for amendments' sake, but if there are those forthcoming in any event, the sooner we learn of them, the sooner we might be able to manage them.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator PACKWOOD be added as an original cosponsor of the Domenici amendment providing $200 million a year for Indian roads.

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

Mr. DOMENICI. I thank the Chair.

Mr. MOYNIHAN. Mr. President, I do not see any Senators seeking recognition and, accordingly, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMON. Mr. President, I had an amendment that would have dealt with grade crossings. Candidly, we have done a little survey, and I can recognize that some of my colleagues are more persuasive up to this point than I have been. My hope is that when we get through the conference, we can do something on the grade-crossing problem.

Candidly, what is happening is we were having a decline in railroad grade-crossing deaths and then, in the last 3 years, it has gone back up. I fear, without setting aside some finding, the reality is highway departments are not going to spend money on railroad grade crossings. So I hope that we can address this.

I add a second part of this, and that is, if we are eventually going to have high-speed trains, we clearly have to deal with this grade-crossing problem. So I will not pursue my amendment this evening, but I hope my colleagues, Senator MOYNIHAN, Senator SYMMS, and the other conferees, will keep in mind this very real problem as they go into conference. I hope something can be worked out.

Mr. PELL. Mr. President, I want to add my support to the very fine efforts of Senator SIMON to promote high-speed rail and safe grade crossings as a part of this bill.

This is an issue that I have been pushing in the Northeast corridor for 30 years and I truly believe high-speed rail is more important today than at any other time in our Nation's history.

Crowded airports, clogged roads, and choking air pollution around many major cities would all benefit from a renewed national commitment to high-speed rail.

Senator SIMON's amendment represents a sincere effort to give high-speed rail the high priority it deserves. I honestly believe we have not reached the full potential of steel wheels and steel rails.

I know that right now 22 States are the subject of some type of high-speed rail study. This level of interest seems to beg us to take a very close look at high speed rail funding in this country.

I know also that in my own State of Rhode Island we have had several fatalities at grade crossing over the years.

It has been plain to me for many years that high-speed rail could solve many of our transportation-related problems. However, in recent years, it has also become increasingly clear that high-speed rail is a competitiveness issue as well.

Among the Pacific rim countries, Japan has held long-term dominance in the field of high-speed rail. In Europe, France, and Germany have made substantial investments in high-speed rail. But the great economic power of North America, the United States, has not answered the challenge in high-speed rail. As we work to compete against Asia and Europe in the next century, we are placing ourselves at a grave disadvantage if we do not make a substantial investment right now in high-speed rail.

I know that some of my colleagues share in this support of high-speed rail, Senator SIMON, Senator LAUTENBERG of the Appropriations Committee and the distinguished manager of the bill, Senator MOYNIHAN, are just a few.

Final approval of the Surface Transportation Act will continue and I hope that when this bill leaves the floor, the managers can get together with the House of Representatives and Senator SIMON and work out some type of plan for bringing high-speed rail to our current transportation system.

I would be happy to help Senator SIMON and the managers of the bill in whatever way I can in bringing this about.

I thank Senator SIMON and the managers of the bill for their courtesy here this evening.

Mr. President, I would like to compliment the Senator from Illinois on both parts, the high-speed rail part and the grade crossings. Citizens are killed on grade crossings. I think the full extent of steel wheels and steel rails has not yet been reached. I think it has great merit. I hope it will be kept in mind in the conference, and I hope, as years go by, his amendment will come to reality.

Mr. SIMON. I thank my colleague from Rhode Island for whom I have great respect.

Mr. MOYNIHAN. Mr. President, I would like to thank the Senator from Illinois for his consideration of the restraints we placed on the bill generally. We have heard him and we are very much aware if we move to a high-speed rail technology, this issue suddenly appears. His statement about death rates was new information to this Senator when it was brought to him by the Senator from Illinois. We are mindful of this consideration and concern. It will no doubt come to us in conference. We are forewarned and forearmed by his statements and by the Senator from Rhode Island.

Mr. SIMON. Mr. President, I thank the chairman of the subcommittee for his kindness in considering this.

AMENDMENT NO. 344

(Purpose: To modify the schedule for storm water permit requirements under the Federal Water Pollution Control Act)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk that basically delays the certain compliance deadlines imposed by the Clean Water Act which is part of the jurisdiction of our committee in municipalities where they cannot be met. I do this for Mr. CHAFEE.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. CHAFEE, proposes an amendment numbered 344.

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

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

The amendment is as follows:

The bill is amended by adding at the end thereof the following new section:

"SEC. . STORM WATER PERMIT REQUIREMENTS.—(a) Notwithstanding the requirements of sections 402(p)(2) (B), (C) and (D) of the Federal Water Pollution Control Act, the Administrator of the Environmental Protection Agency shall not—

"(1) require any municipality with a population of less than 100,000 to submit any part I general permit application or individual application (as described in a rulemaking published in the Federal Register on November 16, 1990) for a storm water discharge associated with any airport, powerplant or uncontrolled sanitary landfill owned or operated by the municipality prior to May 18, 1992 or any part II general permit application for such discharge prior to May 18, 1993, unless such permit is required by sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act;

"(2) require any municipality with a population of less than 100,000 to submit any permit application for a storm water discharge associated with any industrial activity other than an airport, powerplant or uncontrolled sanitary landfill owned or operated by the municipality prior to October 1, 1992, unless such permit is required pursuant to sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act, and any deadlines established pursuant to regulation or Public Law 102-27 associated with such permit application requirements shall be delayed until after such date;

"(3) enforce the requirements of any permit issued to a municipality with a population of 100,000 or greater solely for storm water discharges, other than permits associ-

ated with industrial activities owned or operated by the municipality and permits required by sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act, prior to October 1, 1992.

"(b) For purposes of this section an uncontrolled sanitary landfill is a landfill or open dump, whether in operation or closed, which does not meet the requirements for run-on and run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act.

"(c) This section shall not be interpreted, construed or applied to affect any permit requirement or application deadlines for a storm water discharge established pursuant to sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act or any permit for a storm water discharge associated with an industrial activity not owned or operated by a municipality.

"(d) The Administrator shall modify permit application deadlines applicable to storm water discharges associated with industrial activities owned or operated by municipalities with populations of 100,000 or greater to assure that such deadlines are coincident with application deadlines for systemwide permits required for such municipalities and associated with storm water discharges from other than industrial facilities.".

Mr. MOYNIHAN. Mr. President, this is simply a situation the committee has to face that certain storm water deadlines are not being met, cannot be met. We want to go forward on the basis of a practical schedule which will be developed.

Mr. SYMMS. We agree with the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I just want to say we have been waiting a long time for the storm water permit program to be established by EPA, and I think this is a very worthy amendment that the Senator from New York has proposed. I enthusiastically support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 344) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I ask unanimous consent that I be added as a cosponsor of that amendment.

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

Mr. MOYNIHAN. Mr. President, seeing that no Senator is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment on behalf of Mr. INOUYE, and Mr. AKAKA which establishes a discretionary amount in the interstate fund for the completion of the fund; that it is necessary to provide for contingencies not now known but which may yet appear in these final 4 years of the interstate construction program. All projects have been approved. The one in Hawaii is well underway. The one in Boston is authorized. We will see what happens. But in any event, this is prudent management.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

AMENDMENT NO. 345

(Purpose: Relating to a set-aside for Interstate discretionary projects)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. INOUYE, and Mr. AKAKA, proposes an amendment numbered 345.

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

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

The amendment is as follows:

On page 72, line 20, strike the period and insert "; DISCRETIONARY PROJECTS".

On page 73, after line 23, insert the following "(d) SET ASIDE FOR INTERSTATE DISCRETIONARY PROJECTS.—

"Before any apportionment is made under section 103(b)(5) for a fiscal year beginning after September 30, 1991 the Secretary shall set aside $200,000,000. Such funds shall be available for obligation by the Secretary under the following priorities:

"(1) FIRST.—For high cost projects which directly contribute to the completion of a segment of the interstate system which is not open to traffic;

"(2) SECOND.—For projects of high cost in relation to a State's total apportionment of funds; and

"(3) THIRD.—For projects with respect to which the Secretary may make payments under section 115 of title 23, United States Code.".

Mr. INOUYE. Mr. President, I thank my dear friend from New York for his very gracious consideration of this measure.

There is a footnote in history that most Americans are not aware of. Hawaii became a State in 1959 and all the time we were a territory of the United States, although the people of Hawaii paid gasoline taxes into the highway fund, because we did not fit the definition of an Interstate Highway System, we did not benefit. So in all of the discussion we have been hearing about donor and donee States, we were absolutely the supreme donor State until 1962

Mr. President, I believe that this measure will give Hawaii and opportunity to receive some equity from this program because it does not guarantee that our program projects will be completed, but with this discretionary fund being available, and the Secretary looking over it, we may have a possibility of that. For that, I thank you very much.

Mr. President, this amendment would reestablish the Interstate Construction Discretionary Program provided in the bill by setting aside $200,000,000 of the interstate construction funds for discretionary purposes.

This amendment merely restores the provisions of the Interstate Construction Discretionary Program of current law, although at a lower set-aside level. This amendment is also an effort to restore equity to States, such as Hawaii, which gave up large amounts in the initial years of our interstate construction project so that other States could more efficiently use those funds. There have been many statements made on this floor that the Interstate Construction Program is complete.

I am here to report to you that this simply is not the case. Yes, most States have completed their Interstate Construction Program, but many States have done so with the assistance of those of us still in the process of completing our segments.

Let me explain this point. Under current law there is a $300,000,000 set-aside of funds in the Interstate Construction Program for discretionary purposes.

These discretionary funds are allocated in addition to a State's annual apportionment of interstate construction funds. This set-aside is designed primarily to insure the most efficient use of interstate construction funds by allowing the Secretary of Transportation to allocate these funds, under strict criteria, to those States which are able to execute contracts on a ready-to-commence project. A second component of the discretionary set-aside is the reallocation of funds which would have been apportioned to a State like Hawaii, but were instead returned to the Secretary of Transportation because we could not efficiently use those funds at the time they were apportioned.

States which returned funds to the Secretary usually did so because they may have been in a situation where the environmental impact statement had not yet been completed, a lawsuit was pending or other circumstances were present which prevented the project from moving forward.

Hawaii confronted these obstacles as we began H-3. Consequently, Hawaii returned over $325 million to the Secretary of Transportation to reallocate

funds to those States who were able to utilize this money, but we did so with the clear understanding that as our project was able to move forward, we too would benefit from the discretionary program. We assumed that the funds we gave up, would ultimately be returned to us in an equally expeditious manner.

S. 1204 would eliminate this discretionary program which is simply inequitable to those States who have already foregone funds so that other States could complete their program.

Mr. President, there may be Senators who do not care about the interstate program because their State has already completed their construction program.

I say to those Senators, that it is entirely possible that their States have completed their program through the generosity of States like Hawaii. For that reason I ask for their support.

In closing, Mr. Chairman, I point out that this amendment proposes no additional funding, rather it creates a set aside within the interstate construction funding levels provided by S. 1204.

I urge my colleagues to support this amendment.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the manager from the State of New York for his work on this highway bill. It has been tremendous. I have seen him here many, many hours working diligently to get this bill passed. I commend him and his staff, and ranking members and members of the committee for moving this bill.

Mr. President, I rise in strong support of the amendment offered by my senior colleague from Hawaii, Senator INOUYE, that would retain the existing Interstate Construction Discretionary Program, but in smaller form than currently. This amendment would assign $200 million to this discretionary pot, which could then be used by the Secretary of Transportation to fund those remaining Interstate projects that can most easily use the funds.

Mr. President, this amendment will simply allow Hawaii to compete for some of the $200 million in discretionary funds provided for in the amendment, and thus give the State a fighting chance to complete the highway at the earliest possible time. If successful in securing some of these funds, the State may be able to spare Oahu's long-suffering commuters another 3, 4, or 5 years of rapidy increasing traffic congestion and rush hour delays, as well as finish a highway planned more than 20 years ago but plagued by lawsuits, court injunctions, exhaustive environmental reviews, and other delays beyond the State's control.

Mr. President, one of the reasons why we have not completed the interstate is because we were not eligible for interstate funds when the program began in 1956; it was not until 1960, well after Hawaii achieved statehood, that we were able to compete for interstate moneys. If we had been eligible for funding at the inception of the program, we would certainly be finished today.

In addition, during the mid-1980's when work on the highway was held up by court injunctions and other delays beyond the State's control, Hawaii returned more than $325 million of its interstate apportionments so that other States could benefit from these funds through the Interstate Discretionary Program. Many of my colleagues hail from States which directly benefited from Hawaii's contribution to the discretionary program. I believe my colleague mentioned some of them.

Mr. President, we do not hold this against any other States. We agree that it was in the best interest of this country that those funds previously apportioned to us that we could not immediately use be redistributed among States that could use the money more immediately. This is only reasonable. All we are asking for from our colleagues is fair treatment. This amendment would simply give those States which still have significant, uncompleted interstate segments the same opportunity to compete for discretionary funds as other States have enjoyed in completing their interstate segments.

As the Senator stated, Hawaii has a highway there that is underway and needs to be completed. These funds will certainly help us to complete that highway. I urge the Senator, the chairman, the committee, and the Senate to look upon this amendment favorably.

Thank you, Mr. President. I urge my colleagues to support this amendment.

Mr. MOYNIHAN. Mr. President, I thank our colleague, our junior Senator, for his gracious words. Both of the Senators have been characteristically forbearing. This interstate project goes to Hawaii as a matter of right. Whatever is required, we do not want them to spend more money than need be, but what money needs to be spent must be spent. It is their entitlement. It will make it possible for the Federal Government to keep the contract with the people of the State.

We certainly support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SYMMS. Mr. President, I think this is a very practical amendment because it is always difficult at the end of a program—we are in this bill coming to the end of the construction of the interstate—actually to know exactly how much money it is going to take to finish off these projects. I personally have visited the project that the Senators from Hawaii are interested in. It is very expensive property. It is an expensive piece of road, not a long stretch of interstate but a very important one to get the people from the windward to the leeward side of the main island where Honolulu is and from the Marine base on the other side of the hill.

So I support the project. We have made it possible here on this Senate floor that that project could be completed. There were very contentious debates in past bills. I support what the Senators from Hawaii are trying to do. I think this is a good solution. It will give us the flexibility that is needed to complete these projects. I think it is a good idea.

Mr. MOYNIHAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 345) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 346

(Purpose: To require a report on the use of oxygenated fuels by certain cities)

Mr. SYMMS. Mr. President, I send an unprinted amendment to the desk on behalf of the Senator from Illinois, Senator SIMON, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. SIMON, proposes an amendment numbered 346.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. . REPORT ON THE USE OF OXYGENATED FUELS IN CERTAIN CITIES AND METROPOLITAN STATISTICAL AREAS.**

Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, and in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on the feasibility and effectiveness of requiring, during the period from October 1 through March 31, in all cities and metropolitan statistical areas (as established by the Office of Management and Budget) with a population of 250,000 or more, the use of oxygenated fuels (with a percentage of 2.7 or greater).

Mr. MOYNIHAN. Mr. President, we must have order. Even though there

are not many Senators here, the Senator needs to be heard.

Mr. SIMON. I thank my colleague. I have not had a chance to talk directly to the Senator, but to his staff. This is an amendment that calls for a study of whether we should require some standards in terms of air pollution in communities of 100,000 or more. It is simply a study. I think it would be a very helpful thing.

Mr. SYMMS. If the Senator will yield, what is in the text of the amendment—after we worked it over for the Senator—is to keep it consistent in the bill for cities of 250,000 and 2.7. If the Senator accepts that—I thought the Senator understood me on that.

Mr. SIMON. At 10:20 in the evening I am willing to compromise and accept that amendment. I think if it applies practically to cities of 250,000, eventually it will apply to cities of 100,000. It is a study only. It think it will get at what we want. As far as the change in the standards, I agree with that.

Mr. SYMMS. I thank the Senator.

Mr. MOYNIHAN. Mr. President, we completely support the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment (No. 346) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Once again, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Republican leader is recognized.

Mr. DOLE. Mr. President, using motor fuels tax rates to measure the so-called level of effort bonus is absurd and illogical. In Kansas, about 80 percent of the revenues used in the State 5-year highway construction program come from State sources. Yet, according to the level of effort calculation, Kansas is not making a level of effort above the national average.

The three major sources of revenues in the Kansas State highway fund are the sales tax, motor fuels tax, and vehicle registration tax. Motor fuel taxes only makes up 33 percent of the total State revenues in our State dedicated to highways.

It is unfair to penalize States like Kansas that dedicate large portions of their own revenues to the road construction programs, by a calculation that fails to recognize other State revenue sources and their true level of effort.

There is no recognition of a variety of State revenue sources, including vehicle registration taxes, sales taxes on vehicle parts, truck fees, bonds, interest, State general fund spending, severance taxes, or other miscellaneous sources.

States that divert general highway funds to other sources are numerous. Some of the categories that States use highway revenues for include: General fund, State fiscal agencies, natural resources, wildlife, agriculture, environment, ports, tourism, arts, and aeronautics.

This begs the question: If States divert highway funds to our sources, should that be a part of the equation? In my view, it should not be.

States will only be encouraged to raise motor fuels taxes in order to get favorable treatment under the level of effort bonus. This will cause serious problems for certain highway users, such as the trucking industry. In other words, people are going to start gaming the system. Raise your gas tax and you will have a level of effort according to the formula in that bill that is being worked on, and lower all the other taxes that probably should not be lowered.

We exclude tolls. Are States like New York expected to disregard $1 billion a year in toll collections?

States use an average 36.1 percent of Federal apportionments to fund their States construction programs. Three States are 0 to 20 percent. Ten States are 20 to 30 percent. Kansas is about 24 percent Federal money. That is all we get, about 24 percent. Twenty States get 30 to 40 percent. Ten States get 40 to 50 percent. Seven States get 50-plus percent.

In other words, there are 7 States that get more than 50 percent of Federal apportionments to fund their State construction programs, while States like my own get about 24 percent. And I am certain there are others who even get less. As I said, three States get 0 to 20 percent.

Mr. President, I know we have discussed this in meetings off of the floor, and I wanted to include this information in the RECORD now, because I doubt that we are going to be able to complete action on this bill this evening.

I ask my colleagues or their staff members to check their State and see if there are other sources of revenue going into highway construction other than gas tax. If there are, then we ought to give them some credit for it. Check some of the States who get a lot of credit for gas taxes that use gas taxes for other than highway construction. If so, they should not get as much credit.

It seems that we ought to have a fair system. I hope that we will take a look at our level of effort. In my view, it will have an impact on a number of States. The thought had not even occurred to me until one of my staff suggested that, in Kansas, it is not all gas tax. It comes from general revenues and other tax sources. I wanted to include this in the RECORD, and I thank my colleagues for listening.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent to set aside the pending amendment in order that I may send an amendment to the desk.

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

AMENDMENT NO. 347

(Purpose: To provide for the establishment of a youth jobs highway beautification program)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 347.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. —. YOUTH JOBS HIGHWAY BEAUTIFICATION PROGRAM.**

(a) AUTHORITY.—A State may use not to exceed 0.2 percent of the amounts appropriated to such State under section 104 of title 23, United States Code, to establish a State program to employ eligible economically disadvantaged individuals during the employment period to perform highway landscaping and beautification activities.

(b) ELIGIBLE ECONOMICALLY DISADVANTAGED INDIVIDUALS.—To be eligible to be employed under a State program established under subsection (a) an individual shall—

(1) have an income, or be a member of a family with a family income, that is below 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) for and individual or a family of similar size; and

(2) be a resident of the State.

Preference shall be given to individuals meeting the requirements of this subsection who are between the ages of 18 and 20.

(c) EMPLOYMENT ACTIVITIES.—Individuals may be employed under a State program es-

tablished under subsection (a) to perform highway landscaping and beautification activities within the State that may include—

(1) activities directed at improving the scenic landscaping at highway rights-of-way and rest areas;

(2) trash pick-up and collection activities along roadsides;

(3) participation in programs related to traveler information (including signage); and

(4) other appropriate activities.

(d) ADMINISTRATION.—

(1) STATE CONTRIBUTION.—To be eligible to use the amounts referred to in subsection (a) to establish a state program, a State shall agree, with respect to the costs incurred by the State in carrying out such program, to make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount equal to 5 percent of such costs.

(2) LIMITATION.—A State shall not use in excess of 5 percent of amounts made available to such State under subsection (a) to administer the State program.

(3) FEDERAL OVERSIGHT.—The State official responsible for administering the program established by the State under subsection (a) shall annually prepare and submit to the Secretary of Transportation a report containing a description of such program, including—

(A) the costs incurred in implementing such program;

(B) the number of individuals employed under such program;

(C) the types of activities performed by such individuals.

(e) NONDISPLACEMENT AND GRIEVANCE PROCEDURE.—The grievance procedures and nondisplacement requirements contained in sections 176(f) and 177(b) of the National and Community Service Act of 1990 shall apply to State programs established under this section, insofar as they are applicable, except that all references to this title in such sections shall be deemed to be a reference to this section.

(f) For the purposes of employing individuals pursuant to a program established under subsection (a), each State shall give preference to individuals who were formerly employed by such State, and who suffered loss of employment, within the previous year for reasons other than cause.

Mr. METZENBAUM. Mr. President, this amendment would help provide needed jobs for young people—disadvantaged young people living below the poverty line.

It is an amendment that will give them a small slice of this $90 billion highway pie.

It permits, but does not require, each State.

It does not direct the State to take any action unless the State wishes to do so.

And it permits it to spend up to two-tenths of 1 percent of its share of highway money to put some poor kids to work.

I will be the first to admit this amendment does not do enough.

In the context of highway bill, we are talking about a minuscule amount of money—about $31 million next year.

It is enough money to hire approximately 6,400 persons each summer—about 130 in each State.

These young people would be put to work picking up roadside trash, planting trees and other landscaping work, and generally working to make our highways more attractive.

This amendment is intended to create new jobs.

Therefore, it makes clear that States shall not replace existing workers or positions with people hired pursuant to this youth jobs program.

Insofar as it is applicable, the amendment incorporates provisions from the National and Community Service Act of 1990, to protect current employees from displacement.

I say insofar as it is applicable because, for example, sections 177(b)(2) and 177(b)(3)(B) of that act would not likely apply to program established by my amendment.

I might say, Mr. President, I worked out that language in connection with a Member of the Senate who had indicated that he had some concerns and reservations as to the applicability of that other act.

Mr. President, I believe it is a worthy amendment. We are going to help a group that is suffering from unemployment in excess of 50 percent, a group of young kids who need our attention.

And we are going to make our streets and highways more attractive.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have voiced some of these concerns. I have some real reservations with this amendment. It may not be such a major contentious issue that it is worthy of a big floor fight here tonight and a record vote on the amendment, but there are a couple questions I think Senators need to realize.

First, this entire highway program has been a program that has been tried to be based on the fact that we are making capital improvements for transportation. In the process, it is true that some people get employment. But I think we should also recognize that is what you can see. What it is you cannot see when you tax people and take their money and spend it on highways or transit projects is what would the money be spent on had we not taxed the public and not spend the money on these projects we are spending on. It is the old rule. It is always easiest to see when you spend the Government's moneys where you spent it. What you do not ever know and what you cannot see is where the money would have been spent had you not taken it from the hard-working taxpayers to build projects that we thought were necessary.

This amendment of the Senator from Ohio violates the basic principle that we have operated under with our highways programs because this is clearly just a jobs program—to hire some young people.

The latter part of the amendment, the last section says, if I understand it correctly, that those people, those young people, cannot be hired to displace someone who maybe was unemployed from a State job. So we may find that rather than hiring youths we are hiring unemployed State workers to fill this.

Would the Senator not agree with me?

Mr. METZENBAUM. If there are displaced workers, people who have been caused to be unemployed, and these jobs are open and those unemployed workers want to take jobs at this lower figure that, I assume, will be paid to these kids, then, yes, they would have some preference.

Let us assume a State worker, a regular worker on the whole is making $12 an hour. Let us assume these kids are getting $6 an hour. It would mean that the unemployed, $12-an-hour worker would have a right to take one of those jobs if he or she wanted to do so.

I do not think that is likely to occur. But some were concerned there would be unemployed workers who would be out of work and would be replaced by young people, and I said I do not think you can get them at the same rate of wage, and we finally came to agreement they could get the job, but it would have to be at the same rate as the kids would take a job.

Mr. SYMMS. Mr. President, I thank the Senator for his response.

I just want the record to show that I have grave reservations about this amendment. I actually do not favor the amendment. It may be that it is not going to be the end of the world on this bill or it may be that this amendment will have a long process to go through before it gets there to final passage. But I just wanted the Senator from Ohio to realize that there is not a unanimous acceptance of his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this was an amendment that was discussed in the Environment and Public Works Committee by the distinguished Senator from Ohio, and, as I recall, was either voted down or he withdrew it for further consideration. I am not just clear. In other words, whether it did not prevail, whether it was rejected—I believe the Senator withdrew it if I am correct.

Mr. METZENBAUM. May I respond?

Mr. CHAFEE. Yes.

Mr. METZENBAUM. Mr. President, the Senator from Rhode Island is partially correct. I was not in the committee meeting at that time. It was my understanding that when the amendment was offered it was asked, is there any objection?

There were no objections except for the Senator from Rhode Island who did object. And then the amendment was

withdrawn. It was my understanding, further, that the Senator from Rhode Island had objections to the fact that it provided in the original amendment that was in the committee that the employees would have to be hired on the basis of the provisions of the Davis-Bacon Act and other acts that provide for prevailing wages.

Knowing of that concern of the Senator from Rhode Island, this amendment has eliminated those provisions entirely. It was my understanding—although I am frank to say I did not speak directly with the Senator from Rhode Island, but the Senator from Rhode Island did not have further objections to this amendment in view of the fact we had taken out the requirement pertaining to the Davis-Bacon and other minimum wage laws.

Mr. CHAFEE. Mr. President, I say to the distinguished Senator from Ohio he is quite correct, that I did have concerns, and the amendment was withdrawn. As I recall, it was presented by another Senator on behalf of the Senator from Ohio who could not be there at the time.

My objections were as follows: that in our State we have a bottle bill, if you would, in which those who purchase cans and bottles pay a little extra, and that money goes into a cleanup fund for our State along our highways instead of the normal return system.

Under the system we have in our State, those moneys are used for the training of school youngsters, in other words, who are in effect reformatory, to go out along our highways under supervision and to clean up along the highways along the same lines that the Senator from Ohio has discussed.

In his original measure, he had a requirement that all those who participated in this work should be entitled to all the benefits of a regular State employee—vacations, so forth.

So I raised several questions. I do not plan to be facetious, but we just did not think that having a provision that those in our reformatories should be allowed vacation time for their work was quite proper. So I believe it is my understanding that that has all been eliminated.

Am I correct, that this is optional on the States, they can do it or they cannot do it? It is up to them, is that correct?

Mr. METZENBAUM. The answer to that is yes, the Senator is right.

Mr. CHAFEE. Second, what kind of benefits, and so forth, are provided is up to the State. It is not mandated by this law.

Mr. METZENBAUM. The Senator from Rhode Island is correct.

Mr. CHAFEE. Under those conditions, it seems to me that it is perfectly acceptable, and, as I understand it, they can take whatever the percentage, certainly a very modest percentage, of highway funds and use it for essentially summer employment for youngsters to go out and work along the roads.

I think it is a fair deal, Mr. President.

Mr. METZENBAUM. Mr. President, I thank the Senator from Rhode Island for his understanding and support. And I thank the Senator from Idaho for indicating he has some reservations but not to stand in the way of the adoption of the amendment.

I think, Mr. President, it may be fair to act upon the amendment.

The PRESIDING OFFICER. Is there further debate?

If not the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 347) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

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

AMENDMENT NO. 348

(Purpose: Truck Investigation)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 348.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. INVESTIGATION AND REPORT.**

(a) The Secretary of Transportation shall conduct an investigation into the feasibility of prescribing rules with respect to multilane, limited access, Federal-aid highways to do the following:

(1) Prohibit trucks weighing in excess of 10,000 pounds gross weight from using the furthest left lane.

(2) Restrict all such trucks to the furthest right lane, except that such trucks may use the lane adjacent to the furthest right lane to pass.

(b) In conducting the investigation described in subsection (a), the Secretary of Transportation shall consider innovative ways to separate truck traffic from other vehicle traffic on highways taking into consideration the effect on safety, congestion management, other relevant issues, and the cost of each such innovation.

(c) The Secretary of Transportation shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report setting forth the findings of the study conducted under subsection (a), within one year from the date of enactment of this Act.

Mr. METZENBAUM. Mr. President, this amendment directs the Secretary of Transportation to undertake a study of the feasibility of prescribing rules to restrict commercial trucks weighing in excess of 10,000 pounds gross weight to the right lanes of highways with three or more lanes traveling in each direction.

I am frank to say that originally I had hoped to offer an amendment to provide for a rule, to direct the Secretary of Transportation to put in place a rule. But some questions have been raised with respect to the amendment and so we ask in this amendment only that a study be made, the extent of that study to be determined solely by the Secretary of Transportation.

The Secretary would examine innovative ways to separate heavy trucks from other vehicular traffic on highways, taking into consideration the effect on safety, congestion, management, cost, et cetera.

I, for one, feel these behemoths of the highway that come roaring down next to passenger automobiles are often quite frightening; sometimes one on the right side, sometimes one on the left side. There may be a better way to handle that traffic. I am not sure it is there.

Several States have already taken action in connection with this subject. Maryland bans trucks from the left lanes of eight or more lane freeways. California bans trucks from six or more lane freeways. Trucks are prohibited from the center lanes on parts of the New Jersey Turnpike. And nearly all States ban trucks from the left lanes on hills.

This is obviously a safety issue—nothing more, nothing less. The motoring public traveling in passenger vehicles will be safer if their cars are separated from heavy trucks. But is it feasible? Will it work? I think that is the reason we need a study.

There is also a cost issue. In California they build the pavements in the right lane much thicker, and then require the trucks to use that lane, but you have much less pounding on all the other lanes that are on the highway.

This system permits the State to build tough pavements that trucks need, and prevents the trucks from

wrecking the pavement in the lanes where the passenger cars travel.

I believe it is a sensible amendment and I urge its adoption.

Mr. SYMMS. Mr. President, the Senator from Ohio will think the Senator from Idaho is here only to be an obstructionist to his efforts and his ideas tonight, which are very noble. But I would first like to say this is only a study, and it is the wish of this Senator that the Secretary will make it a very brief study and not an expensive study.

Let me tell you why. No. 1, the States today have total authority over their highways in terms of controlling truck traffic on those highways. It seems to me in my own State, for example, when the right lane of the interstate became worn out, the State decided to ask the trucks to drive on the left lane across I-84 in southern Idaho to wear it down even with the right lane so when they went in for reconstruction it was more practical for the State to reconstruct and rebuild the freeway.

I think we should not in any way interpret this amendment of the Senator from Ohio, who is quite correct in trying to do things that would improve safety and traffic flowing together of trucks and automobiles to make it better for the traveling public—he is quite correct in being interested in that subject—but we should not interpret this amendment in any way to interfere with the practical usage and efficiencies of these lanes.

I think, in this Senator's opinion, having had some considerable experience in trucking myself, it would be very impractical, unless there is a reason, such as the Senator pointed out, that you have built a heavy lane on one side of the road where heavy trucks could drive under a very heavy reinforced road. There may be some practical reasons for having the Secretary take a look at this, I concede that to my colleague.

But for the main part, when we start talking about trucks in the 10,000 and 20,000 pound weight, which are relatively light trucks, we should recognize that in the flow of traffic, if you think that somehow you can have them all drive in one lane and not make it more or less inconvenient for the traveling public, I just do not think that is a practical solution.

So I hope that they will look at this.

I will accept the amendment. But I have to say to my colleague, as I have told him in private, I am a little less than enthusiastic about it. But I compliment him that he is willing to have a study and not try to have a rule on this very issue. So maybe in a year, when the study comes back, we may have some information—and this Senator will have an open mind—we will look at it and I may change my mind. I would like the Senator from Ohio to know that.

Mr. FORD. Mr. President, I would just like to make an observation. I am not going to object to the amendment. But since we have had the window, we have a new highway system on this bill, we have increased the research, the moneys that can be spent on urban and rural areas, we have a $31 million summer employment program, we are getting in heavy trucks on one side of the road and heavy studies. We do not know how much it is going to cost. There is no telling how much this study will cost. There is no direction in it.

So I just say to my colleagues, it appears we are going to have one whale of a conference as it relates to this when we go to the highway bill. It may take 100 days to work out the conference let alone get to the bill.

So I just want to say that you are beginning to let this thing roam and take anything on the legislation just to kind of keep people moving along. But we have not seen the long night yet. And so I just want to caution you and make an observation of what this highway bill is beginning to look like.

Mr. SYMMS. Will the Senator yield?

Mr. FORD. I am delighted to yield.

Mr. SYMMS. Mr. President, I appreciate the comments of my colleague from Kentucky. If we continue with having these amendments offered, we may have to hire three or four extra people to pick up all the amendments that we spill between here and the other side of the Capitol.

Mr. FORD. I thank my colleague.

The PRESIDING OFFICER. Is there further debate?

Mr. METZENBAUM. Mr. President, I would just like to make a response to my friend from Kentucky. This is not something that just came up within the last hour or so. We have been working on this for several days. I think we just worked it out this evening.

Mr. FORD. I understand that. But I am just making an observation that in the last 2½ to 3 hours what has been developing on the highway bill, it is becoming something other than a highway bill.

We find the distinguished minority manager gave a scenario here where my State is going to lose money under the so-called amendment to the funding because we do not have the national average of gasoline taxes. We have decided to go to a $600 million bond issue. That is our way we are going to fund our highway program and we are not included in the formula. We are included in the formula as it relates to individual incomes. But you begin to look at the problems we have.

But I am going to support the bill. I have some qualms about it. I would like to get it out of the way tonight. If we were not going to have people talk for a long period of time, we could be out of here by 11:30. But, nevertheless, there are a lot of things here we are swallowing, and I see all of these amendments go on and little things being done. Maybe it is time I started looking after my interests a little bit, too, instead of helping try to get this highway bill through.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 348) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 349

(Purpose: To assist certain States in obtaining rail passenger service)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. BOREN, and Mr. COHEN, proposes an amendment numbered 349.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. . SECTION 18—GRANTS TO OFFSET AMTRAK LOSSES.**

Section 18 of the Act (49 U.S.C. App. 1614) is amended by adding at the end the following:

"(i) AMTRAK LOSSES.—The amounts apportioned under subsection (a) to Maine, South Dakota, and Oklahoma may be used by such State to offset operating losses incurred by Amtrak in any calendar year as a result of providing passenger rail service to such State on the basis of an application pursuant to section 403 of the Rail Passenger Service Act (45 U.S.C. 563), and in conjunction with cost-sharing under subsection (b) of such section. Not more than 50 percent of the State's share of the operating losses incurred by Amtrak in a State may be offset with funds available under this section.".

To amend title 23, United States Code, and for other purposes. On page 13, line 18, after the comma, add the following: "and operating cost for passenger rail for States without Amtrak service as of the date of enactment of this Act."

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator BOREN and Senator COHEN be added as cosponsors.

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

Mr. NICKLES. Mr. President, I rise today to offer an amendment that would assist in the completion of our Nation's passenger rail system by allowing all of the contiguous States to receive Amtrak service. Currently, only three of these States, Oklahoma, Maine, and South Dakota, do not have Amtrak. Like the Interstate System which is 99.3 percent complete, we must complete the extension of passenger rail service to all States.

For several years myself along with other members of the Oklahoma delegation have encouraged Amtrak to resume service to our State. While Amtrak has stated a desire to return to Oklahoma, they have been unwilling to fund any service that they project to lose money. Of course, a majority of Amtrak's routes lose money and in fact Oklahoma and Maine are projected to lose a lot less than most of them.

While I support Amtrak's efforts to reduce their need for a Federal subsidy, I believe that as long as the railroad receives Federal funds from every State, that every State should be served. It gets back to the same basic argument that the highway donor States, including Oklahoma, have been making that we should receive the benefits of our contributions. In fact, since Oklahoma lost Amtrak service in 1979, we have contributed approximately $85 million to subsidize passenger rail in other States.

Amtrak has indicated that they would service the remaining States if those States would help subsidize their initial service under their 403(b) program; 403(b) requires a State to subsidize Amtrak service at a minimum of 45 percent of the first years operating loss and a minimum of 65 percent for each year thereafter. Unfortunately, Oklahoma is unwilling to participate in 403(b) since we would then be the only State that was required to help pay for its initial Amtrak service. This is simply unfair. Oklahoma, Maine, and South Dakota should be treated the same as all the other States and have their initial service subsidized.

Therefore, my amendment would address this situation in a manner that Amtrak finds acceptable. The amendment allows Oklahoma, Maine, and South Dakota to use funds from the mass transit account to meet their obligation under 403(b) of the Amtrak Act. These funds would require a 50 percent match and would only apply to these three States that do not currently have passenger rail service.

In this manner Amtrak is not required to accept the total loss and create a negative impact on their Federal subsidy need, and Maine, Oklahoma, and South Dakota would be able to utilize a fairer percentage of the mass transit funds that they contribute. This flexibility is tied into the flexibility already allowed under the provisions of the legislation to help States meet Amtrak capital needs.

Mr. President, I encourage my colleagues to accept my amendment and help Oklahoma, Maine, and South Dakota, all predominantly rural States, help meet their transportation needs. With the continued loss of rural bus service, essential air service, and the lack of adequate roads, the addition of passenger rail service in these areas is important to the citizens of these States.

Mr. President, presently in the Amtrak we have three States in the lower 48 who are not participants or do not currently have Amtrak service. They are Oklahoma, Maine, and South Dakota.

Mr. President, the amendment that we have before us right now would allow States to use some of the money, either from the highway trust fund or from the portion of the fund dealing with mass transit in the rural areas, to offset part of the operating losses that would allow these States to enact and have Amtrak service.

Mr. President, this is an amendment we have been negotiating and working on for some time. I wish to thank my friends and colleagues, Senator SYMMS, Senator MOYNIHAN, Senator MITCHELL, Senator CRANSTON, and Senator D'AMATO, for their cooperation in working this out. I think it is a good step. It will enable these three States, at long last, if those States so desire, to make that option. It gives them that flexibility to use some of the funds that they are receiving, either from mass transit or the highway fund, to partially offset the losses under Amtrak so they can begin Amtrak service.

I might mention, Mr. President, our State has been donating about $7 million a year, we figure, on a per capita basis to help subsidize Amtrak except we have not had Amtrak service in my State. We estimate the total contribution of Oklahomans since 1979, when we lost Amtrak service, to equal about $90 million. Again, this amendment will allow us to begin receiving Amtrak service if our State makes this contribution. I hope and expect they will.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I want to compliment my colleague from Oklahoma, Senator NICKLES, for all of his hard work and leadership on this matter. It has been a privilege to work with him. This is a matter the people of Oklahoma feel strongly about. There is widespread interest in restoring Amtrak service. As Senator NICKLES has indicated, we are one of only three States in the Union now without this service.

We have contributed an immense amount of money to this system, almost $90 million. It is an important transportation system in our country. We simply want our own opportunity to participate in it. This is a good amendment.

I want to also express my appreciation to the managers of the bill for their help and their support for this proposal. It gives maximum flexibility to the State government in Oklahoma for the utilization of the funds, as outlined by my colleague from Oklahoma, and allows them to make the decision. It does then provide some assistance with Federal dollars that are due back to the State of Oklahoma through the funding formula, giving us the right, if we so desire, to use some of these funds, matched with State-collected funds, to help restore Amtrak service to the State. It is something that should be done. It makes sense. I urge the adoption of the amendment.

Mr. COHEN. Mr. President, I am very pleased to join my colleague from Oklahoma, Senator NICKLES, in offering an amendment to help bring passenger rail service to those States that do not currently have Amtrak service.

My home State of Maine is diligently working to get Amtrak service to run from the south station in Boston, MA to Portland, ME. Maine is one of only three States that does not have Amtrak service at this time. Interest in bringing passenger rail service to Maine has grown dramatically over the past few years as State and local officials look for an energy-efficient, environmentally benign alternative to congestion on the interstate corridor north of Boston. In this era of highway and airport gridlock, passenger rail service has become much more than simply a convenience for our traveling public. Amtrak service would decrease our Nation's dependency on foreign oil, reduce pollution, and reduce wear and tear on Maine's heavily traveled roads.

Amtrak has estimated that, based on three daily round trips, the service would carry some 223,000 passengers, total 13.5 million passenger miles, and generate passenger revenues of $2 million annually.

The cost of bringing this service to my State is high. Amtrak estimates that $30 million is needed for right-of-way and facility improvements to upgrade the railroad, and an additional $19 million is needed for passenger cars and locomotives.

Should an 80-mph, 2½ hour service between Boston and Portland be created, Amtrak estimates the operating losses in the first year to be about $3.4 million. Under section 403(b) of The Rail Passenger Service Act, States seeking Amtrak service are responsible for at least 45 percent of the loss in the first year and at least 65 percent in the

years thereafter. The 5-year surface transportation reauthorization measure that is presently being considered by the Senate will give the State of Maine the option of spending its Federal funds on the surface transportation programs of its choice. It is my hope that this flexibility will help bring Amtrak service to Maine.

The amendment we are offering today will enable States, such as Maine, that do not have Amtrak service to apply for funds under The Urban Mass Transportation Act to help offset the operating losses incurred by Amtrak in any calender year as a result of providing passenger rail service.

With Maine's capital improvement costs to initiate service amounting to nearly $50 million, I believe this amendment is an important step in helping to make passenger rail service a reality for the people of Maine. I hope that my colleagues will join us in supporting this amendment.

Mr. MOYNIHAN. Mr. President, the amendment is acceptable on this side.

Mr. SYMMS. We accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 349) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, we are coming to the end of our deliberations today with our work not finished. I was thinking about today and the days that preceded it, and there came to mind a passage from the novel "Coningsby," by Benjamin Disraeli, that was published in 1944. It is a passage I think some Senators will find resonant tonight. The Duke is telling the young Lord about going out into public affairs and what he can expect. He said:

> In a couple of years or so you will enter the world. * * * It is a masquerade; a motley, sparkling multitude, in which you may mark all forms and colours, and listen to all sentiments and opinions; but where all you see and hear has only one object, plunder.

We see it all around us, do we not? We brought to this body, by a 15-to-1 vote, a fine bill. It has been the result of 4 years' reflection, inquiry, and I presume to say, study. We thought our way through a new era of transportation, and we thought we had something the Nation would benefit from. We are in a situation where we are, indeed, needful. As we have fallen on ways and patterns that have not been particularly productive.

And then we break into that less seemly of Senate conduct where the interests of the whole are subordinate to the interests of the lesser entity. We were designed to be that way. There is nothing to be done about it. But we have been known to rise above such measures and maybe we will now. We failed today. We failed last week when we tried to bring up this measure. Senators would not have it; they were not getting enough, picking out one item in a hugely varied system of public expenditure in which one Senator's State benefits from this program, another from that program—hugely varied.

There are some consistent patterns. The ideas that we pay taxes for this and do not get back exactly that—it is not possible to have a commonwealth on that basis. It may yet prove, Mr. President, that it is not possible to have a surface transportation program.

The Senator from Idaho, the Senator from Rhode Island, the Senator from North Dakota, the Senator from New York, said all through Tuesday that a vote on cloture to bring this bill up would be a vote on whether there would be a bill. There does not have to be a bill. We can all go home and explain that to our Governors, our legislatures, our contractors and trade unions. There is no reason there has to be a highway program. Thomas Jefferson had one in 1806. It took 110 years before we resumed the practice. It might be that a century of relaxation might concentrate our minds.

I cannot speak for anyone but this Senator, but I want to say we cannot even work out a time agreement on our having failed today. Our having failed today is an ominous event, and those who think they will get more by being more difficult may end up by getting nothing; nothing. That is what some will deserve, in the judgment of this Senator, meaning no individual in particular.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Mr. CHAFEE, the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first let me refer back to the Disraeli situation. I am an admirer of Disraeli, as are many here. One of the things I remember about Disraeli, who as you all know was one of the great witnesses, great intelligentsia of Great Britain, whose wife many thought was not very intelligent. As a matter of fact, she admitted that she never could remember who came first, the Greeks or the Romans. They said to Disraeli, how can you stand going home to this woman who was older than Disraeli, not very attractive, and clearly not the brightest woman in England? He said when I dual with the greatest minds in Europe all day long, I do not want to go home and have to dual with some genius. And indeed he did not have to with Mrs. Disraeli.

I would like to just briefly touch on one more anecdote about Disraeli, for which we seem to have plenty of time here tonight. A woman had the unique privilege in two successive evenings of sitting next to Gladstone and sitting next to Disraeli. So they asked her—what a unique experience, I mean, who has ever sat next to the two most brilliant men in England—what was it like?

She said after an evening of sitting next to Gladstone at dinner, I came away believing that the most brilliant man in the British Empire was Gladstone. The following evening I sat next to Disraeli, and I came away from that experience thinking that the most brilliant woman in the British Empire was me.

I would like to just encourage the distinguished Senator from New York about this legislation. He seems to me to be a little gloomy. This is a wonderful bill we have. Yes, it has been chipped away at. But very much modestly. This bill deals with $110 billion, and to suggest when you have $110 billion on the floor that people are not going to be trying to get their part, I think is disingenuous.

But nonetheless, I believe that the essential part that the Senator from New York has worked so hard on for so many years has been preserved, namely the flexibility that goes to the States for about 50 percent of this total program. The States still have that. Yes. It has been chipped away at a little bit, but modestly.

But the essential element that the Senator from New York and the rest of us who have worked on this, the distinguished Senator from North Dakota, the Senator from Idaho, and myself and others, the Senator from Montana who is not here this evening at this time, who has worked so hard on it—and I want to particularly pay tribute to the Senator from New York who has been the leader of the band of us. This bill provides that 50 percent of the money can be used for what the States wish. If they want to use it for highways, fine. If they want to use it for mass transit for subways, for buses, that is up to the States. That is a tremendous achievement.

The very name of the bill is the Surface Transportation Efficiency Act. It is not a highway bill. It is to move people and goods in the most efficient fashion that we can devise. That is what it is all about.

So I do not think the Senator from New York should feel discouraged. When you have this vast amount of money, yes, Senators are going to be up getting their share for this or that or whatever it might be. But basically the form of the legislation has been preserved. So I think he should charge on, and feel satisfied.

I do not know whether we are going to finish this tonight. Frankly, if I had my druthers, we would put it over to Tuesday, only working on this remain-

ing Byrd provision and consider the rest done. There are no more amendments. We have taken care of the amendment that dealt with how to apportion the section of what we call the STP, the 150 percent. That was a long debate that took up most of the afternoon negotiations with the administration. That has been settled.

So the only thing left is what to do with the extra amount—when you consider $110 billion—a relatively small amount that Senator BYRD has discovered that we are now deciding how to apportion.

I think if we bring that up tonight there would be incredible debate. We do not know the figures. We do not know what is there. I think that should come to our staffs. We have tomorrow that can be considered, Monday, and then when we come in Tuesday we can look at it and decide how to proceed, restricting the amendment solely to what we might call the Byrd proportion.

But to the Senator from New York, I say you have done a wonderful job. You should be satisfied, happy, and pleased with what has been accomplished.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Rhode Island. He is no stranger to adversity and combat. It is quite entirely true that the Senator from Idaho and I have remarked that no provision that has come to the floor as an amendment, with one or two exceptions, has gone to the substance of our bill. We have had some enhancement, slight variance, but the bill is virtually intact in the manner in which it has reported from the committee. But the other matters are not resolved and we will not vote tonight. We will vote some tomorrow, apparently, and Monday and Tuesday. I hope that process comes to an end. I hope those Senators who feel strongly about it also might feel strongly about the bill itself. That is all.

Mr. SYMMS. Mr. President, I, too, want to join in with my colleague from Rhode Island in encouraging our friend from New York that all is not lost. I also say that in this Senator's opinion—and I have been here on this floor last week, all of this week, helping bring this bill to final passage—it appears to me that the best thing this Senate could do tonight could be to recess, come back tomorrow, see where we are. And if we are not ready to vote on it tomorrow, we could come back on Tuesday, and then say the only issue left, as the Senator from Rhode Island pointed out, is to fight over the money.

That is what I have told many groups that I have met with earlier this year, that we probably would be able to resolve most of the issues in the transportation bill except one, without a big fight, free-for-all at the OK corral, if you will. And that will be on the apportionment of how the funds are allocated out. That is exactly where we are now.

It seems to this Senator that this bill would be better served, and the Senate would be better served if we could get our leaders to come in here and recess us until tomorrow. I mean that is what I would like to see happen.

I think the Senator from Kentucky gave us some very constructive and friendly criticism earlier this evening when he suggested that we are starting to take on a few amendments that we will probably have to lose between here and the conference. I think he is making a very good recommendation to us. We have about reached the point where we ought to settle the money, pass this bill up or down, and then let Senators realize what the Senator from New York said when he makes the observation that we do not have to have a national highway program. He is quite right. All we would have to do is just return all these funds, repeal the tax, close down the Federal Highway Administration, close down any national perspective, and let every State fix their own highways.

The chances are with the national hand that has been played in it and with AASHTO that the roads in general would meet at the State lines, and there will not be too much of a problem. We are not past that stage in this. So it could happen.

For States like mine, it would put a tremendous burden on them. For states like Montana, it would put a tremendous burden on them.

The National Highway System has made it possible to have good roads clear across the country. Without the resources from some of the more wealthy areas in the country to make it a national system, it would not have been possible to develop the road network we have today in this country. I think it would be unfortunate if it happened, but it could happen. So I hope our colleagues will settle this issue, and I also again appeal to the leadership to recess the Senate at 11:20 tonight. We will probably accomplish nothing of any benefit between now and tomorrow morning.

I urge my colleagues to get the leaders here on the floor, and let us get the Senate in recess.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Oklahoma is recognized.

AMENDMENT NO. 350

(Purpose: To include as eligible expenses in the Surface Transportation Program capital costs related to the purchase of alternative fuel school buses.)

Mr. NICKLES. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOLE, Mr. DOMENICI, and Mr. BOREN, proposes an amendment numbered 350.

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

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

The amendment is as follows:

(a) On page 14, after line 15, insert the following new paragraph (10):

"'(10) incremental costs attributable to the use of alternative fuels by school buses, including purchase and installation of alternative fuel refueling facilities to be used primarily for school bus refueling and conversion of school buses to make them capable of using only an alternative fuel (except that diesel school buses may be converted to run on a combination of diesel and natural gas): *Provided*, That, any conversion using funds authorized by this paragraph comply with the warranty and safety requirements for alternative fuel conversions contained in section 247 of the Clean Air Act Amendments of 1990: *And provided further*, That, for purposes of this paragraph, "alternative fuels" means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, ethanol, or other alcohol with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; and electricity;"; and

(b) On page 14, line 17, delete "(10)" and insert "(11)".

Mr. NICKLES. The amendment I offer tonight is on behalf of myself, Senator DOLE, Senator DOMENICI, and Senator BOREN.

Mr. President, this amendment allows States to use their discretionary Surface Transportation Fund Program funds for the incremental purchase costs of alternative fuel for schoolbuses, conversion of schoolbuses to dedicated alternative fuels or natural gas with diesel combination bus conversion, and for purchase and installation of the refueling equipment.

All the language that we have would be consistent with compliance of the Clean Air Act, which previously has been passed, and is also consistent with many of our efforts to increase the use of alternative clean fuels in vehicles, particularly in fleet vehicles such as schoolbuses. It makes common sense, and I think it will help clean up the environment and help reduce our dependency on oil as well.

The States must match the grants with a 20-percent contribution, as with all other eligible uses of Surface Transportation Program funds, other than new road construction.

Any schoolbus conversions to use alternative fuels using funding provided by this amendment would have to meet the requirements for warranty and safety for alternative fuel conversions established under the Clean Air Act Amendments of 1990.

It also gives specific eligibility to conversions to dual fueling with diesel and natural gas to permit conversions of the current, and in many cases relatively new, diesel schoolbuses with clean burning natural gas. The definition of qualifying alternative fuels is taken from the section 4101 of S. 1220, the National Energy Security Act of 1991, Calendar No. 106.

The flexibility in use of the Surface Transportation Program funds is needed to encourage States to move to alternative fuels in their schoolbus fleets to meet Clean Air and energy security goals. In addition, this flexibility will permit the States to assist school districts in complying with the mandate in S. 1220, the National Energy Security Act of 1991, as reported by the Committee on Energy and Natural Resources, that all school districts in metropolitan areas of 250,000 or more that have a fleet of 20 or more vehicles must purchase increasing percentages of alternative fueled vehicles beginning in 1995.

The flexibility for use of the Surface Transportation Program funds is needed to encourage school districts to begin converting or purchasing vehicles in the 1992 fiscal year, rather than wait for Clean Air Act and possible alternative fuel conversion mandates beginning in 1996. Early conversions will not only reduce air pollution and petroleum imports immediately but will also provide funding and planning flexibility to the school districts during the transition to the 1996 mandate for purchases of new vehicles.

Inclusion of capital expenses for alternative fuel schoolbuses in the Surface Transportation Program options is consistent with the declared policies of S. 1204 to "facilitate innovation * * * and energy efficiency, productivity and accountability in transportation modes through Federal and State initiative."

Furthermore inclusion of capital expenses for alternative fuel schoolbuses in the Surface Transportation Program options is also consistent with other eligible programs such as capital costs for mass transit including publicly owned intracity bus facilities and transportation control measures listed in the Clean Air Act. Moreover, these alternative fuel schoolbus expenses are at least as related to highway use as other eligible expenses in the Surface Transportation Program, such as purchase of historic buildings and canals and creation of bicycle trails on abandoned railway corridors.

By encouraging the demand for alternative fuel vehicles, this amendment is also consistent with the provisions in S. 1204 that encourage the commercialization of advanced technology in movement of passengers in the Intelligent Vehicle-Highways Systems Act and the Magnetic Levitation Rail Program funding.

School districts throughout the country are financially strapped. At the same time, schoolbus fleets present one of the best opportunities for alternative fuel fleet programs: generally centrally fueled, usually short range, parked overnight in central location, large vehicles without heavy-duty load requirements. These school districts need additional resources to finance the relatively high up-front capital costs of refueling pumps, conversion costs, and incremental purchase price of buses.

Without the flexibility this amendment would give the State to assist the school districts in overcoming the high initial costs, the school districts cannot take advantage of the long-term cost savings that could be realized by using compressed natural gas or liquefied petroleum gases in their schoolbuses. The funding flexibility also will help ensure that school districts will have adequate funding to avoid safety shortcuts that might be forced on them under the mandatory purchase program if adequate funding were not available.

Finally, the Oklahoma Conservation Commission, which is in its second year of managing a natural gas conversion program for the Tulsa school district, has calculated the annual fuel savings from the conversions to about $1,000 per bus per year. The conversions are about $3,000 per bus, and special arrangements were made to acquire refueling systems. AGA estimates that, excluding land acquisition costs, high speed natural gas refueling facilities now cost about $3,000 per vehicle. With a useful life for schoolbuses of at least 10 years, the long-term paybacks are excellent. However, assistance is needed for the up-front capital costs, particularly for the refueling systems.

Mr. SYMMS. Mr. President, this amendment has been examined by the majority and minority, and it is acceptable.

The PRESIDING OFFICER. Is there further debate?

Mr. FORD. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I will be happy to.

Mr. FORD. As I understand his amendment, it is taking highway funds and converting schoolbuses with highway funds to use alternate fuels.

Mr. NICKLES. The Senator is correct. It allows the States to use discretionary authority to make the conversion, if they so desire.

Mr. FORD. What is the discretionary authority? What bothers me, as I said, is we have changed the highway system, and we have a summer youth employment program, and we have increased research and development as it relates to the urban and rural areas, and now we are getting into converting of vehicles for alternate fuels, which will be natural gas, in the Senator's particular case.

I wonder if we really are having a highway bill, or are we beginning to lay on amendments that do almost everything? My friend from Idaho does not want to object, and I do not want to either, but we are beginning to look like we are having a Christmas tree rather than a highway bill.

I would hope we would have somebody left to lay blacktop and concrete and do those things that a highway bill is supposed to do.

I hear all of these eloquent speeches and quotes from place and history here tonight. I will tell you, I am here to see that Kentucky gets as big a share of the highway program as it possibly can. It costs more money to build highways through Appalachia than any place in the United States. I think we are entitled, if you are going to have some help, to as much help there.

You begin to pick away at all these opportunities, and it does not seem to me that we have a real highway bill. We have lost the intent of the highway program and a 5-year program.

No one is more interested in alternate fuels than I am, but we have other programs to do that. The distinguished Senator from Oklahoma is on the Energy Committee, and we are trying to set up programs for alternate fuels, clean coal technologies, and all of these things; and now we are digging into the highway bill to allow more money to be spent, and it is diverting the intent of the gasoline tax that we are charging in one of our amendments that will come in, Senator BYRD's amendment, and then the Mitchell amendment, as it comes behind it to try to allocate the funds.

So I am not going to object. This is the second time I have said this tonight, Mr. President. We are beginning to have a Christman tree rather than a highway bill.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 350) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I want to say that I appreciate the comments of the distinguished Democratic whip,

and what I would appeal to my friend from Kentucky to do, as the No. 2 leader of the majority here in the Senate, is get the Senate out on recess, and it will save us a lot of problems here tonight.

If I can have the attention of the Senator from Kentucky, what I just said is that I appreciate the comments of the Senator from Kentucky, and I agree with the Senator from Kentucky. While he was off the floor a moment ago, I thanked him for what he had said earlier. As the Democratic whip in this matter, majority whip, I urge the Senator to get the leader to get us out in recess, and it will save us a lot of trouble.

Mr. FORD. Mr. President, let me say to the distinguished ranking member of the committee, the majority leader is going to run this Senate the way he wants to. A lot of people that are involved in holding it up are not Democrats. The majority leader will do the job he has been elected to do, and no one is going to do a better job than he does.

The majority leader has as much patience as anybody I have ever known.

Mr. SYMMS. More.

Mr. FORD. And the patience he has is not necessarily because of Democrats. I just want the distinguished ranking member and manager of the bill on the floor to know that the majority leader is doing the best job he can. He has been meeting with the Republican leader. He has been talking with Republican Senators. So let us not get too excited and start pushing.

We have come a long way, and we will go a lot further, and this will be the first all-night session we have this year if we stay around. So 1 out of every 6 months the Senator ought not to be too unhappy with that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KOHL. Mr. President, I see the Senator from Rhode Island [Mr. CHAFEE] in the Chamber, and I wonder if he might be willing to engage with me in a brief discussion regarding the bill's provisions on seatbelts and motorcycle helmets?

The PRESIDING OFFICER. The Senator from Rhode Island is being addressed by the Senator from Wisconsin.

Mr. KOHL. I wonder if the Senator from Rhode Island will engage in a brief discussion.

Mr. CHAFEE. I am glad to do so.

Mr. KOHL. As the Senator from Rhode Island knows, I had planned to offer an amendment to strike subsection (a) of section 122. I hope that that will not be necessary.

Mr. President, let me first explain to my colleagues what this provision does. Section 122 requires a State that does not have both a mandatory seatbelt law and a mandatory motorcycle helmet law in effect in fiscal year 1994 to set aside 1.5 percent of its section 104(b)(1) funds in fiscal year 1995 to be used only for certain programs. Programs that could be funded with these set-aside funds include motorcyclist and occupant safety programs, other eligible programs under section 402, rail-highway grade crossing projects under section 130, and the hazard elimination program. By fiscal year 1996, this set-aside would be increased to 3 percent of a State's section 104(b)(1) funds.

Mr. President, let me say at the outset that I wear a seatbelt. I believe in seatbelts. And most State legislatures have adopted mandatory seatbelt laws. In fact, 39 States have mandatory seatbelt laws, Wisconsin being one of them.

Let me also say that I do not ride a motorcycle. But many people in Wisconsin do. In 1989, there were 161,000 motorcycles registered in Wisconsin. But if I did ride one—and it would of course be a Harley-Davidson—I would wear a helmet. I, personally, believe in motorcycle helmets.

But I also believe in States' rights. And that is really what this issue is all about: 24 States have adopted universal mandatory helmet laws; but 26 State legislatures have declined to do so. Some, such as Wisconsin, used to have mandatory helmet laws but no longer do.

I am not here to debate whether or not mandatory seatbelt or helmet laws make sense, or whether or not people should be forced to wear them. I am only here to debate whether or not the Federal Government should dictate State law in this area. Because that is what this bill is attempting to do—to coerce 32 States into passing mandatory seatbelt and motorcycle helmet laws.

I will admit that it is gentle coercion. No State would lose money under this provision. No State would be forced to pass a seatbelt or helmet law, but it appears to be coercion nonetheless.

If the Senator from Rhode Island would be willing to do so, I would like to ask him a few questions about the potential impact of this provision on any State.

As I understand the bill, it would require a State without both a mandatory helmet law and seatbelt law by fiscal year 1994 to set-aside, in fiscal year 1995, 1.5 percent of its section 104(b)(1) funds. That set-aside would be increased to 3 percent in fiscal year 1996. The section 104(b)(1) funds are only funds allocated to States under the Surface Transportation Program, not the Bridge or Interstate Maintenance Programs, is that correct?

Mr. CHAFEE. Yes. The Senator from Wisconsin is correct in that, the set-aside fund would solely come out from what we call the STP fund, the surface transportation fund, the 50 percent of the funds that are considered discretionary.

Mr. KOHL. I thank the Senator from Rhode Island.

In looking at this chart of spending under the Moynihan bill, Wisconsin is expected to receive about $234 million under the Surface Transportation Program in fiscal year 1996. Therefore, if Wisconsin had not enacted a mandatory helmet law by then, Wisconsin would have to set aside 3 percent of its STP funds—or approximately $7 million—for eligible safety programs.

Now, Wisconsin this year got about $3.9 million from the Federal Highway Administration under the Rail-Highway Crossings Program, about $3.6 million under the Hazard Elimination Program, and about $200,000 under the section 402 Program. I would ask the Senator from Rhode Island whether it is his impression that Wisconsin would have to spend an additional $7 million in these programs above and beyond the $7.7 million that they now spend if they did not have both a helmet and seatbelt by fiscal year 1995?

Mr. CHAFEE. The answer to the question is, no, they would not have to spend the additional amount. They would solely have to spend the 3 percent of the surface transportation fund which, in this case, the Senator cited the illustration would be $7 million. In other words, they would not be required to spend the other funds that the Senator previously listed.

Mr. KOHL. I thank the Senator from Rhode Island.

From my conversation with the distinguished Senator from Rhode Island earlier today, I gather that the legislation requires States to fund the section 402 program, the rail-highway crossing program and the hazard elimination program out of their Surface Transportation Program funds—rather than the present system where these funds are earmarked and allocated under each of these programs. Is that correct?

Mr. CHAFEE. Yes, the Senator is correct.

Mr. KOHL. If that is correct, then a State that has to earmark 1.5 percent or 3 percent of its STP Program funds for these programs could simply substitute these funds for funds that it might otherwise allocate to these programs under the STP Program. Am I correct?

Mr. CHAFEE. The Senator is correct.

Mr. KOHL. If that is indeed how this provision would work, then I am more comfortable with it. I would not be comfortable with it if I thought that Wisconsin would have to dedicate $7 million more to these programs than

the $7.7 million they now spend. While I believe strongly in safety programs, at some point this type of set-aside becomes not only coercive, but fiscally irresponsible. I would expect that Wisconsin would have a difficult time spending $14.7 million prudently on safety programs in a single year.

With this understanding, Mr. President, I will not offer my amendment. I will say that I would prefer to see this provision deleted entirely, since I truly believe that the Federal Government should not attempt to force States to act on an issue that is best left to the States to decide.

The Senator from Rhode Island, the author of this provision, argues that this amendment will save lives. He argues that this amendment will reduce insurance premiums. He may be right. But these are arguments that can just as easily and just as persuasively be made in State legislatures around this country. And they are arguments that ought to be made in State legislatures. And they are arguments that have been made in State legislatures.

And State legislatures have acted. Forty States have mandatory seatbelt laws and 24 have comprehensive, mandatory motorcycle helmet laws. Perhaps more will act. I am not here to judge the wisdom of any State legislature. But I do believe that this is a decision that ought to be left to the States—not dictated from Washington.

Mr. President. I want to thank the distinguished ranking member of the Environment and Public Works Committee, Senator CHAFEE, for his clarifications on this issue, and I yield the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Wisconsin for the thoughtful consideration he has given to this whole matter, and he has pointed out, quite rightly, that what takes place under the bill that we have does not require training funds or safety funds to be in addition to those that are already expended by the States under the law as it presently exists. Those expenditures for rail crossings, whatever they might be for safety count toward the sums that are allocated for safety under the legislation we have.

So I appreciate the perceptive views he has given.

Let me say one thing in conclusion, Mr. President. The Senator states that I have observed that this would reduce insurance premiums. I am not sure I ever said it would reduce insurance premiums. I hope that it would hold them steady or reduce the rate of increase that is occurring in the insurance premiums.

The argument that comes up here—and particularly in the health bill—for motorcyclists is the following: Motorcyclists say they have the right to ride the motorcycles—they are Harley-Davidsons—with the wind blowing through their hair, without a helmet; if they get into an accident that is their business. If, indeed, it were their business, we would not be here on this present matter we are discussing.

The trouble is it is not their business. It ends up being a cost to the citizens of the United States of America, not of Wisconsin, not the citizens of Wisconsin, or Illinois, Kentucky, or Rhode Island, or wherever it might be. Through Medicaid, the citizens of the Nation end up paying half or more of the bills of these individuals who are terribly injured in motorcycle accidents.

There is no question that those who ride without helmets suffer vastly more severe injuries than those who have helmets. And what happens? They end up comatose in the State hospitals with Medicaid picking up 50 percent or more of the bill. That is why we came forward with this legislation.

I appreciate the observations of the Senator from Wisconsin on it. I am thankful he has brought these views to the attention of the body as a whole.

Mr. FORD. Mr. President, did I understand the distinguished Senator from Rhode Island to say to the Senator from Wisconsin that if they had not passed the helmet law under this provision they would have to set aside $7 million-plus from the highway funds?

Mr. CHAFEE. No. It is not a dollar amount. It is a percentage amount.

Mr. FORD. It is 3 percent, is it not? And his figure would be $7 million-plus.

Mr. CHAFEE. For safety purposes, safety education; safety purposes for whole series of measures other than motorcycle training or education.

Mr. FORD. But still the same question: If they receive $x$ number of dollars, if they have not passed a helmet law, then they must set aside 3 percent of their Federal highway money?

Mr. CHAFEE. Three percent of a certain section of their highway money, yes.

Mr. FORD. Which is roughly 50 percent of what they get. In this case, it would cost Wisconsin in excess of $7 million. Either they could use it in some other way or they would lose it from their highway funds. So the $7 million, without the legislatures in Wisconsin or Kentucky or Montana passing a helmet law, then it gets back to that old 10 percent, that if you did not have the billboards down, or you did not do certain safety factors, then you got your highway funds cut.

So we are now getting back into the same old rut we were in early on when it was a carrot and the stick. You got to keep the money if you were good folks. And if you were not complying with Federal law, then you lose a pretty significant amount of money. Three percent is $7 million, under the figures of the distinguished Senator from Wisconsin, and that bothers me some if that is true. And the Senator says it is true.

Mr. CHAFEE. Let me just explain. The funds are not deprived from you. The funds must be used for safety purposes. And I must say the interpretation of safety is pretty broad.

For example, the funds can be used for railroad crossing improvements. The funds can be used for education. As the Senator from Wisconsin pointed out, as the law currently exists, Wisconsin is required to spend money in a whole series of safety ways under the current law. Those laws now will be changed. So, as a result, Wisconsin will come out with less dedicated to safety, even if they do not observe these provisions, than they would under the current law.

Mr. FORD. But the law says if you do not pass the helmet law, then 3 percent of the highway money—that is, certain categories must be dedicated to purposes at the discretion of the State as it relates to safety. So you would not put any rules or regulations on how Wisconsin spent that 3 percent, which is approximately $7 million. They are free to do what they want to do without a helmet law. They would just have to spend it on safety.

Can they then have, where you lose your license for driving while intoxicated, can you use that money to set up a school to rehabilitate the driver?

Mr. CHAFEE. Yes, you can use it for that. You can use it for motorcycle training.

I must say, the coercion part—I will be perfectly candid with the Senator from Kentucky—I started out in the committee trying to have an amendment that would be extremely persuasive toward the States to enact both seat belt and helmet laws. And indeed the original approach I had was a similar one that we used for raising the drinking age to 21, which, as the distinguished Senator being here at the time recalls, said if you do not enact it by $x$ number of years, 4 years, whatever the years were, you would lose 4 percent, 5 percent of your total highway funds. That was very persuasive. Every State in the Nation thus enacted the drinking limit age law to 21.

That was the approach I took. But a kinder and gentler staff persuaded me that was not the way to go, and instead said at the end of 4 years the State, if they had not enacted a seat belt and helmet law, would have to dedicate 1.5 percent of its funds to safety, and at the end of 1 more year 3 percent of its funds for safety. But the definition of safety is extremely broad.

Mr. FORD. But under the present rules, you are now allocated a certain amount of funds for the safety provisions. You are eliminating those. So you do not get the money. But if you fail to pass the helmet law, then you are forced to use a portion of that

money in the area of safety which has been eliminated under the formula.

Mr. CHAFEE. That is correct.

Mr. FORD. I thank the Senator.

Mr. ROBB. Mr. President, in order to save time, I rise to explain an amendment I am still in the process of clearing on both sides and hope to be able to offer very shortly. This amendment is designed to improve intergovernmental cooperation by shifting control of part of America's transportation infrastructure away from Washington and bringing it closer to the people.

I had occasion this past weekend to give the first Elmer Staats lecture to the Academy of Public Administrators about the need to make government work better. I believe that can best be done by revamping the division of labor between the States and the Federal Government, in order to put power and responsibility at the level of government most able to identify and satisfy the needs of the people.

Transportation planning needs to be done with a comprehensive view. Sometimes that will be the State level; sometimes the region; sometimes the metropolitan level. I do not believe that we should specify from on high a one-size-fits-all governmental solution.

One size simply does not fit all.

The debate here this week makes that clear.

Cities and States may currently receive Federal funds to help with their transportation projects. But many problems and projects fall between those levels, and require the cooperation of various cities and towns within a metropolitan area which crosses State lines.

Kansas City, for example, lies within both Kansas and Missouri; similarly, the transportation problems of New York City cannot be solved without including the Connecticut and New Jersey suburbs in the planning.

To address these interstate transportation issues, jurisdictions often enter into interstate compacts.

The purpose of these interstate planning organizations is to create regional transportation networks in areas where those are appropriate, and to allow cities and suburbs to work together to solve transportation problems cooperatively and comprehensively.

Many people in America have already benefited from the work of such interstate organizations. Citizens of the New York area know the Port Authority of New York and New Jersey. People in Nevada and California know the Tahoe regional planning compact. Mr. President, even the Members here have been served by such a compact, if they have ever ridden Metrorail or Metrobus; the Washington Metropolitan Area Transit Authority is an interstate success story.

Unfortunately, under current law, organizations created by interstate compacts must get a special congressional dispensation before they are eligible for the highway trust fund benefits they need. The amendment I am proposing would be permissive, empowering States and neighboring cities to reach solutions which cross State lines, giving many of our major urban areas the tool they need to begin seriously addressing their growing gridlock. The goal of transportation is to keep America moving, not to bog our Nation down.

This amendment eliminates the unnecessary baby steps currently required to give metropolitan-level interstate organizations the power to solve the problems they are uniquely positioned to solve.

It lets urban regions get down to work, and keeps us all moving.

When I offer this amendment, I would urge my colleagues to support it.

If there are no questions, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCAIN. Mr. President, I have an amendment I would like to explain. I believe it is going to be cleared by both sides. If it is not, obviously I will not offer it. But since the hour grows late, I would like to explain my proposed amendment so, if it is offered, we can have it approved with a minimum use of time.

The purpose of my amendment would be to allow States to use a portion of their highway moneys to help control highway-related pollution emissions. For instance, in Phoenix, AZ, we have a brown cloud problem which violates no ambient air quality standards, but is an environmental matter of great concern to my State and the 2.5 million residents of the Phoenix area.

Indications are that highway dust and other road-related conditions are the cause of this problem. This amendment would simply give the States the flexibility to use congestion mitigation and Clean Air Act compliance moneys, authorized by this legislation, to address urban haze problems.

It just would give the States that have unique problems, and there are others that have this haze problem, the flexibility under this act. I believe it is acceptable on this side. I hope it will be on the other side, and I will be able to offer it tonight, as my colleague from Virginia just did.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

AMENDMENT NO. 351

Mr. SIMPSON. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself and Mr. WALLOP proposes an amendment numbered 351.

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

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

The amendment is as follows:

Section 138 of S. 1204, the Surface Transportation Efficiency Act of 1991, as reported, is amended as follows:

(A) On page 127, line 22, after "1991", insert the following: ", except in Wyoming in which additional vehicle configurations not in actual operation on June 1, 1991, may be authorized by State law, unless otherwise decided, not later than the general election date in 1992, provided such vehicle configurations do not exceed 117,000 pounds gross vehicle weight and comply with the single axle, tandem axle, and bridge formula limits set forth in 23 U.S.C. 127(a).

Mr. SIMPSON. Mr. President, this amendment that I present, which has been cleared and accepted by both sides of the aisle and the floor managers, is an amendment technical in nature. It would amend section 138 of the bill to allow the State of Wyoming to go forward to vote on a referendum next year for an activity that otherwise would be prevented by this bill.

I appreciate the floor managers' consideration of our special situation to allow my State to go forward with this referendum. It would not be fair to pass a Federal law that steps in and prevents a State decision that has been in the works for years. This is the purpose of the amendment.

Mr. BURDICK. Mr. President, we have no objection to the amendment.

LCV PROVISION

Mr. SIMPSON. Mr. President, I ask whether the distinguished Senator from New Jersey [Mr. LAUTENBERG] would be willing to discuss the meaning of some of the provisions of S. 1204 dealing with the freeze on truck weights for longer combination vehicles in section 138.

First of all, I want to thank Senator LAUTENBERG for his willingness to work with me and for the State of Wyoming with regard to our truck weight situation. Five years ago, in the 1987 highway bill, we worked together on a provision which allowed Wyoming to

test the success of allowing trucks weighing up to 117,000 gross vehicle pounds to operate on our interstates. It has been a very successful test indeed. We have seen new industries come into Wyoming, jobs created, payrolls expanded by millions, and a tremendous volume of goods transported across our State.

I appreciate the fine and dedicated efforts of Senator LAUTENBERG to ensure that this truck weight is permanently allowed for Wyoming. Without the increased weight allowance, Wyoming is an island State surrounded on all sides by States which have higher trucks weight allowances that we would otherwise without this provision. In Wyoming, where 60 percent of our communities are served only by highway transportation, it is imperative that we keep ourselves equal to our neighbors. Our trucking industry is vitally important to us in Wyoming. We have no barges. Only this week did Amtrak reestablish passenger service along the southern border after an 8-year absence. And many communities struggle to keep adequate air service. Our highways are our link to the rest of the Nation. It has been a long road to protect Wyoming's transportation needs, and I appreciate the continued consideration and acknowledgment by Senator LAUTENBERG.

With regard to this provision in the current highway bill, it is my understanding that it is the Senator's intention to prevent the expansion of operations of particular types of longer combination vehicles in States where they are not currently allowed, but that it does not make illegal or take away any existing rights for the current types of longer combination vehicles operations. Is this correct?

Mr. LAUTENBERG. Yes, it is. It is a freeze on current operations.

Mr. SIMPSON. The trucking industry is very concerned with the language of the amendment which states these longer, combination vehicles must have been in actual, continual operation in order to qualify under your amendment. I am concerned about the status of many of the operations in Wyoming that are not particularly actual and continual, but are vital to our productivity and movement of commerce. For instance, loads that are transported under the authority of single-trip permits include Peacekeeper missiles, bridge girders, oil rigs, cracking towers, pipes, some steel products, boilers, tanks, beams, large and heavy construction equipment. Is it the intention of the Senator's amendment to prohibit these operations because they were not, indeed, in actual and continual operation on June 1, 1991?

Mr. LAUTENBERG. No, Mr. President, that is not my intent. I do not intend to stop or thwart the productivity of this Nation's transportation sector. If these loads are transported on one trailer, then they would not be subject to this amendment. Further, I would note that military cargoes, such as missiles, receive general exemptions as a matter of national security.

Mr. SIMPSON. But many of these products are moved on more than one trailer pulled by the same cab—they are called Jeeps. They are not triples, but they are multiple trailers that can be disconnected, but that lay over one-another and operate as one unit. I have a diagram here for the Senator's reference. They are imperative for hauling products to and from certain mines to either the interstates or railroad connections, they haul heavy equipment to new sites, they haul steel products to build new buildings. I believe that the Senator's amendment prohibits these operations because single-trip permits would be denied them as more than one trailer is used. Is that the Senator's intention?

Mr. LAUTENBERG. I do not believe that these vehicles that the Senator from Wyoming has described would be subject to the LCV restrictions in the bill, and they could continue to operate as the Senator has described. I do want to make it clear that it is the intent of my amendment to preclude the trucking industry from obtaining individual single-trip permits for separate trailers and then using those to justify triple trailer operations in States where that is currently not allowed. It is the intent of my amendment to preclude that sort of a use of single-trip permits.

Mr. SIMPSON. I appreciate the opportunity to discuss this with the Senator from New Jersey and to have some clarification on the matter. If, upon continued review by the Federal Highway Administration, it is determined that these operations would be precluded under the bill, would the Senator be willing to make the appropriate changes in the bill?

Mr. LAUTENBERG. We will be going to conference with the House on this legislation. If there are unintended impacts, I assure the Senator that I will continue to work with him to address those problems.

Mr. SIMPSON. I thank the Senator again for his consideration, not only of Wyoming, but also of the manner in which we haul and move products in the West.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 351) was agreed to.

Mr. SIMPSON. I thank the senior Senator from North Dakota for his courtesies. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, since my days as a member of the Louisiana State Legislature, one of my highest priorities has been the creation of a north-south highway in Louisiana. A highway that would make it possible to travel on an interstate-quality road all the way from New Orleans to my hometown of Shreveport and beyond.

Well, 24 years have passed and my dream is slowly becoming a reality. I-49, as originally authorized, is almost complete. The rural portions of the highway are open and we are currently finishing up the urban areas in Alexandria and Shreveport. But this is only part of the dream. In order to make I-49 a truly interstate highway and to foster continued growth along it, it needs to be extended to Kansas City, MO, where it will meet with I-29 and I-35. By so doing, we will have a continuous interstate-quality road system from the Gulf of Mexico to the Canadian border. This highway will directly service citizens in 11 States of America's heartland and will be the nearest interstate-quality road for 20 percent of our Nation's population. This road will also benefit 14 military installations in the region and will thus serve national defense needs.

During consideration of the Federal Aid Highway Act of 1987, I offered an amendment on the Senate floor to authorize the Department of Transportation [DOT] to conduct a feasibility study on this proposed extension. This study, which was approved by DOT in 1988, states that the proposed highway will greatly enhance public safety. To quote the 1988 Department of Transportation study:

> The existing north-south highways in this region are primarily two-lane facilities with high traffic volumes, insufficient passing sight distance and undesirable alignment. The mountainous terrain in sections of the study corridor restrict normal traffic flow. Motorists must negotiate 90 degree turns, steep inclines and contend with segments of highway that have a narrow surface width of 10 feet per lane and no shoulders. Motorists' safety is a major issue on these existing north-south routes, over 800 personal injury accidents and thirty-four fatalities occur annually.

I applaud the efforts of the committee to bring this bill to the Senate floor in such a timely manner. I only wish something could have been done to assist those few areas of the country that still have gaps in the interstate system. For example, since the Shreveport-Kansas City extension has not yet been constructed, the project will be penalized under S. 1204. Under S. 1204, it not only fails to receive the 90-10 Federal funding that has previously been available for other similarly situ-

ated highways, it also would not receive the 80-20 funding proposed in S. 1204 for existing roadways—roadways which may simply benefit a State or local community but which may not have any overriding national impact.

And while I realize there must come a time when we say, "Enough is enough. The Interstate System is complete," I do not believe that such a decision should be made at the expense of saving lives and improving our national transportation needs. Surely, there is something we can do to permit the completion of this remaining gap in our Federal highway system—a gap which is multistate in nature, has been the subject of a recently completed DOT approved feasibility study and which would meet the current requirements for inclusion in the Interstate System.

In closing, Mr. President, I want to reiterate that the construction of this north-south highway has been a very high priority of mine for over two decades. I hope you agree with me that this project is meritorious and in the national interest and I hope the managers of the bill will use their best efforts in seeing that this project is fully considered during the conference with their House counterparts.

Mr. DASCHLE. Mr. President, I rise in support of S. 1204, the Surface Transportation Efficiency Act of 1991. I commend my distinguished colleagues, Senator BURDICK, the chairman of the Environment and Public Works Committee; Senator MOYNIHAN, the chairman of its Transportation Subcommittee; and Senator SYMMS, the ranking minority member of the subcommittee, for their work in developing this innovative legislation. They recognized the critical importance of addressing our enormous backlog of highway and bridge improvement needs for the next 5 years and understood that basic fairness required development of a bill that accommodates the differing interests of urban and rural States. Without their vision and hard work, we would not have reached this point in the legislative process.

At this time, I also would like to thank Senators BAUCUS and REID for their outstanding leadership during the long process of formulating a compromise on a strong surface transportation bill that reflects the unique circumstances of rural America. I have enjoyed working with them, with the committee leadership and with their staffs to ensure that rural States receive a fair shake in the allocation of funds under this bill.

Mr. President, the Surface Transportation Improvement Act will mean a strong future for infrastructure development in our country. It will generate substantial momentum for the improvement of the road and bridge systems that are the lifeline for businesses, recreation, international trade and for economic development in each and every State.

S. 1204 attacks this urgent challenge by preserving much of the current Federal-State funding match, increasing the Federal investment levels for our roads and bridges and providing needed flexibility for States to make their own choices about needs and priorities. This important mix of increased investment and flexibility clearly recognizes that we have a national interest in maintaining the highway system throughout the country, whether those roads and bridges be in urban or rural areas.

Certainly, I do not suggest that S. 1204 represents the perfect highway bill for rural States. I would have preferred to have seen a number of provisions of S. 823, legislation I cosponsored with other western Senators, incorporated into this legislation. For example, I favor better compensation for States with adverse weather conditions, a stronger funding formula for maintenance of roads through Federal lands, and bonuses for States that pay a higher percentage of State funds out to highway projects.

I also would like to have seen a grandfather of discretionary bridge projects that have already begun construction under the expiring authority. In South Dakota, a bridge at Forest City is heavily reliant on Federal aid provided under the Discretionary Bridge Program last year. I hope that the issue of specific bridge projects will be revisited in conference with the House and that the Forest City bridge will be recognized as an unfinished priority that merits completion.

Even without these provisions, S. 1204 is a substantial improvement over the legislation that was initially considered by the committee and a vast improvement over the administration's bill. Because of concerns raised by a coalition of Senators from rural States, Senators MOYNIHAN and BURDICK held 2 days of hearings on competing highway proposals. At that time, the secretary of the South Dakota Department of Transportation testified on behalf of 10 Western States and raised several concerns about the effect of the committee bill, S. 965, on rural States. The committee subsequently agreed to amend several provisions in the bill that were problematic for South Dakota and other Western States. Adoption of these amendments by the committee has resulted in a bill that represents a more balanced approach to surface transportation priorities.

Mr. President, S. 1204 represents a comprehensive, fair, and equitable plan for addressing national infrastructure needs. Our country's economy and future competitiveness require a strong investment in the future of our surface transportation network. S. 1204 represents that investment, and I urge its adoption by the Senate.

Mr. SIMPSON. Mr. President, over the past 5 years, the Strategic Highway Research Program [SHRP] has spent millions of dollars to increase our knowledge on the performance of critical aspects of the Nation's highway transportation system. I want to note the special accomplishments of a particular portion of the program, the asphalt research program. Under this research program, the Western Research Institute of the University of Wyoming has conducted important analysis and modeling of the expected performance of asphalts and asphalt-aggregate mixtures.

This research is important because it will lead to the selection of reliable road construction materials that better withstand climate conditions and load burdens. This is no small research matter. We have all experienced the kidney jarring rides of deteriorating roads, including everything from interstate highways to urban streets and rural roads.

In section 115 of this bill, we recognize the importance of SHRP by taking its laboratory findings and evaluations and advancing to the next stage. It is clear that in order to define performance of pavements we need to take the data from actual roadway performance—as acquired from the long-term pavement performance program of SHRP—and compare it with the laboratory data to ensure the actual performance can be predicted from laboratory data. By directing the Federal Highway Administration to initiate a long-term pavement performance program, or maintain the LTPP initiated by SHRP, this provision ensures that actual field performance data will be available together with the original materials. This is not the case today and represents a major shortcoming in our existing highway performance prediction capabilities.

In order to correct this deficiency, we have directed the Federal highways to initiate a multiyear program that capitalizes on the outstanding fundamental research undertaken by SHRP. Specifically, Federal highways will initiate a fundamental research program which assures that laboratory research continues and that the research data are compared with LTPP data. Further, these research methods are to be translated into methodology to select high quality construction asphalts.

From this work, we will reap such benefits as the development of an ability to select materials to build roadways that will have predictable performance characteristics. We will be able to avoid selecting materials that deteriorate quickly. This is important because if we are able to minimize the need for constant maintenance, this Nation we can build roads in a more cost-effective manner and an overall higher quality of roadway structure can be achieved. This provision will

also serve to improve the existing roadway surface so as to reduce the increasing liability of the State and Federal Governments for the dangers posed to motorists from poor road surfaces.

This provision directs that a 1-mile test strip be implemented to be able to demonstrate the advantages of the use of shale-oil modified asphalts under extreme climate conditions. I certainly would encourage the Administrator to look at the possibilities of laying this test strip in Yellowstone National Park.

Because of the importance of this research, we have directed the Administrator of the Federal Highway Administration to rely on a not-for-profit organization that has extensive expertise and past experience in this highly specialized field. The University of Wyoming's Western Research Institute is such an organization. The Western Research Institute has developed the specific technical capability in this area over the past several years. I strongly encourage the Administrator to avail himself of this valuable expertise and knowledge to ensure that we avoid any duplication of effort and maximize the return on our limited highway research resources.

Mr. COCHRAN. Mr. President, after reviewing the Surface Transportation Efficiency Act as reported from the committee, and listening to the debate that has transpired over the past few days, I have a few concerns with the bill and some observations to make regarding its approach to meeting future transportation needs.

I am particularly concerned with the prospect that, while it purports to give more flexibility to State and local decisionmaking in the use of Federal funds, its approach to meeting future transportation needs may in fact be biased toward mass transit and other nonhighway programs and may bring about a shift in policy away from basic highway, road, and bridge needs.

While consideration of the current reauthorization legislation is occurring at a time when the Interstate System is declared to be, if not actually, completed, that event should not cloud our judgment or deter us from continuing to commit Federal highway funds to a national highway program—a program that combines the soon to be completed Interstate System with other important primary and arterial highways.

As the construction of the Interstate System draws to an end, Mr. President, we ought to, as the committee's bill proposes, look to improve the "efficiency of the surface transportation system." However, in doing so, we ought first to recognize that the meaning of the words "transportation system" and "efficiency", when used together, may be given quite different meanings in different parts of the country.

In Mississippi, for instance, the phrase transportation system is usually translated to mean "highways, roads and bridges," and the word, "efficiency," when used in the context of transportation means to build more of each, as well as to improve and repair existing ones. With few exceptions, I expect that interpretation would hold up in most of rural America.

Mississippi, as do all States, continues to benefit enormously from the development of the Interstate System, and its citizens fully appreciate the efficiency that the Interstate System provides in terms of getting working people to and from their jobs and in providing shipping routes for every imaginable commodity and product that may result from their labor at those jobs.

Mr. President, the Interstate Highway System has probably contributed more than any other Federal program to economic development in rural areas, and there is little disagreement as to the importance of the system. Mississippians are as proud as other Americans of the return they have realized on the investment of their hard earned gasoline tax dollars in interstate highways over the past 35 years.

Mississippians also realize that there remains a very large network of primary and arterial highways that require four lanes where there are now two lanes and very costly bridge repairs and improvements to bring them up to date. If the completion of the Interstate System requires that we refocus our priorities, then the top priority for my State is the unfinished work on a long list of other highway and bridge projects.

Mr. President, I do not believe that S. 1204 is the answer to improving the efficiency of the transportation system in my State or in other States that must depend on highways as their surface transportation system.

While its apparent shift in emphasis away from more investment in highway and bridge needs is sufficient reason to oppose this bill, the basic unfairness it perpetuates in the inequitable and outdated formula for apportioning Federal funds is even more troubling. States that have historically contributed more into the highway fund than they have received in return will find no relief in this legislation.

According to the Mississippi Highway Department, since 1956, Mississippi has paid $24 million dollars more into the fund than it has received from the fund to meet its highway needs. In each of the years from 1987 through 1991, or during the current program, Mississippi donated more into the fund than it received from the fund. In 1991, the State will receive only 72 cents for every dollar it pays into the fund.

The committee bill will not only fail to correct this inequity for Mississippi and the other States that have been historic donors to the fund, but it will also, as other Senators have pointed out, perpetuate the existing inequitable and antiquated apportionment formula for another 5-year program.

Mr. President, there is a better solution to this Nation's surface transportation needs. S. 1121, the Federal Aid to Surface Transportation Act, or FAST proposal, which I have cosponsored, will provide for a fair and equitable apportionment of Federal assistance to the States. More importantly, it will authorize funding for a national program that provides State and local flexibility for transfers among the categories.

Mr. President, in 1982, we began referring to "highway bills" as "surface transportation" bills, and this year we have added the word "efficiency" to the title of the bill. In my view, improvements in surface transportation efficiency and improvements in highways go hand in hand in rural America. I urge my colleagues to adopt a bill that acknowledges that fact.

Mr. KOHL. Mr. President, I would like to point out for my colleagues a provision in this bill which is very important to the way we oversee our Nation's transportation system, and plan for its future. I had the pleasure of working with Senator MOYNIHAN to develop guidelines for a new Bureau of Transportation Statistics which we are creating with this legislation.

I believe that the new statistical agency we have created will provide policymakers and transportation officials with invaluable information about the quality of our highway system, the demand for different modes of transporation, and the research necessary to prepare for the 21st century.

The annual report, called for in this legislation, will provide an ongoing review of our current system and the information for planning the transportation system of the future. The study by the National Academy of Statistics will provide the necessary vision to assure that this statistical agency can anticipate the information needs of policymakers and administrators.

This bill is also sensitive to the need for protecting the confidentiality of those individuals or companies providing information for statistical purposes. There is a careful balance drawn here between protecting that confidentiality and maintaining open and public access to Government information.

Through working with the Federal statistical community I have learned that there are a number of provisions necessary for a strong and independent statistical agency. Those provisions are included in this bill.

This is an historic bill in many dimensions, not the least of those is the awareness of the need for good information to develop good policy. It has been my pleasure to work with Senator MOYNIHAN to make this happen, and I

commend him for his excellent leadership in developing this bill.

## TRIBUTE TO DAVID SAKS

Mr. PRESSLER. Mr. President, today I pay tribute to Mr. David Saks. Because of the leadership efforts of David Saks, America's telecommunications systems will be fully accessible to the Nation's 3 million hearing aid wearers. In 1973, as founder and director of the Organization for the Use of the Telephone [OUT], David Saks conducted an all-out effort to make telephones compatible with hearing aids.

His first action was a letter-writing campaign which persuaded AT&T to reverse its plan to manufacture telephones that would be incompatible with hearing aids. AT&T also agreed to retrofit coin-operated phones to make them compatible with hearing aids.

In the early 1980's, OUT and other consumer and professional organizations worked for passage of legislation known as the Telecommunications for the Disabled Act of 1982.

But this law, which guaranteed telephone-hearing aid compatibility in some key settings, was only a start. In 1987, I introduced S. 314, the Hearing Aid Compatibility Act. As a result of David's continuing efforts, the legislation was unanimously agreed to by the Senate and became law in 1988. The first phase of the act required that all corded telephones in the United States be hearing aid compatible by August 16, 1989. In addition, cordless telephones must be hearing aid compatible by August 16, 1991. I am pleased to have had the opportunity to work closely with David to achieve this goal.

Last month, I awarded David the Meritorious Service Award at the Tenth Annual Communication Awards of the National Council on Communicative Disorders. He received this award for helping me and many others to understand the devastating human consequences that can result from a communication impairment. Thanks to David's efforts, no longer will America's 3 million hearing aid wearers be "telephone deaf."

Mr. President, I ask unanimous consent to have printed in the RECORD remarks given at the awards ceremony to which I have referred.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL ON COMMUNICATIVE DISORDERS AWARDS CEREMONY, MAY 8, 1991

STEPHANIE BEACHUM: To present our first award, we are pleased to have the Honorable Larry Pressler, South Dakota's senior senator. Currently serving his third term in the U.S. Senate, Senator Pressler is recognized as an advocate for people with disabilities. Particularly important to us and to our first honoree is Senator Pressler's sponsorship of the Hearing Aid Compatibility Act of 1988—the act which will ultimately make all telephones useable by people who wear hearing aids. Please welcome the Honorable Larry Pressler.

LARRY PRESSLER: Because of the efforts of David Saks, America's telecommunications systems will be fully accessible to the Nation's 3 million hearing aid wearers. As founder in 1973 and director of the Organization for the Use of the Telephone, David Saks conducted an all-out effort to make telephones compatible to hearing aids. The first action was a letter-writing campaign which persuaded AT&T to reverse its plan to manufacture telephones that would be incompatible with hearing aids. AT&T also agreed to retrofit coin-operated phones to make them compatible. In the early 1980's, the Organization for the Use of the Telephone and other consumer and professional organizations worked for passage of legislation known as the Telecommunications for the Disabled Act of 1982. But this law, which guaranteed telephone-hearing aid compatibility in some key settings, was only a start. David's continuing efforts culminated in the passage of the Hearing Aid Compatibility Act which became law in 1988. The first phase of the act required that all corded telephones in the United States be hearing aid compatible by August 16, 1989. Cordless telephones must be hearing aid compatible by August 16, 1991. I am pleased to have had the opportunity to work with David to achieve this goal. He helped me to understand the devastation that can result from a communication impairment. Thanks to David, no longer will America's three million hearing aid wearers be telephone deaf. Please join me in welcoming Mr. David Saks.

## MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 111. Joint resolution marking the 75th anniversary of chartering by act of Congress of the Boy Scouts of America.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 64) to provide for the establishment of a National Commission on a Longer School Year, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 26. An act to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes;

H.R. 1720. An act to amend the St. Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; and

H.J. Res. 207. Joint resolution commemorating the 75th anniversary of the chartering, by an act of Congress, of the Boy Scouts of America.

ENROLLED JOINT RESOLUTION SIGNED

At 7:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 111. Joint resolution marking the 75th anniversary of chartering by act of Congress of the Boy Scouts of America.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. AKAKA].

## MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 26. An act to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1720. An act to amend the St. Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; to the Committee on Governmental Affairs.

H.J. Res. 207. Joint resolution commemorating the 75th anniversary of the chartering, by an act of Congress, of the Boy Scouts of America; to the Committee on the Judiciary.

## ENROLLED JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore (Mr. AKAKA) announced that on today, June 13, 1991, he had signed the following enrolled joint resolution which had previously been signed by the Speaker of the House:

H.J. Res. 91. Joint resolution designating June 10 through 16, 1991, as "Pediatric AIDS Awareness Week."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1408. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on mobilization of local equipment and presuppression needs for wildfire protection; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1409. A communication from the Assistant Administrator of the Environmental Protection Agency (Office of Pesticides and Toxic Substances), transmitting, pursuant to law, a report on the total number of applications for conditional registration of certain pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1410. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, and the Committee on Labor and Human Resources.

EC-1411. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a Presidential determination regarding the end strength level of the United States armed forces in Europe for fiscal year 1991 and an explanation of the need for such determination; to the Committee on Armed Services.

EC-1412. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the Secretary of Defense and the Secretary of Transportation to establish conditions for personnel with specialized skills to be deployed overseas without completing a twelve-week training period; to the Committee on Armed Services.

EC-1413. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 6958(c) of title 10, United States Code, to eliminate the requirement that an enlisted nominee to the Naval Academy must have served at least one year as an enlisted member of the date of entrance to the Naval Academy; to the Committee on Armed Services.

EC-1414. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on the SSN-21 *Seawolf* attack submarine; to the Committee on Armed Services.

EC-1415. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to convert the vehicle preparation function at Oakland Army Base, California to performance by contract; to the Committee on Armed Services.

EC-1416. A communication from the Deputy Assistant Secretary of Defense (Requirements and Resources), transmitting, pursuant to law, a report on the actuarial status of the Military Retirement System for fiscal year 1990; to the Committee on Armed Services.

EC-1417. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on the decision to convert the transient aircraft maintenance function at McChord Air Force Base, Washington to performance by contract; to the Committee on Armed Services.

EC-1418. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the disposal of certain strategic and critical materials from the National Defense Stockpile and to amend the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.); to the Committee on Armed Services.

EC-1419. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on financial analysis methodology for return on investment studies; to the Committee on Armed Services.

EC-1420. A communication from the Principal Deputy Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report on the maintenance of firefighting and other emergency services at military installations in the United States; to the Committee on Armed Services.

EC-1421. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to extend the regulatory authority of the Secretary of the Treasury under the Government Securities Act of 1986, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-1422. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Budgeting for Federal Deposit Insurance"; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC-1423. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-1424. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the administration of the Deepwater Port Act for fiscal year 1990; pursuant to 33 U.S.C. 1519, referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-1425. A communication from the Assistant Vice President of Government and Public Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report to Congress on the potential for service to the State of Maine; to the Committee on Commerce, Science, and Transportation.

EC-1426. A communication from the Secretary of Transportation, transmitting, pursuant to law, a draft of proposed legislation entitled "the Federal Railroad Safety Authorization Act of 1991"; to the Committee on Commerce, Science, and Transportation.

EC-1427. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-1428. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-1429. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1430. A communication from the Acting Principal Deputy Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "A Review of the U.S. Army Corps of Engineers Selection and Evaluation Process for Water Resources Development Projects; to the Committee on Environment and Public Works.

EC-1431. A communication from the Assistant Secretary of Environment, safety, and health of the Department of Energy, transmitting, pursuant to law, an annual report in compliance with section 120 of the Comprehensive Environmental Response, Compensation and Liability Act for 1990; to the Committee on Environment and Public Works.

EC-1432. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 1989 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant; to the Committee on Finance.

EC-1433. A communication from the General Counsel of the Department 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 Finance.

EC-1434. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to June 6, 1991; to the Committee on Foreign Relations.

EC-1435. A communication from the Acting Chairman of the United States International Trade Commission transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1990 through March 31, 1991.

EC-1436. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Inspector General and the semiannual report on the Status of Management Decisions and Final Actions Regarding Audit Recommendations for the National Endowment for the Arts; to the Committee on Governmental Affairs.

EC-1437. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a draft of proposed legislation to amend the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia for water and sewer services; to the Committee on Governmental Affairs.

EC-1438. A communication from the Administrator of the U.S. Environmental Protection Agency transmitting, pursuant to law, reports entitled the "Office of the Inspector General Semiannual Report to the Congress" and the "Management's Semiannual Report to the Congress on Audits" for the period October 1, 1990 through March 31, 1991; to the Committee on Governmental Affairs.

EC-1439. A communication from the Federal Co-chairman of the Appalachian Regional Commission, transmitting, pursuant to law, a revised semiannual report of the Office of Inspector General, Appalachian Regional Commission, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1440. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for cal-

endar year 1990; to the Committee on Governmental Affairs.

EC-1441. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Board for International Broadcasting, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1442. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Consumer Product Safety Commission, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1443. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Small Business Administration, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1444. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of the Treasury, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1445. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Commerce, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1446. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Agency for International Development, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1447. A communication from the Public Printer of the United States, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Government Printing Office, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1448. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Justice, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1449. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Aeronautics and Space Administration, for the period October 1, 1990 to March 31, 1991; to the Committee on Governmental Affairs.

EC-1450. A communication from the Director of Administration, Graduate School, USDA, transmitting, pursuant to law, the annual report on the pension plan of the Graduate School, USDA, for the plan year ended December 31, 1990; to the Committee on Governmental Affairs.

EC-1451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third annual report on Indian Sanitation Facility Deficiencies; to the Select Committee on Indian Affairs.

EC-1452. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-1453. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the annual report of the Board of Directors of the Federal Bureau of Prisons for 1990; to the Committee on the Judiciary.

EC-1454. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Health Care for the Homeless Program for calendar year 1989; to the Committee on Labor and Human Resources.

EC-1455. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Longshore and Harbor Workers' Compensation Act for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-1456. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve the management of the Veterans Canteen Service; to the Committee on Veterans' Affairs.

EC-1457. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend expiring laws authorizing the Department of Veterans Affairs to establish nonprofit research corporations, to contract for alcohol or drug treatment services, to make State home grants, to contract for the care of United States veterans in the Philippines, to furnish adult day health care services, and for other purposes; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 533. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes (Rept. No. 102-82).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 249. A bill for the relief of Trevor Henderson.

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and an amended preamble:

S. Con. Res. 12. Concurrent resolution to express the sense of the Congress that the civil rights and civil liberties of all Americans, including Arab Americans, should be protected at all times, and particularly during times of international conflict of war, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

Mike Hayden, of Kansas, to be an Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Saundra Brown Armstrong, of California, to be United States District Judge for the Northern District of California;

Timothy K. Lewis, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania; and

William L. Osteen, Sr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

By Mr. BENTSEN, from the Committee on Finance:

Alixe Reed Glen, of the District of Columbia, to be an Assistant Secretary of Health and Human Services.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN:

S. 1285. A bill to provide for the establishment of industrial recapitalization funds by industries which were injured by unfair import competition, and for other purposes; to the Committee on Finance.

S. 1286. A bill to amend title 18, United States Code, and the Export Administration Act of 1979, with respect to the prosecution of illegal boycotts against nations friendly to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 1287. A bill to amend the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); to the Select Committee on Indian Affairs.

By Mr. SMITH (for himself, Mr. MCCAIN, and Mr. BROWN):

S. 1288. A bill to rescind unauthorized appropriations for fiscal year 1991; to the Committee on Appropriations.

By Mr. BIDEN (For himself and Mr. SPECTER):

S. 1289. A bill to amend the provisions of the Higher Education of 1965 relating to treatment by campus officials of sexual assault victims; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER:

S. 1290. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

By Mr. HATFIELD:

S. 1291. A bill to amend title 35, United States Code, to impose a 5-year moratorium on the granting of patents on invertebrate or vertebrate animals, including those that have been genetically engineered, in order to

provide time for Congress to fully assess, consider and respond to the economic, environmental, and ethical issues raised by the patenting of such animals; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. METZENBAUM, Mr. AKAKA, Mr. SASSER, Mr. LIEBERMAN, and Mr. GORE):

S. 1292. A bill to amend chapter 35 of title 5, United States Code, to provide notification for Federal employees subject to a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KERREY (for himself and Mr. EXON):

S. 1293. A bill to amend the Agricultural Act of 1949 to provide for discretion in the establishment of feed grain acreage bases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FOWLER (for himself, Mr. BURNS, and Mr. HEFLIN):

S. 1294. A bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG:

S. 1295. A bill to authorize the Secretary of the Department in which the Coast Guard is operating to convey the Cape May Point Lighthouse to the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. ADAMS, Mr. DODD, Mr. MOYNIHAN, and Mr. LEVIN):

S. 1296. A bill to provide an optional program for supplemental unemployment compensation, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CONRAD, Mr. GLENN, Mr. GORTON, Mr. HATCH, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. RIEGLE, Mr. ROTH, Mr. SANFORD, Mr. SHELBY, and Mr. STEVENS):

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week"; to the Committee on the Judiciary.

By Mr. INOUYE:

S.J. Res. 161. Joint resolution to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DIXON (for himself and Mr. SIMON):

S. Res. 140. Resolution to congratulate the Chicago Bulls on winning the 1991 National Basketball Association Championship; considered and agreed to.

By Mr. GARN (for himself and Mr. HATCH):

S. Con. Res. 46. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1998 winter Olympic games in Salt Lake City, UT, and pledging the cooperation and support of the Congress of the United States; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 1285. A bill to provide for the establishment of industrial recapitalization funds by industries which were injured by unfair import competition; to the Committee on Finance.

### ESTABLISHMENT OF INDUSTRIAL RECAPITALIZATION FUND

• Mr. LIEBERMAN. Mr. President, today, I am introducing legislation that would create an industrial recapitalization fund [IRF] for companies essential to national defense and security interests that have won an antidumping or countervailing duty case. This legislation would permit firms that have won a dumping suit to put income from sales of the merchandise or a competitive line of merchandise, which gave rise to the action, into the IRF for a period of 5 years.

Income deposited in the fund is not subject to taxation but is available only for withdrawal into qualified investments in capital plant and equipment. Withdrawals may be made for a period up to 12 years from the date of the fund's formation. For tax basis and depreciation purposes, investments in plant and equipment using fund moneys are discounted by the amount of fund moneys applied. Unqualified withdrawals are taxed on a specific recapture basis.

This proposal is not a replacement for vigorous enforcement of our antidumping laws. It is a tool for firms to create a level playing field against foreign competitors. Two prominent Connecticut companies, Torrington Co., a leading manufacturer of ball bearings, and Smith Corona have been injured by the dumping practices of their foreign competitors. Torrington won a major dumping case a couple of years ago, but that victory did nothing to redress the financial damage that Torrington suffered as a result of the dumping practices that gave rise to the case in the first place.

It is important to point out that when a company wins an antidumping case, it does not receive any compensation. The only action taken is the imposition of tariffs on the company guilty of the dumping violation. The injured company, as a result of the dumping violation, has already lost its market share.

This legislation attempts to right this wrong by giving our manufacturers an opportunity to pick up lost ground. But it does so in a way that encourages firms to make investments in future productive capacity. This is not a tax shelter. Companies are penalized if they withdraw funds deposited in the IRF for purposes other than investments in new plant and equipment. It is in our interest to encourage firms to make this type of investment since it will ultimately make them more competitive.

We need to help America's manufacturers if we are to get our economy moving strongly ahead. One important way to do this is to cut the cost of capital for manufacturing firms, and that is particularly important for firms that have suffered as a result of the dumping practices of foreign competitors. The IRF makes capital less expensive for such companies, keeping them competitive in the international marketplace.

We can no longer afford to permit our companies to be victimized by unfair trade practices. Free trade only works if it is reciprocal. Our antidumping laws are written to promote fairness in trade, but they do nothing to address problems that have arisen as a result of the loss of a market share. We can't afford to permit American companies to cede domestic markets to their foreign competitors, as the result of unfair trade practices. If we stand aside and let these companies sink, we are not promoting free trade, we are killing off American manufacturing.

I ask unanimous consent that a copy of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1285

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

**SECTION 1. ESTABLISHMENT OF INDUSTRIAL RECAPITALIZATION FUNDS.**

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end thereof the following new part:

"PART VIII—INDUSTRIAL RECAPITALIZATION FUNDS

"Sec. 530. Establishment of industrial recapitalization funds.
"Sec. 530A. Industrialization recapitalization agreements.
"Sec. 530B. Fund requirements.
"Sec. 530C. Taxability of fund.
"Sec. 530D. Definitions; records and reports.

**"SEC. 530. ESTABLISHMENT OF INDUSTRIAL RECAPITALIZATION FUNDS.**

"(a) ESTABLISHMENT OF FUNDS.—If an eligible corporation enters into an agreement with the Secretary of Commerce described in section 530A, such corporation may establish an industrial recapitalization fund (hereinafter in this part referred to as a 'fund').

"(b) ELIGIBLE CORPORATION.—For purposes of this part, the term 'eligible corporation' means any corporation—

"(1) engaged in the active conduct of a trade or business in an essential industry, and

"(2) which has filed a petition under section 702 or 732 of the Tariff Act as an interested party described in section 771(9)(C) of

the Tariff Act which resulted in the commencement of an investigation leading to the imposition of additional duties under section 701 or 731 of the Tariff Act, or a suspension agreement.

"(c) ESSENTIAL INDUSTRY.—For purposes of this part, the term 'essential industry' means a domestic industry which produces component products classified under Standard Industrial Classification Code 36741 or without which machine tools necessary to support the national defense could not be produced.

**"SEC. 530A. INDUSTRIALIZATION RECAPITALIZATION AGREEMENTS.**

"(a) IN GENERAL.—An agreement is described in this section if—

"(1) the Secretary of Commerce determines that such agreement will assist in acquiring new, or modernizing, plant and equipment in the United States for an essential industry which—

"(A) the International Trade Commission, through a final determination of material injury, found had been injured by subsidized (or less than fair value) sales of imported merchandise, or

"(B) the Secretary of Commerce, through a final determination, found forced sales of less than fair value where the difference between foreign market value and the United States price exceeded 50 percent ad valorem from 1 or more countries; and

"(2) subject to the provisions of this part, the agreement provides criteria for deposits into, investment of amounts in, and withdrawals from, a fund.

"(b) SECRETARIAL AUTHORITY.—The Secretary of Commerce may set such other terms and conditions with respect to any agreement as are necessary to carry out the purposes of this part. Such terms and conditions may be set by regulation or included in an agreement.

**"SEC. 530B. FUND REQUIREMENTS.**

"(a) DEPOSIT REQUIREMENTS.—

"(1) Amounts may be deposited into a fund during each of the 5 taxable years immediately following the taxable year in which an agreement described in section 530A is entered into.

"(2) The amount deposited for any taxable year shall not exceed the lesser of—

"(A) the amount provided in the agreement, or

"(B) the amount determined under paragraph (3).

"(3) The amount determined under this paragraph is the sum of—

"(A) that portion of the taxable income of the corporation maintaining a fund for such year (computed as provided in chapter 1 but without regard to the carryback or carryover of any net operating loss or net capital loss and without regard to this section) which is attributable to the production and sale by an essential industry in the United States of a product classified in the same 5-digit Standard Industrial Classification as the imported merchandise which has been determined to be subject to the imposition of duties under section 701 or 731 of the Tariff Act, or the suspension agreement, in a case in which such person was a petitioner,

"(B) amounts allowable as a deduction to the taxpayer under section 167 (or as amortization in lieu of depreciation under any other provision) for such taxable year with respect to eligible plant and equipment,

"(C) if the transaction is not taken into account for purposes of subparagraph (A), the net proceeds (as defined in joint regulations) from the sale or other disposition of any such eligible plant and equipment, or insurance or indemnity attributable to any such eligible plant and equipment, plus

"(D) the receipts from the investment or reinvestment of amounts held in such fund.

"(4) The amount deposited into a fund for any taxable year following the 5 taxable-year period referred to in paragraph (1) shall not exceed the amount specified in paragraph (3)(D).

"(5) The Secretary may not require in an agreement described in section 530A deposits in any taxable year in excess of 50 percent of the amount described in paragraph (3)(A).

"(b) REQUIREMENTS AS TO INVESTMENTS.—

"(1) Except as provided in this subsection, amounts in a fund shall be kept in the depository or depositories specified in the agreement and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce.

"(2) Assets in a fund may be invested only in interest-bearing securities issued by the United States Government.

"(c) WITHDRAWALS.—

"(1) The agreement under section 530A shall provide that only qualified withdrawals may be made from a fund.

"(2) For purposes of this part, the term 'qualified withdrawal' means a withdrawal made in accordance with the terms of the agreement, but only if it is for—

"(A) the acquisition, construction, reconstruction, modernization or refurbishment of qualified plant and equipment, or

"(B) the payment of the principal on indebtedness incurred in connection with the acquisition, construction, reconstruction, modernization, or refurbishment of qualified plant and equipment.

"(3) Under joint regulations, if the Secretary of Commerce determines that any substantial obligation under any agreement under section 530A is not being fulfilled, the Secretary may, after notice and opportunity to be heard, treat the entire fund (or any portion thereof) as an amount withdrawn from the fund in a withdrawal which is not a qualified withdrawal.

**"SEC. 530C. TAXABILITY OF FUND.**

"(a) NONTAXABILITY FOR DEPOSITS.—

"(1) For purposes of this title—

"(A) taxable income (determined without regard to this section) for any taxable year shall be reduced by an amount equal to the amount deposited into a fund for the taxable year out of amounts described in section 530B(a)(3)(A),

"(B) gain from a transaction referred to in section 530B(a)(3)(C) shall not be taken into account in computing taxable income if an amount equal to the net proceeds (as defined in joint regulations) from such transaction is deposited in the fund,

"(C) the earnings (including gains and losses) from the investment and reinvestment of amounts held in the fund shall not be taken into account in computing taxable income,

"(D) the earnings and profits of any corporation (within the meaning of section 316) shall be determined without regard to this section,

"(E) in applying the tax imposed by section 531 (relating to the accumulated earnings tax), amounts held in the fund shall not be taken into account,

"(F) all allowable deductions under this section are also allowed as deductions for the determination of adjusted current earnings in the computation of the alternative minimum tax, and

"(G) for purpose of computing the commission payable to a foreign sales corporation such commission shall be determined without regard to this section.

"(2) Paragraph (1) shall apply with respect to any amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in joint regulations.

"(b) ESTABLISHMENT OF ACCOUNTS.—

"(1) Within a fund established pursuant to this part, 3 accounts shall be maintained—

"(A) the capital account,

"(B) the capital gain account, and

"(C) the ordinary income account.

"(2) The capital account shall consist of—

"(A) amounts referred to in section 530B(a)(3)(B),

"(B) amounts referred to in section 530B(a)(3)(C) other than that portion thereof which represents gain not taken into account by reason of subsection (a)(1)(B),

"(C) the percentage applicable under section 243(a)(1) of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (a)(1)(C)) be allowed a deduction under section 243, and

"(D) interest income exempt from taxation under section 103.

"(3) The capital gain account shall consist of—

"(A) amounts representing capital gains on assets held for more than 1 year and referred to in subparagraph (C) or (D) of section 530B(a)(3), reduced by

"(B) amounts representing capital losses on assets held in the fund for more than 1 year.

"(4) The ordinary income account shall consist of—

"(A) amounts referred to in section 530B(a)(3)(A),

"(B)(i) amounts representing capital gains on assets held for 1 year or less and referred to in subparagraph (C) or (D) of section 530B(a)(3), reduced by

"(ii) amounts representing capital losses on assets held in the fund for 1 year or less,

"(C) interest (not including any tax-exempt interest referred to in paragraph (2)(D)) and other ordinary income (not including any dividend referred to in subparagraph (E)) received on assets held in the fund,

"(D) ordinary income from a transaction described in section 530B(a)(3)(C) other than amounts to which paragraph (2)(B) applies, and

"(E) the portion of any dividend referred to in paragraph (2)(C) not taken into account under such paragraph.

"(5) Except on termination of a fund, capital losses referred to in paragraph (3)(B) or in paragraph (4)(B)(ii) shall be allowed only as an offset to gains referred to in paragraph (3)(A) or (4)(B)(i), respectively.

"(c) TAX TREATMENT OF QUALIFIED WITHDRAWALS.—

"(1) Any qualified withdrawal from a fund shall be treated—

"(A) first as made out of the capital account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the ordinary income account.

"(2) If any portion of a qualified withdrawal for qualified plant and equipment is made out of the ordinary income account, the basis of such plant and equipment shall be reduced by an amount equal to such portion.

"(3) If any portion of a qualified withdrawal for qualified plant and equipment is made out of the capital gain account, the basis of such plant and equipment shall be reduced by an amount equal to such portion.

"(4) If any portion of a qualified withdrawal to pay the principal on any indebtedness described in section 530B(c)(2)(B) is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) shall be applied, in the order provided in joint regulations, to reduce the basis of plant and equipment owned by the person maintaining the fund. Any amount of a withdrawal remaining after the application of the preceding sentence shall be treated as a nonqualified withdrawal.

"(5) If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (d)(3)(A) which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in joint regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under such joint regulations which will, insofar as practicable, restore the fund to the position it was in before the withdrawal.

"(d) TAX TREATMENT OF NONQUALIFIED WITHDRAWALS.—

"(1) Except as provided in subsection (e), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

"(2) Any nonqualified withdrawal from a fund shall be treated—

"(A) first as made out of the ordinary income account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the capital account.

For purposes of this subsection, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that (i) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced qualified plant and equipment, and (ii) any amount treated as a nonqualified withdrawal under the second sentence of subsection (c)(4), shall be treated as withdrawn on a last-in-first-out basis.

"(3) For purposes of this title—

"(A) any amount referred to in paragraph (2)(A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made,

"(B) any amount referred to in paragraph (2)(B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 1 year, and

"(C) for the period on or before the last date prescribed for payment of tax for the taxable year in which the withdrawal is made—

"(i) no interest shall be payable under section 6601 and no addition to the tax shall be payable under section 6651,

"(ii) interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph (4)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

"(iii) no interest shall be payable on amounts referred to in clauses (i) and (ii) of paragraph (2).

"(4) For purposes of paragraph (3)(C)(ii), the applicable rate of interest for any nonqualified withdrawal shall be the rate established in section 6621(a)(2).

"(5)(A) The applicable percentage of any amount which remains in a fund as of the close of the 10th, 11th, or 12th taxable year following the taxable year in which an agreement was entered into shall be treated as a nonqualified withdrawal in accordance with the following table:

| "If the amount remains in the fund at the close of the— | The applicable percentage is: |
|---|---|
| 10th taxable year ..... | 20 percent |
| 11th taxable year ..... | 60 percent |
| 12th taxable year ..... | 100 percent. |

"(B) The earnings of a fund for any taxable year (other than net gains) shall be treated for purposes of this paragraph as an amount remaining in the fund for such taxable year.

"(C) For purposes of subparagraph (A), an amount shall not be treated as remaining in a fund as of the close of any taxable year to the extent there is a binding contract at the close of such year for a qualified withdrawal of such amount with respect to an identified item for which such withdrawal may be made.

"(D) If the Secretary determines that the balance in a fund exceeds the amount which is appropriate to meet the fund's program objectives, the amount of such excess shall be treated as a nonqualified withdrawal under subparagraph (A) unless such person develops appropriate program objectives within 3 years to dissipate such excess.

"(6)(A) In the case of any taxable year for which there is a nonqualified withdrawal (including any amount so treated under paragraph (5)), the tax imposed by chapter 1 shall be determined—

"(i) by excluding such withdrawal from gross income, and

"(ii) by increasing the tax imposed by chapter 1 by the product of the amount of such withdrawal and the highest rate of tax specified in section 11.

With respect to the portion of any nonqualified withdrawal made out of the capital gain account during a taxable year to which section 1201(a) applies, the rate of tax taken into account under the preceding sentence shall not exceed 34 percent.

"(B) If any portion of a nonqualified withdrawal is properly attributable to deposits (other than earnings on deposits) made by the taxpayer in any taxable year which did not reduce the taxpayer's liability for tax under chapter 1 for any taxable year preceding the taxable year in which such withdrawal occurs—

"(i) such portion shall not be taken into account under subparagraph (A), and

"(ii) an amount equal to such portion shall be treated as allowed as a deduction under section 172 for the taxable year in which such withdrawal occurs.

"(C) Any nonqualified withdrawal excluded from gross income under subparagraph (A) shall be excluded in determining taxable income under section 172(b)(2).

"(e) CORPORATE REORGANIZATIONS.—Under joint regulations, if a transfer of a fund occurs from one person to another person in a transaction to which section 381 applies, such transfer shall not constitute a nonqualified withdrawal.

**"SEC. 530D. DEFINITIONS; RECORDS AND REPORTS.**

"(a) DEFINITIONS.—For purposes of this part—

"(1) The term 'Tariff Act' means the Tariff Act of 1930, as amended.

"(2) The term 'eligible plant and equipment' means any plant and equipment which is used by an industry (as defined in section 771(4) of the Tariff Act) for the production of a like product (as defined in section 771(10) of the Tariff Act).

"(3) The term 'joint regulations' means regulations prescribed under subsection (b)(2).

"(4) The term 'qualified plant and equipment' means new or modernized plant and equipment which will be used by an industry (as defined in section 771(4) of the Tariff Act) for the production of a like product (as defined in section 771(10) of the Tariff Act) or a product determined by the Secretary of Commerce to be competitive with such like product.

"(5) The term 'United States' means, when used in a geographical sense, each of the 50 States, the District of Columbia, and Puerto Rico.

"(b) RECORDS; REPORTS; CHANGES IN REGULATIONS.—

"(1) Each person maintaining a fund under this part shall keep such records and shall make such reports as the Secretary or the Secretary of the Treasury shall require.

"(2) The Secretary of the Treasury and the Secretary of Commerce shall jointly prescribe all rules and regulations, not inconsistent with the foregoing provisions of this part, as may be necessary or appropriate to the determination of tax liability under this section.

"(3) If, after an agreement has been entered into under this section, a change is made either in the joint regulations or in the regulations prescribed by the Secretary of Commerce under this section which could have a substantial effect on the rights or obligations of any person maintaining a fund under this section, such person may terminate such agreement.

"(c) DEPARTMENTAL REPORTS AND CERTIFICATION.—

"(1) For each calendar year, the Secretary of Commerce shall provide the Secretary of the Treasury, within 120 days after the close of such calendar year, a written report with respect to the funds under the Secretary's jurisdiction.

"(2) Each report under paragraph (1) shall set forth the name and taxpayer identification number of each person—

"(A) establishing a fund during such calendar year;

"(B) maintaining a fund as of the last day of such calendar year;

"(C) terminating a fund during such calendar year;

"(D) making any withdrawal from or deposit into (and the amounts thereof) a fund during such calendar year; or

"(E) with respect to which a determination has been made during such calendar year that such person has failed to fulfill a substantial obligation under any fund agreement to which such person is a party.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter F is amended by adding at the end thereof the following new item:

"Part VIII—Industrial recapitalization funds."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 2. COORDINATION AND COLLECTION OF ANTIDUMPING AND COUNTERVAILING DUTIES.**

(a) REPORTING REQUIREMENTS.—Section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e) is

amended by adding the following subsections:

"(d) REPORTING REQUIREMENTS.—

"(1) SEMIANNUAL REPORTS TO CONGRESS.—The Secretary of Commerce shall submit semiannual reports to Congress identifying the total volume (and value) of imports subject to antidumping or countervailing duties, and the total cash deposits collected. Each such report shall contain an attested statement from the Secretary confirming that the correct amount of cash deposits have been collected. The report shall confirm that any entries subject to antidumping and countervailing duty orders which have been liquidated without assessment of such duties have been reliquidated pursuant to section 520(e) or returned to an unliquidated state pending completion of an administrative review.

"(2) QUARTERLY REPORTS.—The Customs Service, after consulting with the Department of Commerce as to the accuracy and completeness of the data, shall send quarterly reports to importers of record. The quarterly report shall list by antidumping and countervailing duty order, and by foreign producer, the entries made, including:

"(A) the value of the entries,

"(B) the duty deposit rates, and

"(C) the estimated duty paid.

The list is to be updated quarterly.

"(e) TRANSMITTAL OF QUARTERLY REPORT TO THE SECRETARY.—The quarterly report under subsection (d)(2) shall be transmitted to the Department of Commerce and made part of the appropriate administrative record. The parties shall be provided access to the confidential portions of the quarterly list under administrative protective order pursuant to section 777. The data contained in the quarterly report is to be compared to the Department of Commerce statistics. In the event there are any discrepancies between the data reported in the foreign producers questionnaire responses and the Customs data, the matter shall be referred to the Customs investigations unit. The Customs investigation unit shall issue a report within 90 days indicating the reasons for any discrepancies. Entries determined to be made at the wrong cash deposit rates, and entries incorrectly liquidated without assessment of estimated duties, shall be referred to Customs for reliquidation pursuant to section 520(e). In addition, the Customs investigations unit shall report any instance or occurrence in which the discrepancy may have resulted from a violation of section 592 for appropriate action by the Customs Service."

(b) RELIQUIDATION OF ENTRIES.—Section 520 of the Tariff Act of 1930 (19 U.S.C. 1520) is amended by adding at the end the following new subsection:

"(e) RELIQUIDATION OF ENTRIES TO ASSESS ANTIDUMPING OR COUNTERVAILING DUTIES.—Notwithstanding section 514(a), the appropriate Customs officer shall reliquidate any entry necessary to correct the failure of the Customs Service to assess and collect an antidumping or countervailing duty that was properly assessed on such entry pursuant to section 736(a) but not assessed and collected in the initial liquidation. Any reliquidation required under the preceding sentence must occur within 18 months of the liquidation coming to the attention of the Commerce Department and an assessment rate pursuant to section 751 being established."

SECTION-BY-SECTION ANALYSIS

SECTION (1). ESTABLISHMENT OF INDUSTRIAL RECAPITALIZATION FUNDS

*Present Law*

There are currently no provisions of U.S. law which establish an industrial recapitalization fund or allow tax deferral for new investment by a U.S. industry that has been injured by unfair import competition.

*Explanation of provision*

Subsection (a) outlines the provisions of an eligible corporation to establish an industrial recapitalization fund. Subsection (b) sets the requirements for a said corporation to enter into an agreement with the Secretary of Commerce. Subsection (c) outlines said criteria for which such corporation may establish an industrial recapitalization fund.

SECTION (2). INDUSTRIALIZATION RECAPITALIZATION AGREEMENTS

*Explanation of provision*

Section (2) establishes, for the first time, a fund for the purpose of assisting an essential industry harmed by unfair import competition with capital expansion in an effort to regain industrial base and consequent lost market share. Subsection (a) sets out the requirements for entering into an agreement with the Secretary of Commerce to establish an industrial recapitalization fund, a statement of the purpose of such a fund, and the Secretary's responsibilities in connection with the fund. Deposits and withdrawals from the fund would be subject to conditions and requirements established by the Secretary by agreement or regulation. Subsection (b) outlines the Secretary's authority with respect to the setting of other terms and conditions to any agreement. Subsection (c) provides a definition of "essential industry" for purposes of this Act and conformity with the Canadian Free Trade Agreement.

SECTION (3). FUND REQUIREMENTS

*Explanation of provision*

Subsection (a), Deposit Requirements, limits the amount deposited in the fund for any of the first five taxable years after an agreement has been entered into to a sum not exceeding the total of:

(a) that portion of taxable income which is attributable to the production and sale by an essential industry in the U.S. of a like product to a class or kind of imported merchandise which has been determined to be subject to the imposition of duties under section 701 or 731 of the Tariff Act of 1930, as amended,

(b) the amount allowable as a deduction under section 167 of Internal Revenue Code of 1986, with respect to eligible plant and equipment.

(c) if the transaction is not taken into account for purposes of subparagraph (A), the net proceeds from the sale or other disposition of any such eligible plant and equipment, or insurance or indemnity attributable to any such eligible plant and equipment, and

(d) the receipts from the investment or reinvestment of amounts held in such fund.

The subsection also limits the deposit in any taxable year following the 5th taxable-year period referred to in subparagraph (D) above.

Subsection (b), Requirements as to Investments, requires the segregation of amounts in the fund to be subject to certain requirements imposed by the Secretary. Investment of fund assets must be made in interest-bearing securities issued by the United States Government.

Subsection (c), Withdrawals, sets out the purposes for which a withdrawal may qualify as a "qualified withdrawal" and also provides that the Secretary may treat the entire fund or portion thereof as a nonqualified withdrawal upon determining that a substantial obligation under the agreement is not being fulfilled. A withdrawal is qualified if it is for the acquisition, construction, reconstruction, modernization or refurbishment of qualified plant and equipment or for the payment of the principal on indebtedness incurred in connection with the acquisition, etc. of qualified plant and equipment.

SECTION (4). TAXABILITY OF FUND

*Explanation of provision*

Subsection (a), Nontaxability for Deposits, provides for the nontaxability of deposits into the fund by subtracting the amount deposited from taxable income, not realizing gain on certain transactions if an amount equal to the net proceeds from the transaction is deposited, not considering the earnings from the investment of amounts in the fund, and not considering the amounts in the fund when determining the earnings and profits of the corporation for tax purposes.

Subsection (b), Establishment of Accounts, requires that three accounts be maintained within the fund including a capital account, a capital gain account and an ordinary income account. The capital account is to consist, for example, of an amount equal to the depreciation of eligible plants and equipment and amounts of gain realized on the sale of such eligible plants and equipment. The capital gain account consists of amounts representing long-term capital gains reduced by long-term capital losses. The ordinary income account shall consist of an amount of taxable income attributable to the production and sale of products of a like kind to imported merchandise subject to the payment of dumping duties [determined to be subject to duties under section 701 or 731 of the Tariff Act of 1930] short-term capital gain, and interest and other ordinary income received on assets held in the fund.

Subsection (c), Tax Treatment of Qualified Withdrawals establishes a priority rule requiring that qualified withdrawals be treated as first made out of the capital account, then out of the capital gains account, and lastly out of the ordinary income account. Additionally, it provides for the adjustment of basis of plant and equipment purchased with funds withdrawn from the capital gain or ordinary income account. The section provides that if any portion of a qualified withdrawal is used to pay principal on any indebtedness and is made from either the ordinary income or the capital gain account, then the money shall be applied to reduce basis of plant and equipment owned by the person maintaining the fund.

The section also sets out the method in which any gains realized on property sold, the basis of which was reduced under the section, should be treated.

Subsection (d), Tax Treatment of Nonqualified Withdrawals. Nonqualified withdrawals do not receive the favorable tax treatment of qualified withdrawals. This subsection provides that nonqualified withdrawals are to be treated as withdrawn first out of the ordinary income account, second out of the capital gain account, and third as out of the capital account and treated as withdrawn on a first-in-first-out basis, with certain exceptions. Nonqualified withdrawals are treated as ordinary income, or ordinary gain realized during the taxable year in which withdrawal was made, depending on which account was credited with the withdrawal. The subsection also details the var-

ious kinds of tax treatment these withdrawals receive.

A time limit for the maintenance of a fund is also established. Starting in the tenth year after the agreement, a percentage of the amount remaining in the fund is taxed as a nonqualified withdrawal. Twenty percent of the amount remaining in the fund after 10 years is treated as a nonqualified withdrawal, then 60 percent is taxed in the eleventh year, and finally, 100 percent of the amount left in the fund after 12 years is treated as a nonqualified withdrawal. However, if an amount has been committed through a binding contract as a qualified withdrawal, but is remaining in the fund at the end of the taxable year, that amount will be treated as withdrawn. Furthermore, any excess funds which the Secretary has determined exceed the amount appropriate to meet the fund's program objectives will be treated as a nonqualified withdrawal, unless appropriate program objectives are developed within 3 years to dissipate such excess.

Nonqualified withdrawals are to be taxed at the highest marginal rate. However, if any portion of a nonqualified withdrawal is attributable to deposits made by the taxpayer in any taxable year which did not reduce the taxpayer's liability for tax for any taxable year preceding the taxable year in which such withdrawal occurs, such portion will not be subject to taxation.

Subsection (e), Corporation Reorganizations, provides that a transfer of a fund from one person to another person as a result of a corporate reorganization, such transfer shall not constitute a nonqualified withdrawal. If the transaction results in the transfer of an eligible corporation, a majority of whose shares are held by non U.S. persons, any and all withdrawals will be treated as having been non-qualified and the resultant tax liability must be paid at the time of the transaction.

SECTION (5). DEFINITIONS; RECORDS AND REPORTS

*Explanation for Provision*

Subsection (a), Definitions, provides the definition of certain key terms used in the section. Most importantly, an "eligible corporation" must first be certified as a member of a domestic industry essential to the national security interests of the U.S. and have filed a petition under section 702 or 732 of the Tariff Act as an interested party described in section 771(9)(C) of the Tariff Act of 1930 which has resulted in the commencement of an investigation leading to the imposition of additional duties under 701 or 731 of the Tariff Act.

Subsection (b), Records; Report; Changes in Regulations, requires each person maintaining a fund to keep such records as the Secretary or the Secretary of the Treasury may require. The Secretary of Commerce and the Secretary of the Treasury are required to jointly prescribe rules and regulations appropriate to determine tax liability under the section. The section also provides that a person may terminate an agreement if a change is made in the joint regulations which could have a substantial effect on the rights or obligations of that person.

Subsection (c), Departmental Reports and Certification, requires the Secretary of Commerce to provide an annual report to the Secretary of Commerce to provide an annual report to the Secretary of the Treasury identifying each person who established a fund during the taxable year, maintained a fund at the end of the taxable year, terminated a fund during a taxable year, made withdrawals or deposits during the taxable year, or who has been determined to have failed to fullfill a substantial obligation under a fund agreement.●

---

By Mr. LIEBERMAN:

S. 1286. A bill to amend title 18, United States Code, and the Export Administration Act of 1979 with respect to the prosecution of illegal boycotts against nations friendly to the United States; to the Committee on Banking, Housing, and Urban Affairs.

ILLEGAL BOYCOTT PROSECUTION ACT

● Mr. LIEBERMAN. Mr. President, I rise today to introduce a companion bill to one already introduced by my friend and colleague from New York, Representative CHUCK SCHUMER. The bill, the Illegal Boycott Prosecution Act of 1991, would make it even more difficult for American companies to be in compliance with the secondary and tertiary boycott of Israel.

Currently, a company that is in violation of the law—that is, it complies with the boycott—is initially investigated by the Department of Commerce, which normally prepares a case for civil consent settlement. By changing the law so that the violation would also be in violation of title 18 of the criminal code, the Department of Justice could become involved with the prosecution of a case from the beginning, not after a referral from the Department of Commerce as is presently the case. This would mean that an investigation would be conducted and evidence gathered in such a way as to permit the Department of Justice to properly execute criminal proceedings.

This bill does not relieve the Department of Commerce of its responsibility to enforce the law. It simply makes the Department of Justice a more active player in the prosecution of a case.

The secondary and tertiary boycotts of Israel are anticompetitive and violate all international efforts to create a more open, global economic climate. At a time when we are encouraging every nation—from the Soviet Union, to the countries of Eastern Europe, to the People's Republic of China—to create a free market environment, we cannot sit back and do nothing about the pernicious practice of the Arab boycott. This bill would make progress toward achieving the estimable goal of ending the boycott.

I ask unanimous consent a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1286

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Illegal Boycott Prosecution Act of 1991".

**SEC. 2. TITLE 18 AMENDMENT.**

(a) IN GENERAL.—Chapter 45 of title 18, United States Code, is amended by adding at the end the following:

**§ 971. Illegal boycotts**

"(a) Whoever knowingly violates the regulations prescribed under section 8 of the Export Administration Act of 1979 shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) It shall be the duty of the Secretary of Commerce promptly to inform the Attorney General of any information within the possession of the Department of Commerce relating to a possible violation of this section.".

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 18, United States Code, is amended by adding at the end the following new item:

"971. Illegal boycotts.".

**SEC. 3. EXPORT ADMINISTRATION ACT AMENDMENT.**

Section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) is amended by adding at the end the following:

"(j) REFERRAL TO ATTORNEY GENERAL OF POSSIBLE ANTIBOYCOTT VIOLATION.—The Secretary shall promptly inform the Attorney General of any information within the possession of the Department of Commerce relating to a possible violation under subsection (a) or (b) of the regulations issued under section 8 of this Act.".●

---

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 1287. A bill to amend the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); to the Select Committee on Indian Affairs.

TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT ACT

● Mr. MCCAIN. Mr. President, I am introducing today on behalf of myself and Senator INOUYE the Tribal Self-Governance Demonstration Project Act.

In 1988 the Congress authorized the Self-Governance Demonstration Project [SGDP] under title III of the Indian Self-Determination and Education Assistance Act Amendments—Public Law 100-472. Title III authorizes participating tribes, under an annual funding agreement with the Secretary of the Interior, to plan, consolidate, and administer programs, services, and functions administered by the Bureau of Indian Affairs and to redesign programs, activities, functions, or services and reallocate Federal funds.

Funds for the annual agreements are allocated out of agency, area, and central office accounts to the tribe on the basis of what that tribe would have received in funds and services in the absence of the agreement. The tribe can choose to contract for some or all of the services and programs provided by the Bureau of Indian Affairs.

The potential advantages of a self-governance demonstration project are twofold. The first is the flexibility that the tribe has to redesign programs to meet the needs of the tribe and use the funds where it determines they are needed, with two restrictions. First, funds that are received by a tribe on a competitive basis—that is Indian Child Welfare Act—must be used for that

purpose. Second, certain transfers intended for trust protection services must receive approval.

The second potential advantage is that the Congress has appropriated funds for tribes to study whether they want to participate in the project and additional shortfall funds for those tribes that do participate. The shortfall funds are intended to cover start-up expenses of the project and shortfalls in program funds occasioned by the inability to split out funds from programs on a precise basis. The purpose here is to give the participating tribe its share of all BIA funds to see if the tribe can more effectively design and deliver services to its members in a way more responsive to direct input from the members.

Seven tribes signed compacts for fiscal year 1991. The Office of Self-Governance anticipates contracting with at least 6 more tribes this year. To date 28 tribes have received planning grants.

The bill I am introducing today makes the following four basic changes to the original law:

First, the demonstration period would be extended by an additional 3 years. Although the SGDP was authorized in 1988, the first compacts were not signed until 1990. Under current law, only 3 years would be left in which to test the SGDP. The tribes should be afforded a reasonable amount of time in order to determine whether this form of government to government relationship with the United States is an option that the Congress should make available on a permanent basis.

Second, the current number of authorized tribal participants would be increased from 20 to 30. This increase is necessary in order to allow those tribes which are seriously considering participation in the SGDP the freedom to do so without their decision being voided by an arbitrary limitation that was established nearly 3 years ago. Furthermore, the participation of an additional number of tribes will provide all tribes and the Congress a broader sample for examining the strengths and weaknesses of the SGDP.

Third, the bill would require that all tribes electing to participate in the SGDP must first go through the planning process. During this process, each tribe would receive a planning grant to conduct budgetary and legal research, conduct internal Government planning and organization preparation, and develop a negotiating process. While there is some disagreement about the intent of the original language on this point, I believe it is especially important during the demonstration phase that each participating tribe experience the entire program. Their experiences will be important to the Congress when it eventually begins to assess the overall strengths and weaknesses of the SGDP, and whether a planning grant should be a requirement if the SGDP is made available on a permanent basis.

Fourth, the bill would authorize $700,000 for planning and negotiation grants for 10 additional tribes under this bill. The appropriations for the first 20 tribes are already covered under previous appropriations acts. Each of the 10 tribes would receive approximately $50,000 for planning and $20,000 for negotiation. These figures are based on the experiences of the current self-governance tribes.

Finally, Mr. President, I want to commend Secretary Lujan and Assistant Secretary Brown for the time and attention they have committed to the self-governance demonstration project. The program was essentially dormant until Secretary Lujan raised this issue to the highest levels within the Department and supported Dr. Brown in his efforts to remove those obstacles which would have otherwise frustrated the tribes in their efforts to demonstrate the potential value of a self-governance compact.

Mr. President, I ask unanimous consent that a copy of the bill, and a copy of the progress report on the tribal self-government project as submitted by the Department of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1287

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tribal Self-Governance Demonstration Project Act".

**SEC. 2. EXTENSION OF TIME FOR TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT.**

Section 301 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) (hereafter in this Act referred to as the "Act") is amended by deleting "five" and inserting in lieu thereof "eight".

**SEC. 3. INCREASE IN NUMBER OF TRIBES PARTICIPATING IN PROJECT.**

Section 302(a) of the Act is amended by deleting "twenty" and inserting in lieu thereof "thirty".

**SEC. 4. COMPLETION OF GRANTS AS A PRECONDITION TO NEGOTIATION OF WRITTEN ANNUAL FUNDING AGREEMENTS.**

Section 303(a) of the Act is amended by deleting "which—" and inserting in lieu thereof "that successfully completes its Self-Governance Planning Grant; such annual written funding agreement—".

**SEC. 5. ADDITIONAL FUNDING FOR SELF-GOVERNANCE PLANNING GRANTS**

Title III of the Act is amended by adding at the end thereof the following new section:

"SEC. 307. For the purpose of providing planning and negotiation grants to the ten tribes added by section 3 of the Tribal Self-Governance Demonstration Project Act to the number of tribes set forth by section 302 of this Act, there is authorized to be appropriated $700,000.".

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, DC, April 1, 1991.*

Hon. J. DANFORTH QUAYLE,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: Enclosed is a progress report, with attachments, as called for by Title III—Tribal Self-Governance Demonstration Projects, Section 305 of P.L. 100-472, the Indian Self-Determination and Education Assistance Act Amendments of 1988. Future reports will be based on mutually determined baseline measurements jointly developed by the Secretary and participating tribes and shall separately include the views of the tribes as well as the relative costs and benefits of the Tribal Self-Governance Demonstration projects.

An identical letter, with the enclosed report and its attachments, is being sent to the Honorable Thomas S. Foley, Speaker of the House of Representatives.

Sincerely,

CHARLES E. KAY
(For John E. Schrote, Acting Assistant Secretary, Policy, Management and Budget).

---

PROGRESS REPORT: TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT

(October 1990 to March 1991)

INTRODUCTION

This progress report covers activities between October, 1990 and March, 1991. To date, 28 tribes have received planning grants. These planning grants are to conduct budgetary and legal research, conduct internal government planning and organizational preparation and develop a negotiation process. Attachment One shows the funding history by tribe since the inception of the program in 1988.

Seven tribes are currently administering compact agreements. The seventh compact, which is with the Absentee-Shawnee Tribe commenced on January 1, 1991.

This report covers the following items: activities of the Self-Governance Demonstration Project Council, distribution of supplemental funding, planning and negotiation grants for FY 1991, establishment of a self-governance office, FY 1992 negotiations plans and the baseline measures report requirement.

SELF-GOVERNANCE DEMONSTRATION PROJECT COUNCIL

On August 3, 1990 an Order of the Secretary established a Council to provide policy guidance for the Self-Governance project. This Council is chaired by the Assistant Secretary—Indian Affairs and includes the Counselor to the Secretary, the Deputy Assistant Secretary for Indian Affairs, the acting Deputy Commissioner, and a representative from the Solicitor's office. The Council met three times to discuss distribution of the $3 millin supplemental shortfall funding to the tribes and the formation of a Self-Governance Office which will administer the negotiation process of new and current self-governance tribes and award new planning grants.

SUPPLEMENTAL FUNDING

For FY 1991, the Congress added $3 million as supplemental funding for the self-governance tribes. This supplemental funding is to cover program shortfalls and start-up costs of those compact agreements that will commence this fiscal year In January, the Self-Governance Project Council approved the dispersal of the following amounts:

| | |
|---|---|
| Quinault | $494,700 |

| | |
|---|---|
| Jamestown Klallam | 255,000 |
| Lummi | 557,048 |
| Hoopa Valley | 520,625 |
| Cherokee | 321,052 |
| Absentee-Shawnee | 100,000 |
| Mille Lacs Band | 0 |
| Subtotal | 2,248,425 |
| Undistributed | 751,575 |
| Total | 3,000,000 |

A determination has yet to be made regarding the Mille Lacs Band's funding and a decision is pending regarding additional funding for Absentee-Shawnee. Once the amounts are set for these two tribes, a final distribution will be made to the seven tribes.

PLANNING AND NEGOTIATION GRANTS (FY 1991)

On February 11, 1991, the BIA announced the availability of $581,000 to continue the Self-Governance Demonstration Planning Grant program for FY 1991. Of this amount, the Congress earmarked $125,000 for the Lummi Tribe in Washington for continuation of its educational component relative to its Self-Governance Demonstration Project. The remaining funds will allow for the awarding of six negotiation grants, not to exceed $20,000 each, as well as for $336,000 in FY 1991 to the ten grantee tribes competing for continuation Self-Governance Planning Grants. At their option, tribes in the continuation category can elect to move into the negotiation stage instead of planning for an additional year. A model compact has been developed to expedite future negotiations. A copy is attached.

OFFICE OF SELF-GOVERNANCE

Steps have been taken to establish an Office of Self-Governance within the Department which will have responsibility for administering the Self-Governance Demonstration Project. More specifically, the office will:

Advise the Assistant Secretary—Indian Affairs on self-governance and self-determination issues and developed related policy and program proposals;

Consult with tribes on self-governance and self-determination issues and negotiate with those tribes that wish to start or continue their self-governance compact agreements;

Monitor and evaluate self-governance demonstration projects;

Oversee the development and implementation of self-determination regulatory processes; and

Assist in improving the prospects of success for self-governance and other self-determination agreements.

Mr. William Lavell, former Associate Solicitor-Indian Affairs, has been appointed director of this office. Mr. Lavell has been involved with this Self-Governance Demonstration project from its inception and is providing capable leadership to the project due to his wide range of Indian legal experience. In addition, five of the remaining seven authorized positions are being filled. Funds from the unfilled positions are being used to reimburse persons being detailed from area and agency offices. The reason for this action is that there is an immediate need for staff who are familiar with the circumstances of the local Bureau offices and the tribes involved. Finally, office space has been secured and office equipment has been ordered.

FY 1992 NEGOTIATION ACTIVITY PLANS

Negotiations activities have begun within the Department. Background data is being collected and arranged in a usable format. A meeting with local BIA officials and representatives from participating tribes is scheduled for the last week of March. Negotiating tribes may submit their applications for grants at any time prior to August 31. The actual number of such tribes will not be absolutely certain until that date.

For tribes wishing to commence operations under a Compact by October 1, the Agreement must be entered into by no later than July 1 to allow for the ninety (90) day review period by Congressional committees. These negotiations will begin in April.

Tribes which plan to have an initial Compact commencing on January 1, 1992 must have entered into the Agreement by no later than October 1 to allow for the ninety (90) day review period.

Renewal negotiations will also be scheduled to begin in April.

BASELINE MEASUREMENTS REPORT

The enabling legislation for the Tribal Self-Governance Demonstration Project, Title III, Section 305 of P.L. 100-472, contained requirements for semi-annual reports to Congress concerning the relative costs and benefits of the project based on mutually determined baseline measures. A task force comprised of representatives from the first six self-governance compact tribes and the Bureau of Indian Affairs was established to standardize the Baseline Measures overall process. In January, 1991, a draft of report requirements was presented to Director Lavell that established a format for future reports. A copy of the base line measures format is attached for your review. A detailed schedule is found on page 5 of this document. The initial report on Baseline measures is expected by April 15.

SELF-GOVERNANCE PROJECTS

| Tribe | Planning grants—Fiscal year— | | | | Compacts—Fiscal year— | |
|---|---|---|---|---|---|---|
| | 1988 | 1989 | 1990 | 1991[1] | 1991 | 1992 |
| Appropriation | $1,000,000 | $1,200,000 | $1,184,000 | [1] $581,000 | | |
| Absentee Shawnee | 0 | 0 | 0 | | $484,000 | |
| Cherokee | 0 | 0 | 50,000 | | 5,487,700 | |
| Cheyenne River | 0 | 50,000 | 50,000 | | | |
| Duck Valley | 0 | 25,000 | 39,830 | | | |
| Duck Watger Shoeshone | 0 | 0 | 49,971 | | | |
| Ely Colony | 0 | 27,500 | 35,700 | | | |
| Flathead | 76,287 | 76,287 | [2] 20,000 | | | |
| Grand Traverse | 0 | 0 | 49,054 | | | |
| Hoopa Valley | 100,000 | 100,000 | [2] 20,000 | | 1,333,300 | |
| Jamestown Klallam | 100,000 | 100,000 | [2] 20,000 | | 872,200 | |
| Kawerak, Inc | 0 | 0 | 50,000 | | | |
| Leech Lake | 0 | 42,662 | 50,000 | | | |
| Lummi | 100,000 | 100,000 | [2] 20,000 | | 2,541,300 | |
| Makah | 0 | 0 | 49,877 | | | |
| Menominee | 0 | 43,660 | 0 | | | |
| Mescalero | a100,000 | 0 | 100,000 | | | |
| Mille Lacs | 100,000 | 100,000 | [2] 20,000 | | 500,300 | |
| Port Gamble | 0 | 49,936 | 50,000 | | | |
| Quinaull | 100,000 | 100,000 | [2] 20,000 | | 4,375,400 | |
| Red Lake | 100,000 | 97,263 | [2] 20,000 | | | |
| Rosebud | 100,000 | 100,000 | [2] 20,000 | | | |
| Sac and Fox | 0 | 0 | 46,676 | | | |
| Shoshone Bannock | 0 | 0 | 50,000 | | | |
| Siletz Tribe | 0 | 0 | 50,000 | | | |
| Sisseton Wahpeton | 0 | 0 | 50,000 | | | |
| Tanana Chiefs | 0 | 0 | 48,440 | | | |
| Three Affilliated | 0 | 48,706 | 0 | | | |
| Tlingit-.Haida | 100,000 | 100,000 | [2] 20,000 | | | |
| Total | 976,287 | 1,161,014 | 999,548 | | 15,594,200 | |

[1] 1991 planning grants have not been awarded yet.
[2] $20,000 amounts are for negotiations costs, all other funds are awarded as planning grants, except where noted.•

By Mr. SMITH (for himself, Mr. McCAIN, and Mr. BROWN):

S. 1288. A bill to rescind unauthorized appropriations for fiscal year 1991; to the Committee on Appropriations.

SPENDING PRIORITY REFORM ACT

• Mr. SMITH. Mr. President, Senator Everett Dirksen once said: "A billion here, a billion there, and pretty soon you're talking about real money."

Today I am introducing, with my colleagues Senators BROWN and McCAIN, the Spending Priority Reform Act of 1991. The legislation includes 325 projects, totaling $1,064,646,000, that were inserted in the fiscal year 1991 Appropriations Acts. Each project was funded by circumventing the established Congressional budget process. This bill would, quite simply, rescind any unobligated funding for each of those projects. It is our modest attempt to save some of the "real money" of which Senator Dirksen so often spoke.

More importantly, however, the bill calls attention to a serious problem with the manner in which the Federal Government spends the American taxpayers' hard earned dollars. As the legislation clearly demonstrates, too often those tax dollars are spent without regard for national priorities or merit.

Mr. President, not every project included in the bill is bad and not every project is good. They are all, however, very unfair. When Members of Congress can add projects—good or bad—without hearings, or in a closed-door conference, that is unfair. It is unfair to those worthy programs that compete for funding, and it is unfair to the American people, who elected us to make spending decisions based on merit.

If Members of Congress are unwilling to play by the rules, then we need to change the rules, or provide a mechanism to enforce them. While the Spending Priority Reform Act of 1991 will not change or enforce the rules, it will effectively highlight the need for that change. If enacted, it will also save the taxpayers a considerable amount of money.

Mr. President, I urge my colleagues to cosponsor this important legislation, and send a message to the American people that Congress is willing to add some fairness and sanity to the budget process.●

● Mr. MCCAIN. Mr. President, I am proud to join Senator SMITH in cosponsoring the Spending Priority Reform Act of 1991. This is a significant piece of legislation that illustrates both procedural flaws as well as waste in congressional budgeting and spending decisions.

This legislation clearly establishes that, despite the claims of supporters' of last year's budget, the tough spending choices clearly were not made.

While taxes were increased and Medicare benefits were cut, Congress nonetheless managed to waste $1,064,646,000 on 325 projects. It is wasteful spending like this that makes Americans wonder what the priorities of their legislators truly are.

Let me now take this opportunity to discuss some of the unique aspects of this bill.

The Spending Priority Reform Act of 1991 employs a flexible, objective test to impartially determine what is "pork". Criteria used to test various projects include whether specific projects were properly authorized, competitively bid upon, or subject to a committee or subcommittee hearing.

This legislation does not pass judgment on the merits of particular projects nor does this legislation politically target specific Members of Congress.

The goal of this legislation is to ensure that the legally established procedures are adhered to when the Congress develops a budget and adopts appropriations bills.

In order to restore public confidence in Congress, we must ensure that established procedures for obtaining Federal funding are followed.

This legislation would help restore public confidence in the integrity of Congressional processes by rescinding any unobligated funding for the 325 projects listed in the bill.

While it is clear that rescinding $1,069,646,000 will not solve our budgetary problems, it is not an insignificant sum of money.

It serves to highlight the need for the substantive budget reform contained in S. 196, the Legislative Line Item Veto Act of 1991 and S. 809, the Tax Fairness and Accountability Act of 1991.

Mr. President, I would like to thank Senator SMITH for introducing this important legislation, and ask other Senators to join us in bringing sanity, public confidence, and responsibility back to the congressional budget process by cosponsoring this bill.●

---

By Mr. DURENBERGER:

S. 1290. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

MEDICARE SOLVENCY AND SECURITY ACT

Mr. DURENBERGER. Mr. President, I rise to introduce the Medicare Solvency and Security Act of 1991. Enactment of this legislation is of critical necessity if we are going to ensure the fiscal integrity and financial soundness of the hospital insurance—Medicare—trust fund.

Mr. President, recently our distinguished colleague from New York [Mr. MOYNIHAN] elevated the level of debate about the future retirement needs of our children when he offered an amendment on the Senate floor to reduce the payroll tax and return the Social Security System to a pay-as-you-go system. Although I, along with the majority of my colleagues, opposed this proposal, I welcomed this idea because it has given us the opportunity to reexamine the philosophical underpinnings of the 1983 Social Security compromise and to focus on the broader issue of redefining income security for the elderly.

Along those lines, I would note that the Social Security check that comes in the mail promptly every month represents but one pillar of the Government's commitment to retirement income security. There is another pillar basic to retirement security—and that is the freedom from the fear that a retiree won't be able to be treated by a hospital for a serious illness because he or she lacks health insurance. When we adopted Medicare in 1965 we ended that fear.

Mr. President, for the past several years, it has become increasingly clear that the Medicare hospital insurance trust fund is headed for real trouble. Budget Director Richard Darman has estimated that the unfunded liabilities in the HI Program could be as high as $250 billion. And the financial crisis facing the HI Program is not decades away, but just a few short years away—conceivably beginning as early as 1996. And unless we begin to address the crisis facing the trust fund, it will surely be in bankruptcy within 14 years—before a single member of the baby boom enters retirement!

Just last month, the Board of Trustees of the Federal Hospital Insurance Trust Fund issued its 1991 annual report on the state of the Medicare trust fund. The trustees, who includes the Secretaries of Treasury, Labor, and Health and Human Services, took special note of the financial crisis facing Medicare and flatly asserted: "Corrective action will be needed very soon in order to avoid the need for potentially precipitous changes later." The legislation I am introducing today responds directly to the trustees' recommendations.

Under this legislation, the 7.65-percent payroll tax paid by employers and employees would neither be increased nor decreased. Instead, beginning in the year 2000, the old age survivors and disability insurance [OASDI] portion of the payroll tax would be reduced from 6.20 to 5.90 percent. The 0.30 percent reduction in the employer-employee share of the OASDI tax would then be reallocated to the HI portion of the tax, with the result that the HI tax would rise from 1.45 to 1.75 percent. A further 0.25 percent reduction in the OASDI tax would occur in 2007 with a concomitant increase in the HI portion of the tax. Thus by the year 2007, the OASDI portion of the payroll tax paid by employers and employees would be 5.65 percent, and the HI portion would be 2 percent.

Mr. President, I want to emphasize that this small shift in the payroll tax will not endanger the Social Security trust fund. In fact, these tax rates were arrived at after consultation with the professional actuaries at the Social Security Administration and the Health Care Financing Administration who advised that these rates would provide safe reserve margins for both the OASDI and the Medicare hospital insurance trust funds.

According to actuarial estimates, if this legislation is adopted, by the year 2015 there will be a more than 4-year contingency reserve margin available for paying Social Security benefits. And the medicare hospital insurance trust fund will always have a cushion of at least 6 months of benefit payments. If we do nothing, we would probably have a slightly larger—(5-year)—Social Security reserve available in 2015, but we will assuredly have a bankrupt Medicare trust fund. That is just not acceptable.

I would urge my colleagues to join me in this effort to assure the workers who are today paying Medicare taxes that Medicare will be able to provide comparable, and affordable, benefits when they retire.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1290

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

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Medicare Solvency and Security Act of 1991".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) thirty-three million Americans depend on health services financed through the Federal Hospital Insurance Trust Fund;

(2) under current policies, the unfunded liabilities of the Federal Hospital Insurance Trust Fund are estimated to approach $250,000,000,000;

(3) the Board of Trustees of the Federal Hospital Insurance Trust Fund has urged the Congress to take early action to remedy the financial shortfall facing the hospital insurance program;

(4) the Federal Hospital Insurance Trust Fund could experience a deficit beginning as early as 1996; and

(5) unless the Congress takes immediate action, the Federal Hospital Insurance Trust Fund will likely become insolvent shortly after the turn of the century.

**SEC. 3. REDUCTION IN OASDI TAX RATE AND INCREASE IN HOSPITAL INSURANCE TAX RATE.**

(a) OASDI TAXES.—

(1) TAX ON EMPLOYEES.—The table in section 3101(a) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended to read as follows:

| "In the case of wages received during: | The rate shall be: |
|---|---|
| 1991 through 1999 ..... | 6.20 percent |
| 2000 through 2006 ..... | 5.90 percent |
| 2007 and thereafter ..... | 5.65 percent." |

(2) TAX ON EMPLOYERS.—The table in section 3111(a) of such Code (relating to rate of tax on employers for old-age survivors, and disability insurance) is amended to read as follows:

| "In the case of wages paid during: | The rate shall be |
|---|---|
| 1991 through 1999 ..... | 6.20 percent |
| 2000 through 2006 ..... | 5.90 percent |
| 2007 and thereafter ..... | 5.65 percent." |

(3) TAX ON SELF-EMPLOYMENT INCOME.—The table in section 1401(a) of such Code (relating to rate of tax on self-employment income for old-age survivors, and disability insurance) is amended to read as follow:

| "In the case of a taxable year Beginning after: | And before: | Percent: |
|---|---|---|
| December 31, 1990 .... | January 1, 2000 ..... | 12.40 |
| December 31, 1999 .... | January 1, 2007 ..... | 11.80 |
| December 31, 2006 .... | ..... | 11.30." |

(b) HOSPITAL INSURANCE TAX.—

(1) TAX ON EMPLOYEES.—Section 3101(b) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1999, the rate shall be 1.45 percent;

"(7) with respect to wages received during the calendar years 2000 through 2006, the rate shall be 1.75 percent; and

"(8) with respect to wages received after December 31, 2006, the rate shall be 2.00 percent."

(2) TAX ON EMPLOYERS.—Section 3111(b) of such Code (relating to rate of tax on employers for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1999, the rate shall be 1.45 percent;

"(7) with respect to wages received during the calendar years 2000 through 2006, the rate shall be 1.75 percent; and

"(8) with respect to wages received after December 31, 2006, the rate shall be 2.00 percent,"

(3) TAX ON SELF-EMPLOYMENT INCOME.—The table in section 1401(b) of such Code (relating to rate of tax on self-employment income for hospital insurance) is amended to read as follow:

| "In the case of a taxable year Beginning after: | And before: | Percent: |
|---|---|---|
| December 31, 1985 .... | January 1, 2000 ..... | 2.90 |
| December 31, 1999 .... | January 1, 2007 ..... | 3.50 |
| December 31, 2006 .... | ..... | 4.00." |

---

By Mr. HATFIELD:

S. 1291. A bill to amend title 35, United States Code, to impose a 5-year moratorium on the granting of patents on invertebrate or vertebrate animals, including those that have been genetically engineered, in order to provide time for Congress to fully assess, consider, and respond to the economic, environmental, and ethical issues raised by the patenting of such animals; to the Committee on the Judiciary.

MORATORIUM OF PATENTS ON ANIMALS

Mr. HATFIELD. Mr. President, I think most everyone has been reading the media regarding the owls, the northern spotted owl, that we have been dealing with in the Pacific Northwest, and now the listing of salmon species as it relates to a possible threatened or endangered species of the Columbia River.

We have had, of course, much publicity on this from my home State of Oregon, and we are awaiting administrative and judicial decisions which could throw the economy in our region into a very serious tailspin.

But in the end, there may be no other choice but to make some drastic changes in order to save the fish and the birds and the people of the Pacific Northwest, my own State of Oregon, particularly.

Mr. President, I have not come here today to talk about the spotted owl or the Columbia River salmon, however important these problems are. With each passing day, Americans in all States are confronted by new environmental concerns, often accompanied by economic or ethical dilemmas which threaten our way of life.

Mr. President, today I am here to make the point once again that Congress must act now if it is ever going to have the opportunity to examine the effects genetically engineered animals will have upon our environment and our economy. I have to wonder how, on the other hand, we can be obsessed with viability of a naturally occurring species, and on the other hand not even seek to understand what a manmade animal might do to our environment.

Therefore, I am once again introducing legislation to place a 5-year moratorium on the patenting of life. The moratorium is intended to stop the race to develop new genetically altered animals for profit; stop it long enough for us to get some idea of what effect these experiments might have on our world.

To some extent, this legislation only addresses a symptom of what may be a much more fundamental problem. Certainly, the idea of ownership of an entire, unique species of life brings a whole new arena of power to the private sector.

With this issue, we are confronted by increased industrial competition for control and ownership of the gene pool of animal species, which in turn created the possibility of corporate monopoly of the animal's genetic code. This prospect disturbs me deeply.

And the patenting of newly created animals is not our only dilemma. If the granting of patents encourages the unfettered development of these animals, then my legislation is effective in providing Congress with the opportunity to assess and consider the possible economic, environmental, and ethical ramifications of genetically altered species.

In only 4 years, the Patent Office has received 145 applications for genetically altered animals. Yet no real progress has been made toward creating an appropriate regulatory system to monitor these inventions.

By leaving this up to officials at the U.S. Patent Office, we have effectively abandoned the responsibility to deal with the results of such genetic engineering. The Patent Office is not staffed by scientists, yet, by fait accompli we are placing them in the position of being the only Federal agency with authority over these newly created species.

This legislation is not an attempt to halt the promising field of genetic engineering. I want to be very clear on this point. The various techniques of biotechnology, when used responsibly, have enormous potential in a number of areas including pharmaceutical agricultural products. However, genetic en-

gineering now allows us to take human genetic traits and insert them into the permanent genetic code of animals. We are also gaining the increased ability to mix and match the genetic traits of animals, insects, and plants, creating new and different species. To suddenly and unconditionally grant patents for the development of any and all of these genetic creations is irresponsible and imprudent.

Genetic engineering in animals is a vast field of technology.

Not only can genes be transplanted from one species to another. Human genes may also be transplanted into animals. This kind of research—which I do not necessarily oppose—cries out for some modicum of ethical oversight. The idea of patenting animals should force an examination of whether or not such a practice is ethical—and if it is, man's right to refashion the animal kingdom in order to meet industrial needs. Animals, after all, are more than just instruments of commerce.

Once these animals are created in the laboratory, I believe it is important to test them fully to ensure that they will not have harmful impacts upon other species by spreading disease or causing environmental destruction. Science tells us that biological systems can be fragile. If newer, superior forms of animals are created, we may face the possibility of causing the destruction of the natural species.

That is what we are doing today and are concerned about in the problem of the salmon. It is the wild species of salmon, not the hatchery salmon, that we are deeply concerned about in the Columbia.

Mr. President, the preservation and protection of native gene pools, and therefore rare species, is what the Endangered Species Act is all about. Any artificially produced species should not be released, if it will threaten the already fragile world of the natural species. Any artificially produced species are very, very important to consider as to their utilization and their future.

Traditionally, the patent and copying laws have been statutory protections assuring that rights and privileges owned by the public are not given over to private ownership. Under this rule of law, living things were held not to be patentable as being in the public ownership. Congress allowed the patenting of certain plants twice, once in 1930, and again in 1970. However, in 1980, the Supreme Court, in a 5-to-4 decision—Chakrabarty versus Diamond—held that microoganisms were patentable if they had been genetically altered. The minority in that decision maintained that the patenting of microorganisms should not be allowed without a clear signal from Congress that this was the statutory intent. Unfortunately, the patent office has unilaterally extended the holding in Chakrabarty to allow, for the first time, the patenting of the entire animal kingdom, with the possible exception of man himself. This represents a vast, unique and deeply troubling usurpation of congressional authority, as a political question. Moreover, it denies the public the traditional legislative process for the protection of their rights.

With the U.S. Patent Office potentially on the verge of unleashing more than 100 man-made animal species into our world, I am greatly troubled that the economic, social, environmental, and ethical impacts of animal patenting have yet to receive our thoughtful consideration. We know very little about the regulatory system which should oversee the development and introduction of these new creatures.

Congress should recognize its responsibility to give careful consideration of all these issues before it allows a rush of new species of creation and creatures into our world. My legislation to put in place a 5-year moratorium would allow for that kind of examination.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 5, 1991, and a letter of support from the American Humane Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HUMANE SOCIETY
OF THE UNITED STATES,
*Washington, DC, June 12, 1991*

Hon. MARK HATFIELD,
*Hart Building, Washington, DC.*

DEAR SENATOR HATFIELD: On behalf of The Humane Society of the United States and its 1.4 million constituents, we applaud your legislative initiative and fully endorse your bill to impose a 5-year moratorium on the granting of patents on invertebrate and vertebrate animals, including those that have been modified by biogenetic engineering.

In order for society to reap the full benefits of advances in genetic engineering biotechnology, the social, economic, environmental, and ethical ramifications and consequences of such advances need to be fully assessed. Considering the rapid pace of developments in this field, which will be spurred on by the granting of patents on genetically altered animals, a 5-year moratorium on the granting of such patents is a wise and necessary decision. A moratorium will enable Congress to fully assess, consider, and respond to the economic, environmental, and ethical issues raised by the patenting of such animals and in the process, establish the United States as the world leader in the safe, appropriate, and ethical applications of genetic engineering biotechnology for the benefit of society and for generations to come.

Yours sincerely,

DR. MICHAEL W. FOX,
*Vice President,*
*Farm Animals and Bioethics.*

---

DEPARTMENT OF COMMERCE,
PATENT AND TRADEMARK OFFICE,
*Washington, DC, April 5, 1991.*

Hon. MARK O. HATFIELD,
*U.S. Senate, Washington, DC.*

DEAR SENATOR HATFIELD: Thank you for your letter regarding the current prospects for animal patenting in the United States. Set forth below are the answers to your specific questions. Although many of the questions you raise are difficult to answer with any degree of specificity, we have tried to be as responsive as possible. Because your letter was co-signed by Congressman Benjamin Cardin, we have also forwarded the same response to him directly.

Questions and Answers:

1. The current number of animal patents pending. There are 145 pending applications for a patent that contain one or more claims directed to an animal.

2. The number of animal patents likely to be issued during the coming year and the next two years.

It is difficult to predict the number of animal patents that are likely to be issued in any given period. At the time the first animal patent was issued to the President and Fellows of Harvard College (U.S. Patent No. 4,736,866, issued on April 12, 1988), we identified 21 pending applications directed to an animal. Today, almost three years later, some of those applications are still pending, some of those applications have been abandoned but are the subject of continuing applications, and some of those applications have been abandoned and are not the subject of a continuing application. A continuing application is a new application filed by the applicant to retain the benefit of the filing date of the earlier application and, typically, to either add subject matter to the earlier application or to continue the prosecution of the same invention disclosed in the earlier application.

We can predict that some patents will be granted in the next two years, but we have no actual experience in this area to form the basis of a numeric prediction. In fiscal year 1990, 66% of all applications in which a final decision was rendered matured into a patent, whereas 38% of the applications in the biotechnology patent examining group that were finally disposed of matured into a patent. Clearly, our experience to date in the patenting of animal inventions has not followed either one of these patterns.

3. In general, the kinds of animal inventions for which patents are being sought. (For example, the approximate percentage of applications for patents on animals intended for use in either agriculture, aquaculture, the pet industry, or research. Where you are aware of patent applications for animals whose nature has already been disclosed to the public, please provide full information on the proposed animal invention.)

By statute (35 U.S.C. 122), applications for patents are kept in confidence by the U.S. Patent and Trademark Office (PTO) and no information concerning the same is given without authority of the applicant or owner. We estimate that about 80% of the applications are directed to animals that have utility in medical applications, and the majority of the remainder are directed to agricultural animals.

In most patent systems outside the United States, including Europe and Japan, applications which are filed in those countries are published eighteen months after they were first filed anywhere in the world. The PTO has not made an effort to collect patent applications directed to animals that have been published throughout the world. However, a report entitled "New Developments in Biotechnology: Patenting Life", issued by the Office of Technology Assessment (OTA) in April 1989, listed several animal applications that had been published by the European Patent Office. A copy of the OTA Report Brief is enclosed.

4. An explanation of the delay in issuing additional patents on animals.

The delay in issuing additional patents on animals can be attributed to a number of factors. First, some of the delay can be attributed to the general problem that the PTO has experienced in addressing the growing inventory of pending applications in the area of biotechnology. Second, due to the sensitivity of the issue of patenting of animals, both the PTO and applicants for animal patents are taking care in drafting claims and making decisions on patentability. Third, in some cases, it has been observed that while a claim to an animal is initially presented for examination, some applicants appear to decide that adequate protection can be obtained without a claim directed to the animal itself. Finally, it can be speculated that some applicants may not wish to have a patent granted until such time as regulatory approval for commercial marketing of the transgenic animal can be foreseen.

More than half of the 145 pending applications have been examined by the PTO, and the applicants have been informed of the results of that examination. Some of the remaining applications are continuing applications that claim inventions that were examined in earlier applications.

5. A discussion of any unique issues that patenting of animal inventions might pose under the Patent Law. These include, for example, disclosure requirements, methods of deposit, scope of patent claims, and distinctions between human beings and human genes as subject matter for patents.

The issues typically encountered in the examination of an application involving a claim to an animal are essentially the same as those that are addressed in the examination of inventions of other life forms such as microorganisms and plants. No issue has been encountered to date that is unique to the patenting of animal inventions.

6. Any analysis done by the PTO of alternatives to patents as means of protecting inventiveness in the area of animal engineering. These might include restricted patent holder's rights patterned on plant breeder's rights, use of copyright or trademark law, or direct research subsidies for biotechnology companies doing desired research.

The PTO has not considered or conducted any analysis of alternatives to patents as a means of protecting innovation in the fields of transgenic and other animals that are the products of human engineering.

7. Any efforts by the PTO, alone or in conjunction with other agencies, to press for the extension of patent rights to animals in countries outside of the United States.

The PTO, either alone or in conjunction with the efforts of other agencies such as the U.S. Trade Representative, has pressed for a broad range of protection for innovation throughout the world. This broad range of protection includes products and processes of biotechnology, including animals. As noted in the recent Report on National Biotechnology Policy issued by The President's Council on Competitiveness (February 1991), improvements in intellectual property laws in other countries are clearly needed: "The Administration is committed to pursuing the protection of intellectual property as a top priority in the Uruguay Round of the GATT negotiations." The United States is also supporting a provision in the proposed Patent Law Treaty now under consideration in the World Intellectual Property Organization that would make patent protection available in all fields of technology. In addition to these multilateral efforts, the United States is actively pursuing patent protection for biotechnological inventions in the context of all our bilateral negotiations.

Although a study of the practices in other countries has not been undertaken by the PTO, we are aware that France has recently issued a patent to an animal. Japan also has recently completed examination of two patent applications directed to animals, and has published these examined applications for opposition—a step that precedes the granting of a patent under Japanese law. The Technical Board of Appeal of the European Patent Office has recently decided that the European Patent Convention that excludes animal varieties from patent protection does not exclude the patenting of animals as such.

I hope these responses adequately address the issues you raise. Please feel free to contact me personally if you desire additional information.

Sincerely,

HARRY F. MANBECK, Jr.,
*Assistant Secretary and Commissioner of Patents and Trademarks.*

Enclosure.

[OTA Report Brief, April 1989]

PATENTING LIFE

Creating and patenting living organisms is one new development in biotechnology. While many issues in biotechnology are new, the concept of patents is not. Now the two subjects have merged into an important policy issue: In protecting intellectual property, should bioengineered life forms be patentable?

First outlined in the Constitution, a patent is a grant issued by the U.S. Government giving the patent owner a temporary right to exclude all others from making, using, or selling the invention during the term of the patent. A patent does not give its owner any affirmative rights to make, use, or sell the invention. As with other forms of property, the right to make, use, or sell a patented invention may be regulated by Federal, State, or local law.

Under U.S. patent law, inventors have long been able to obtain a patent for any new, useful, and nonobvious process, machine, manufacture, composition of matter, or improvement thereof. Although patents on biotechnological processes have been permitted for years, until recently patent applications on living organisms per se were not permitted on the grounds that such inventions constituted "products of nature" and were not statutory subject matter.

In 1980 the Supreme Court, in the case of *Diamond* v. *Chakrabarty*, ruled that a living micro-organism is patentable under U.S. law as a "manufacture" or "composition of matter" (35 U.S.C. 101). This decision and subsequent actions by Congress and the executive branch provided economic stimulus to patenting of micro-organisms and cells, which in turn provided stimulus to the growth of the biotechnology industry in the 1980s. Subsequent to the *Chakrabarty* decision, the U.S. Patent and Trademark Office (PTO) held that plants (1985) and nonhuman animals (1987) constituted patentable subject matter.

To date, plants are the sole life form for which Congress has expressly permitted intellectual property protection. In 1930, Congress enacted that Plant Patent Act to extend patent protection to new and distinct asexually propagated varieties other than tuberpropagated plants. In 1970, Congress enacted the Plant Variety Protection Act, providing patent-like protection for asexually reproduced plants. Today, these two Federal statutes, the 1985 PTO decision, and recognized trade secret law, provide a variety of protections for inventions that constitute plant life.

PTO's 1987 policy statement that nonnaturally occurring nonhuman animals constituted patentable subject matter initiated broad debate and the introduction of legislation concerning the patenting of animals. In April 1988, the first U.S. patent on an animal was issued to Harvard University for transgenic nonhuman mammals genetically engineered to contain a cancer-causing gene (U.S. Patent No. 4,736,866). Currently, 44 patent applications on animals are pending at PTO.

Most potentially patentable animals are likely to be transgenic animals produced via recombinant DNA techniques (see box A). It is anticipated that animals useful in research (particularly mice) will be developed first, with subsequent research focusing on cattle, swine, goats, sheep, poultry, and fish. Although federally funded research efforts could lead to patented animals, the patentability of an animal does not affect the manner in which the animal would be regulated by a Federal agency. The largest economic sectors likely to be influenced by animal patents are the different markets for agricultural livestock and some segments of the pharmaceutical industry, although it is difficult to predict the effect of patenting across the diverse sectors of these industries.

Ethical claims for and against the patenting of animals have been raised. Many of these arguments focus on the consequences that could occur subsequent to the patenting of animals (e.g., the creation of new and useful products v. the creation of excessive burdens on the family farmer). Other arguments focus on inherent rights (e.g., rewarding innovation and entrepreneurship v. promoting a materialistic conception of life). Most arguments center on issues that existed prior to the current patenting life debate e.g., animal rights, the effect of technology on American agriculture, the distribution of wealth, international competitiveness, the release of novel organisms into the environment).

The patenting of living organisms presents a unique administrative problem in that it is the only known art where patent enablement (the requirement that a patent application specify in clear, concise terms how to make and use the invention in the best mode contemplated) in some instances cannot be accomplished by words alone. This has led to the deposit of micro-organisms and plants for patent purposes. To date, no animal has been deposited, and the sole U.S. patent on an animal was supported by the deposit of relevant genes (in cell culture) intended for transfer into an animal.

Differences exist among nations regarding intellectual property protection of biotechnological inventions, including the issue of what constitutes patentable subject matter. Although the United States is the only country to date that has issued a patent on a transgenic animal, at least nine patent applications on animals are pending with the European Patent Office (see box B).

In 1989, Congress faces three policy issues relevant to the patentability of life forms:

Should the patenting of animals be permitted by the Federal Government? Options include enactment of a moratorium or prohibition on such patents, enactment of a statute specifically providing for such patents, amending the patent law to address animal patents, or the enactment of an animal variety protection statute modeled after the existing plant variety protection statute.

Is the current statutory framework of intellectual property protection for plants ap-

propriate? Options include directing the Secretary of Agriculture to report on the effect of the farmer's crop/seed exemption under the Plant Variety Protection Act of 1970 or to report on the impact that plant protection has on germplasm exchange.

Is the current system of patent enablement adequate for biological material? Options include the enactment of a statute providing the PTO Commissioner with authority to set conditions for the deposit of biological material.

BOX A—WHAT IS A TRANSGENIC ANIMAL?

A transgenic animal is one whose DNA, or hereditary material, has been augmented by adding DNA from a source other than parental germplasm, usually from different animals or from humans. The most common scientific technique for producing a transgenic animal is microinjection, which is accomplished by injecting purified copies of the gene of interest into a fertilized animal egg.

BOX B—PATENTING OF ANIMALS: NINE PENDING APPLICATIONS

Under U.S. law, the contents and status of a patent application are maintained in confidence by the Patent and Trademark Office (35 U.S.C. 122). Such is not the case with patent applications filed in Europe, which are published 18 months after the date first filed. Nine applications claiming animals have been filed with the European Patent Office (EPO), and each has also been filed with the U.S. Patent and Trademark Office. Of the nine applications, six are from U.S. inventors, and one (from harvard College) has received a U.S. patent.

The applications generally cover methods for creating transgenic animals, methods for producing animals that express biological substances, and the final product of both methods (i.e., the animals). The nine applications have priority dates ranging from June 1984 (Harvard College) to April 1987. The titles of the nine applications and the applicants:

Title: *Method for Transferring Organic or Inorganic Substances to Egg Cells or Somatic Cells of Animals and Compositions for Use Therein.* Applicant: Transgene (Bad Soden, West Germany).

Title: *Peptide Production.* Applicant: Pharmaceutical Proteins Ltd. (Cambridge, Great Britain).

Title: *Transgenic Animals.* Applicant: Luminus PTY Ltd. (Adelaide, Australia).

Title: *Expression of Heterologous Proteins by Transgenic Lactating Mammals.* Applicant: Immunex (Seattle, WA).

Title: *Method for Producing Transgenic Animals.* Applicant: President and Fellows of Harvard College (Cambridge, MA).

Title: *Transgenic Mammal Containing Heterologous Gene.* Applicant: The General Hospital Corp. (Boston, MA).

Title: *Transgenic Animals Secreting Desired Proteins Into Milk.* Applicant: Integrated Genetics, Inc. (Framingham, MA).

Title: *DNA Sequences To Target Proteins to The Mammary Gland for Efficient Secretion.* Applicant: Baylor College of Medicine (Houston, TX).

Title: *Procedure for Transplanting a Donor Bovine Embryo Into a Recipient Ovocyte, and Bovine Embryo Created by This Procedure.* Applicant: N.L. First, F. Barnes, R.S. Prather, and J.M. Robl (Madison, WI).

Source: Office of Technology Assessment, 1989; adapted from "Patenting of Life Forms," European Patent Office, 1988.

---

By Mr. GLENN (for himself, Mr. METZENBAUM, Mr. AKAKA, Mr. SASSER, Mr. LIEBERMAN, and Mr. GORE):

S. 1292. A bill to amend chapter 35 of title 5, United States Code, to provide notification for Federal employees subject to a reduction in force, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE REDUCTION-IN-FORCE NOTIFICATION ACT

Mr. GLENN. Mr. President the legislation I am introducing today would make reductions in force [RIF's] in the Federal Government more fair and equitable by requiring that Federal employees be given at least 60 days written notice before being separated from their jobs by a RIF. I am pleased to have Senators METZENBAUM, AKAKA, SASSER, LIEBERMAN and GORE as original cosponsors of the bill.

Under current law, there is no statutorily mandated RIF notification period for Federal employees. However, under Office of Personnel Management [OPM] regulations, agencies are required to notify employees at least 30 days in advance of a RIF action.

Four decades ago when this 30-day notification period was established, we had a very different kind of work force where basic education and general job experience were often sufficient for employment. However, in the job market of the 1990's where specialized education and skills are often prerequisites for new employment, 30 days seems hardly sufficient.

This legislation is modeled after the Worker Adjustment and Retraining Notification Act—Public Law 100-379—introduced by my distinguished colleague from Ohio, Senator METZENBAUM in the 100th Congress. That law requires private firms with 100 or more employees to provide at least 60-day advance notice of an impending closure or mass layoff affecting 50 or more workers. While the Federal Government has a long history of demanding from the private sector that which it will not ask for itself, we should remember that we enacted the Worker Notification Act to reduce the human crisis of unemployment and displaced workers. At a time when the Department of Defense expects to close bases, it is only fair that we ask the same of ourselves and move promptly pass this legislation.

By extending the RIF notification period to 60 days, Federal agencies cannot only give the employee time to prepare and to search for a new job, but the agency can also give itself the time to better manage the RIF process. The agency can prepare for the layoffs with such tasks as bringing personnel records up to date and creating employee placement and counseling services. It is critical that such programs be in place before the layoff when the employee needs the assistance the most. In addition, 60-day notice would give employees the opportunity to retire or to voluntarily separate from the agency, therefore reducing the impact of the RIF's.

Finally, it is my hope that extending the RIF notification time might encourage each agency to better assess its personnel needs before resorting to RIF's. RIF's should be the last resort for any agency. Layoffs create many problems such as low morale and increases use of sick leave among employees, as well as the expenses of severance pay, administrative costs, unemployment insurance, and training costs for replacement employees. When the General Accounting Office [GAO] examined the many RIF's of 1981, it found that 17 percent of the positions RIF'd were refilled with new hires within a year.

Mr. President, I introduce this legislation as a Senate companion bill to H.R. 1341, the Federal Employee Reduction-In-Force Notification Act. I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1292

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Employee Reduction-in-Force Notification Act".

**SEC. 2. NOTICE REQUIREMENTS.**

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employeee is so released; and

"(B) if the reduction in force would involve the separation of fifty or more employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in

force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1) (A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

**SEC. 3. APPLICABILITY.**

The amendment made by section 2 shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

---

By Mr. FOWLER (for himself, Mr. BURNS, and Mr. HEFLIN):

S. 1294. A bill to protect individuals engaged in a lawful hunt within a national forest, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RECREATIONAL HUNTING SAFETY AND PRESERVATION ACT

• Mr. FOWLER. Mr. President, I rise today with my colleagues from Montana and Alabama to introduce the recreational Hunting Safety and Preservation Act of 1991.

Before there was such a thing as history, hunting was a ritual imbued with respect for nature. Hunting is an important tradition in this country—and, traditionally, lawful hunters have been a major force in conservation efforts.

We can all think of many cases in which sport hunting organizations have led the way in efforts to preserve wildlife and wildlife habitat—forests, wetlands, waterway corridors, prairies, and other homes to native birds and animals. Lawful hunters have been important allies in our efforts to preserve and improve our natural environment, including our wildlife heritage.

Yet a handful of zealous self-styled animal advocates and antihunters are organizing concerted and deliberate efforts, throughout the country, to disrupt lawful hunting activities. Their militant tactics range from verbal abuse to, increasingly, violent confrontation.

Mr. President, we should not allow this harassment to dictate our national traditions, or our national environmental policies. Nor can we allow a lawful activity, but one that requires extreme safety precautions, to degenerate into a truly dangerous situation both for hunters and protestors.

This legislation is modeled after the best features of similar laws which already exist in 41 States. It will prohibit knowing and intentional harassment of hunters on national forest lands. It provides for civil penalties, injunctive relief, and civil lawsuits.

As chairman of the Forestry and Conservation Subcommittee, I think it is necessary to provide some national consistency, and to leave no question about the application of State laws on Federal lands. With the variance in State laws, we must leave no doubt about the protection of hunters on our national forests.

Today, sport hunting is a highly regulated activity that is a critical component of wildlife management. Unfortunately, we have lost much of the wide-open space we once enjoyed. Habitats have dwindled, and many natural predators, regrettably, have disappeared. As a result, hunting is essential to maintain healthy population levels for many species.

License fees and excise taxes from over 16 million lawful hunters generate more than $3 million a day for wildlife habitat and management. Because of these efforts, Americans enjoy increasing numbers of deer, turkey, bear, elk, upland game birds, antelope, and many nongame species.

So it is a serious mistake in my opinion to brand hunters as somehow enemies of wildlife or enemies of the environment. I also think it is most highly regrettable to see fanaticism of the few overwhelm lawful and responsible conduct for the many.

There is plenty of room for debate and disagreement in this country. But the firing line is not the proper forum. Let's draw the distinction between democracy and anarchy. Let's channel legitimate debate through appropriate channels.

Meanwhile, let's support the lawful right of hunters to their place in the great outdoors and pass this legislation.•

• Mr. BURNS. Mr. President, I rise today on behalf of myself and Senator FOWLER to introduce the Recreational Hunting Safety and Preservation Act of 1991.

America's cherished system of hunting, long admired by people throughout the world, is being seriously threatened by the tactics of a small, but well-organized group of antihunting activists.

Because of the dramatic increase in the numbers and nature of well orchestrated attacks against hunters, 41 States have enacted laws outlawing deliberate acts that disrupt lawful hunts.

Unfortunately, much more remains to be done to reverse these alarming trends. The Federal Government, which owns over 30 percent of my home State of Montana and more than one-third of the land in the United States, needs to protect hunters on Federal lands from the harassment of antihunting saboteurs.

These saboteurs have decided not to try and change the laws or beliefs of Americans but instead have charted a confrontational path of harassment, intimidation, and obstruction aimed at legitimate and law abiding sport hunters.

Therefore, last year I introduced S. 2880, along with 10 other Senators, to protect the American hunter. This year Senator FOWLER and I are introducing a similar piece of legislation.

This bill simply says that any person who knowingly acts with intent to obstruct, impede, or otherwise interfere with the conduct of a lawful hunt on land affected with a Federal interest may be assessed a civil penalty, injunctive relief, and civil law suits.

I would like to give you a few reasons for the need to protect hunters.

Harassment of legitimate and lawful hunting is on the rise. Harassment is an unreasonable interference with hunting. Harassment is being done by groups whose true goals are to end all use of animals, including the use of animals in medical research and testing; the raising and eating of meat; the wearing of fur, leather, wool, and silk; the circus and rodeo; the keeping of pets; and the many varied uses of animal products in industrial processes.

The groups who pursue these goals are not content with the normal mechanisms offered for debate in our free society.

Hunting is a traditional and beneficial recreation, both for the hunter and for the management of wildlife populations. Nearly one-half of the hunting that takes place in this country today is done on Federal public lands.

The 18 million licensed hunters in the United States have been the major financial supporter of wildlife conservation. Over the last 50 years hunters have contributed over $2.5 billion toward wildlife conservation through excise taxes, duck stamps, and license fees. This bill will continue this tradition by contributing all moneys collected as fines to the North American waterfowl management plan and the Pittman-Robertson Act. Both of these programs acquire lands to protect wildlife habitat.

Under the combination of revenue from hunting and management of populations through hunting, wildlife is more varied and abundant today than at any time since the pioneering era.

Even though 41 States have enacted hunter protection laws, it is not clear that those laws would always apply on Federal lands. Even if the State laws applied on Federal lands, this legislation would add some unique approaches and avenues that would aid significantly in the control of harassment.

Senator FOWLER and I are trying to prevent any accidents from occurring on the Nation's Federal lands. For example, back in March of 1990, a legal bison hunt was being carried out just outside of Yellowstone National Park. A member of the Fund for Animals tried to disrupt the hunt by placing his body between a hunter and a buffalo during the hunt.

Now Mr. President, you don't have to think too hard to figure out that is an extremely tense and dangerous situation for all parties involved. Therefore, it is the goal of myself and Senator FOWLER to avoid a potential life treatening confrontation between the two groups and help protect both groups.

When a person buys a State hunting license, he or she deserves the opportunity for a quality outdoor experience and should not be subjected to harassment by others.

Hunting is a legitimate, lawful sport and compatible with good management and conservation practices when done properly. Therefore, it is the role of the Federal Government to do what it can to protect the rights of law-abiding citizens engaged in a government-sanctioned sport and to protect the activists as well.

I look forward to working with Senator FOWLER to pass this bill this year and ask my colleagues to join us in this effort.●

---

By Mr. LAUTENBERG:

S. 1295. A bill to authorize the Secretary of the department in which the Coast Guard is operating to convey the Cape May Point Lighthouse to the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

CAPE MAY POINT LIGHTHOUSE PRESERVATION ACT

● Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to authorize the Secretary of Transportation to transfer the Cape May Point Lighthouse to the State of New Jersey. This mirrors legislation sponsored by my good friend and colleague from New Jersey, Representative BILL HUGHES. That House measure has been incorporated into the Coast Guard authorization bill that has already been approved by the House Merchant Marine and Fisheries Committee.

The Cape May Point Lighthouse is recognized by both the State of New Jersey and the Federal Government as a historically significant structure. The original lighthouse was built in 1823 and was the second in New Jersey. In 1857 the Army Corps of Engineers began construction of the current structure and its light has guided navigators since 1859. It is one of the oldest active lighthouses in the Nation.

In 1986 the Coast Guard leased the lighthouse to the State of New Jersey which in turn subleased the structure to the Mid-Atlantic Center for the Arts to operate it as a museum of lighthouse and maritime history. The Center assumes responsibility for restoration, maintenance, interpretation and operation of the lighthouse. This relationship has proved successful and resulted in the reopening of the lighthouse to the public after more than a century.

The Cape May Point Lighthouse is currently in need of major repairs, the most important of which is repair of a leaking roof and the lantern room. The Mid-Atlantic Center for the Arts has applied to the State of New Jersey for historic preservation funds, but has been told that the project is ineligible for New Jersey State Preservation funds, since the lighthouse is owned by the Federal Government.

The legislation that I am introducing today will help ensure that tourists can continue to enjoy the lighthouse and learn more about maritime history in southern New Jersey. The bill would transfer ownership of the structure from the Coast Guard to the State of New Jersey. This transfer would allow the Mid-Atlantic Center for the Arts to receive preservation funds from the New Jersey State government. Furthermore, the transfer would not affect the lighthouse's mission as a navigational aide because it assures the Coast Guard full access to the structure in order to maintain navigational activities.

The transfer of the lighthouse to New Jersey is widely supported in Cape May County, New Jersey, where the structure is located. The transfer also enjoys the support of the State of New Jersey. I ask that a letter of support from Scott Weiner, Commissioner of the New Jersey Department of Environmental Protection be included in the record following my statement.

I want to thank Senator HOLLINGS, Chairman of the Commerce, Science and Transportation Committee with whom I've worked closely on this legislation. It's my understanding that the distinguished Chairman will be introducing a Coast Guard Authorization bill tonight that includes the text of my legislation. I'm grateful to the Chairman for his efforts and hope my colleagues will support this important effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1295

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

**SECTION 1. SHORT TITLE.**

The Act may be cited as the "Cape May Point Lighthouse Preservation Act of 1991".

**SEC. 2. CONVEYANCE OF LIGHTHOUSE.**

(a) AUTHORIZATION.—The Secretary may convey to the State of New Jersey, by any appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising the Cape May Point Lighthouse.

(b) DESCRIPTION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this Act.

**SEC. 3. TERMS AND CONDITIONS.**

(a) IN GENERAL.—The conveyance of property pursuant to section 2 shall be made—

(1) without the payment of consideration; and

(2) subject to such terms and conditions as the Secretary may consider appropriate.

(b) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property pursuant to this Act shall be subject to the condition that all right, title, and interest in and to all such property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used as nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Cape May, New Jersey.

(c) AIDS TO NAVIGATION.—Any conveyance of property pursuant to this Act shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the light, antennas, sound signal, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(2) the State of New Jersey may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(4) the United States shall have the right, at anytime, to enter such property without notice for the purpose of maintaining navigation aids; and

(5) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(d) LIMITATION ON OBLIGATIONS OF STATE.—The State of New Jersey shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this Act.

**SEC. 4. DEFINITION.**

For purposes of this Act—

(1) the term "Cape May Point Lighthouse" means the Coast Guard lighthouse located at Cape May, New Jersey, including the attached keeper's dwelling, several ancillary buildings, the associated fog signal, and such land as may be necessary to enable the State of New Jersey to operate at that lighthouse a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Cape May, New Jersey; and

(2) the term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

---

STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
*Trenton, NJ., March 21, 1991.*

Capt. THOMAS E. BERNARD,
*Commander, 5th Coast Guard District,*
*Portsmouth, VA.*

DEAR CAPTAIN BERNARD,

I recently learned of the initiative of the Mid-Atlantic Center for the Arts (MAC) to transfer the ownership of the Cape May Point Lighthouse from the U.S. Coast Guard to the State of New Jersey, Department of Environmental Protection.

As Dr. Zuckerman reflected in his February 25, 1991, letter to you, the U.S. Coast Guard and MAC have enjoyed a productive and mutually beneficial working relationship since 1986. The benefactors of the diligent work by MAC at the lighthouse have been the visitors to Cape May. The public now has the opportunity to learn about those remarkable treasures and our Cape May Point State Park has also benefited from this additional attraction in the area.

I am in support of the transfer of the lighthouse to the Department, including the necessary provisions to continue your access to maintain the aid to navigation.

Your prompt consideration of this request would be most appreciated. As Dr. Zuckerman explained in his letter to you, the New Jersey Historic Trust has given MAC until June to resolve this issue. If there is any assistance I may provide to expedite the transfer, please feel free to call on me.

Very truly yours,

SCOTT A. WEINER,
*Commissioner.*●

---

By Mr. RIEGLE (for himself, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. ADAMS, Mr. DODD, Mr. MOYNIHAN, and Mr. LEVIN):

S. 1296. A bill to provide an optional program for supplemental unemployment compensation, and for other purposes; to the Committee on Finance.

UNEMPLOYMENT INSURANCE REFORM ACT

Mr. RIEGLE. Mr. President, I am rising at this time to indicate that I will shortly send to the desk and thereby introduce the Unemployment Insurance Reform Act of 1991. I do this in behalf of a number of Senate colleagues, including Senator SARBANES, Senator KENNEDY, Senator BYRD, Senator ADAMS, Senator DODD, Senator MOYNIHAN, and Senator LEVIN. As time allows, we will be seeking and adding additional cosponsors.

As all too many of my constituents in Michigan know from firsthand experience, our unemployment insurance system is broken and needs fixing. The Democratic leadership of both Houses recognized this fact the other week, when it announced its agenda for economic recovery and growth. Senators MITCHELL, FORD, and BENTSEN, and Representatives FOLEY, GEPHARDT, and ROSTENKOWSKI stated that it is time for Congress to tackle the following three problems in the unemployment compensation system:

First, the adequacy of the duration of benefits for the long-term unemployed; second, the availability of sufficient administrative funds to the States; and third, to deal with the troubling reduction in the proportion of unemployed workers who actually qualify for and thus receive unemployment benefits.

The bill I am introducing with my colleagues today tackles each of these problems. It is the product of a task force of 15 Democratic Senators, which I was privileged to chair. I believe it offers a sound and balanced solution to the problems outlined by the leadership of the Congress that I just referenced.

Mr. President, the unemployment insurance system is the Federal Government's No. one antirecession program. It is our principal means of redressing the human costs of the recession, and for stabilizing the economy. The system, as it is presently operating, is failing the Nation on both counts.

For example, during the fall and winter, unemployed people in Michigan and across the country stood in long lines. In many cases they waited 6 to 8 weeks to receive benefits because States did not have sufficient administrative resources to handle the increased number of unemployment claims.

Now, for these same unemployed persons, now that their regular benefits are ending, they find either they cannot obtain extended benefits or their extended benefits are being terminated prematurely. All this in the face of a continuing recession, where there is no job to return to and no alternative job to be taken.

Just this week in Michigan, the Michigan Employment Security Commission announced that the payment of extended unemployment compensation benefits will terminate next week. Michigan's unemployment rate is still nearly 10 percent, but in my State alone, some 48,000 workers will have their unemployment benefits terminated at that time. It makes no sense at all for our society's front line of defense against a recession to be shutting down while we still are very much in the middle of the recession.

That same absurd situation exists in States like Massachusetts and West Virginia. These States, too, will soon be terminating payment of extended benefits, even though they have double-digit rates of unemployment. Massachusetts, for example, has an unemployment rate in excess of 12 percent. In response to the fundamental flaws in the extended benefit program, my bill established a 1-year, federally financed program of supplemental benefits based on States' total unemployment rates.

States would have the option of participating in this program in place of the extended benefits program. Workers in States with elevated levels of unemployment would be eligible for between 7 to as much as 26 weeks of additional benefits.

In addition to providing this immediate relief for the long-term unemployed, this bill would make permanent repairs to the extended benefit program so we do not encounter the same problems in the next recession. Specifically, it would change the program's trigger so the payment of extended benefits would be based upon a State's total unemployment rate. The current trigger is based on what is known as the insured unemployment rate, which corresponds essentially to the number of unemployed workers who are currently collecting basic unemployment benefits.

A declining proportion of the unemployed has been qualifying for benefits owing to changes in the labor market and the program over the past 10 or 15 years.

As a result of these changes, the insured unemployment rate has become an increasingly inappropriate trigger for the extended benefit program. It no longer accurately reflects the degree of stress in the labor market. So this bill provides States with 2 years to legislate the change to a trigger based on the total unemployment rate.

Administrative funding is another area in which the unemployment system has malfunctioned during this recession. When massive layoffs took hold last fall and this winter, State agencies could not cope. Their budgets were actually shrinking as case loads were rising sharply.

It is not uncommon for people to wait in line several hours to file, and then wait another 6 to 8 weeks to begin collecting their first unemployment checks.

Needless to say, for someone who has lost his income and is trying to make rental payments or home ownership payments or car payments, this is just an unworkable situation.

This problem arises due to the Federal Government's thoroughly irrational way of funding administrative expenses. The committees involved appropriate administrative funding based on projections of unemployment a year in the future.

We all know that economic forecasting is a most imperfect science. Indeed, it may be that it is more an art than a science. The unemployment rate simply cannot be reliably predicted that far into the future. For this reason, Congress has had to legislate a supplemental appropriation in 10 of the last 18 years, but only after some degree of disruption in the administration of the program.

Such a system is all the more irrational and inefficient when one considers that UI program more than finances its own administration expenses. Last year, employers, and indirectly, employes, paid taxes into the

fund for the purpose of funding administrative expenses in an amount $1 billion in excess of the amount that Congress actually appropriated for this purposes. This $1 billion surplus that was built up merely served to mask the size of the Federal budget fiscal deficit.

Our bill responds to this problem by creating a contingency reserve fund on each appropriation bill. $30 million would be appropriated for the purpose of administrative funding for every 100,000 unemployed people above the projections of unemployment assumed in the President's budget.

The bill makes a number of other important changes. I ask a comprehensive outline of the bill's provisions be printed in the RECORD following my statement.

For now, I will highlight only one other provision concerning the eligibility of ex-military service personnel for unemployment benefits. This is really an astonishing fact, but it is a fact.

Under the current law, returning veterans of Desert Storm, whether servicemen or servicewomen who have just fought in that war, as well as any other of our military personnel, when they return home, if they are unable to find work and are unemployed, they are only eligible for a maximum of 13 weeks of regular unemployment benefits. And they do not qualify to receive $1 of that 13 weeks of benefits until they have gone through a 4-week waiting period. By contrast, civilians are eligible for 26 weeks of benefits, with perhaps a 1-week wait in most situations.

So this bill also eliminates the second-class treatment for our military service personnel. It would make them eligible for the same amount of benefits and on the same terms as civilians.

Mr. President, the time has come to repair the Nation's central safety net program. This bill is a responsive, commonsense approach to the problems confronting many Americans as a result of the recession, and I strongly urge my colleagues to support the legislation.

I simply conclude by saying that in the unemployment compensation fund today, in the overall, there is a positive balance in excess of $6 billion. That money has been paid in precisely for the purpose of having that money available to pay out in the form of unemployment compensation benefits to our unemployed workers. It is the height of irony that this year the projected income into the unemployment insurance fund will actually be an amount greater than the payments that are being paid out in the middle of this recession. So the unemployment compensation fund itself will actually add to its surplus over the course of this calendar year, in part because of these fundamental defects in the system that I just enumerated.

So it is essential that this program be changed, and I think the money is there with which to correct these deficiencies. I am hopeful that we can move with some speed on this because, as I say, in my own State alone, we will have 48,000 workers within the next 7 days who will lose their unemployment benefits because this system is not functioning correctly. I thank the Chair and yield the floor and thank again, my colleague from New York.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF THE UNEMPLOYMENT INSURANCE REFORM ACT OF 1991

(1) *Supplemental Unemployment Insurance* (extended UI benefits for workers who have exhausted their basic 26 weeks of benefits in states experiencing elevated levels of unemployment).

(a) *Structure of Program.*

A temporary federally-financed Federal Supplemental Compensation program is established, in which states may opt to participate in place of the Federal-State Extended Benefit program. The schedule of benefits would be based on a state's seasonally-adjusted, three month average Total Unemployment Rate [TUR] as follows:

*Duration of supplemental benefits*

| TUR: | *Weeks* |
|---|---|
| 6 percent | 7 |
| 7 percent | 13 |
| 8 percent | 20 |
| 9 percent | 26 |

Payment of benefits to first tier of states (7 weeks for states with unemployment between 6% and 7%) is contingent upon the national unemployment rate reaching 7%.

(b) *Effective Date.*

Reachback to workers exhausting benefits as of January 1, 1991 (i.e., workers who lost their jobs around July 1, 1990).

(c) *Duration of Program.*

One year from date of enactment.

(d) *Cost.*

The cost of the supplemental benefit program is estimated by CBO to be $860 million in FY 1991 and $2,150 million in FY 1992.

(2) *Reform of Extended Benefits Program* [restore program's capacity to be responsive during (future) recessions].

(a) States are provided two years in which to modify the trigger which determines state eligibility for payments of benefits under the Federal-State Extended Benefit program. The new trigger would be: 1) 7% seasonally-adjusted, three month average Total Unemployment Rate and 120% of the average during the same three month period of the previous two years; or 2) 8% seasonally adjusted, three month average Total Unemployment Rate. CBO estimates the cost of this proposal to be $400 million in FY 1993; $355 million in FY 1994; $170 million in FY 1995: and $120 million in FY 1996.

(3) *Administrative Expenses* (ensure uninterrupted availability of sufficient funds to administer program in the event unemployment rate exceeds rate assumed by appropriation).

(a) *Contingency Reserve Fund.*

A Contingency Reserve Fund for administrative expenses is established on regular appropriations bills as a matter of policy. The Fund would provide an additional $30 million appropriation for every 100,000 person increase in the average weekly insured unemployment level (including a pro rata amount for smaller increments in excess of 100,000) above the level assumed in the President's budget proposal for any given year. Such appropriations would be classified as emergency expenditures under budget rules.

(4) *Eligibility.*

(a) Ex-service personnel benefits—Ex-military service personnel are made eligible for the same 26 weeks of benefits after a 1-week waiting period as civilian workers. Currently, military personnel leaving service are eligible for 13 weeks of unemployment benefits after a 4-week waiting period. The rationale for this difference was based on the belief that military personnel tend to know when they are to leave service and have time to look for employment before they leave. However, with the cutbacks in the size of the military, many service personnel leaving the military will be faced with essentially involuntary job loss and therefore should be treated in the same way as others who lose their jobs. Cost: $615 million over 6 years: $25 million in FY 91; $115 million in FY 92; $115 million in FY 93; $120 million in FY 94; $120 million in FY 95; $120 million for FY 96.

(b) State option for school employees: States are provided the option to pay benefits to non-professional employees (support staff) of educational institutions between academic years or terms if they are eligible otherwise. Cost: estimated to be less than $500,000 per year.

(c) Inclusion of most recent completed quarter of work history—States are required to implement a procedure to consider a worker's most recent completed quarter of work history in determining eligibility.

Mr. MOYNIHAN. Mr. President, I think we are all very much in the debt of the chairman for bringing forward this matter at a time of decent urgency. I do share his view. I hope it proceeds directly to enactment.

---

By Mr. KERRY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CONRAD, Mr. GLENN, Mr. GORTON, Mr. HATCH, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. RIEGLE, Mr. ROTH, Mr. SANFORD, Mr. SHELBY, and Mr. STEVENS):

S.J. Res. 160. Joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week"; to the Committee on the Judiciary.

WORLD POPULATION AWARENESS WEEK

Mr. KERRY. Mr. President, on behalf of myself and Senator HATFIELD, I would like to introduce a joint resolution regarding world population.

Mr. President, during the past year, we focused a lot of appropriate attention on the problems of rain forest deforestation, on natural resource depletion, on Third World debt, and on hazards such as environmental destruction that are present to the welfare of people of the world. All of these problems, we have all learned over the course of time, are not just problems that are self-starting. They are not problems

exclusively as a consequence of development policy or exclusively as a consequence of businesses dumping effluent into a river. All of them are closely related to population growth. All you have to do is go, as I know the Presiding Officer of the Senate has done on occasion, to almost any country in the world other than the industrial nations, but even industrial nations today which were very recently less developed nations, and you can see the consequences of this kind of rampant population growth.

Today the world's population exceeds 5 billion people, and if population growth continues at its current rate, that will double in about 40 years, maybe less. Most of those additional 5 billion people are going to live in Africa, the Indian subcontinent, the Middle East, and in Latin America, precisely those areas which are least able to accommodate that kind of population growth.

If the United States is going to do something, as we want to do, as we express ourselves continually as being willing to do to try to have an impact on these kinds of problems, then we have to first recognize the extraordinary strain that increasing population places on the already scarce resources of so many parts of this globe.

Last year, World Population Awareness Week educated Americans from Hawaii to Maine about the consequences of rapid population growth in the developing world. There were hundreds of university seminars, public library exhibits, and many community events held in relation to this week, and I think everybody judged them to be extremely valuable. People became aware of the linkage that they had not particularly thought of previously.

It is my belief and the belief of other colleagues that we must reaffirm that particular educational effort. The American people must continue to learn about population growth and understand exactly how it affects peace and prosperity throughout the world. Population growth is not unlinked to the money that we spend on defense. It is not unlinked to any of the foreign aid on which we expend the hard-earned dollars of the taxpayers of this country. There is a direct linkage to the conflict in which many of our sons and daughters have lost their lives around the globe. And it seems to us that we ought to be aware of the extraordinary social costs of not being sensitive to this.

Infant mortality rates and the death rates among mothers could be significantly decreased if voluntary—and I emphasize voluntary—child spacing and maternal health programs were expanded. Half of the women of reproductive age in the developing world have expressed a desire, in various samplings of polls and so forth, to control the size of their families, but they lack the means or they lack the ability to be able to gain access to family planning.

The great effort that we are expending, and it is an increasing effort, on environmental issues is going to be tragically wasted if we ignore the fact that the world's population is growing at an absolutely unsupportable rate. Ethiopia's population is expected to increase fourfold over the next several decades while India's is expected to grow by 1 billion people, the size of China today. Even El Salvador, a country the size of Massachusetts, is expected to have a population twice that size or more about 30 years from now.

The resolution I am introducing today will designate the week from October 20 through October 26, 1991, as World Population Awareness Week.

In the past, many countries, including Turkey, Brazil, Bangladesh, Tunisia, Zimbabwe, Costa Rica, Indonesia, Colombia, China, and Nigeria have joined with the United States during this week to actively educate their people about the dangers of unrestricted population growth. The expanded number of educational activities and events to be held during this week this year will enhance the American public's understanding of how population growth directly affects the people living in the Third World and, indeed, the people living in the United States of America.

Mr. President, I urge my colleagues to join with me in support of this week of awareness in education as they did last year. I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 160

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded;

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell off their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years the amount of ultraviolet light reaching our planet is expected to increase by as much as 20 percent; and

Whereas in 1990, the President proclaimed "World Population Awareness Week" nationally, and 38 State Governors proclaimed "World Population awareness Week" in their respective States, to call attention to the consequences of rapid population growth, and the Congress also passed a resolution to that effect: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning October 20, 1991, is designated as "World Population Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Mr. HATFIELD. Mr. President, I am pleased today to join my colleague Senator KERRY in introducing a joint resolution declaring October 20 through 26, 1991, as World Population Awareness Week. This joint resolution seeks to raise awareness of our rapidly increasing world population, thereby creating greater discussion and possible solutions to the problems which accompany overpopulation. The rapid rate at which our population is growing will have critical and far-reaching effects on all of humanity as well as the environment.

World population is increasing at a shocking rate. There are presently 5.3 billion people in the world, and each day adds an additional 250,000. By the year 2000, less than a decade away, the world will have approximately 1 billion more people. Even with the percentage of population growth decreasing, the absolute number of people which are added to our planet each year is not. The rate of growth 30 years ago was greater, but the population was smaller, adding 60 million each year. In the early 1980's, the number rose to 80 million, and today is 90 million. This astronomical growth cannot continue without taking a grave toll.

Overpopulation is tied to nearly all societal problems. In our cities, it has led to poor housing, unemployment, overcrowded schools, and lack of water and energy. Many city governments can no longer cope with the pleas for roads, lighting, drainage, health, and education. Cities such as Rio de Janeiro cannot provide safe housing for all of their people. There, it is estimated

that 3 million out of 10 million people live on dangerous, eroded hillsides. Overcrowding, air pollution, and water contamination lead to medical ailments. The air in Mexico City was recently declared unfit to breathe, and residents drink, bathe, and wash in water contaminated by sewage and industrial waste.

Environmental problems must be solved in conjunction with overpopulation. Areas of overpopulation are most likely to misuse land and resources in order to survive. In Bangladesh, over 100,000 lives were lost due to the recent cyclone. However, much of the suffering could have been prevented. In an attempt to sustain their overpopulated nation, they cleared the forests—removing the natural barrier which would have protected many from the disaster.

The developing world will bear the greatest burden. Africa, Asia, and Latin America will experience 95 percent of future population growth. These are nations of people who already are struggling to feed their children and keep their homes; who spend much of their lives surrounded by civil war and strife; and who suffer early deaths due to malnutrition and largely preventable diseases. The future is bleak for these people who will share even fewer resources among their growing populace.

This legislation draws awareness to a concern which is shared by other Members of Congress and the administration. Last year, President Bush and 38 State Governors issued a proclamation to declare World Population Awareness Week as a time to consider the consequences of rapid population growth. Activities were organized in every State in response to the declarations. With the support of Congress, I would like to see those events again this year during a second World Population Awareness Week.

This legislation, Mr. President, is an important step in solving world population problems. We simply cannot afford to ignore the consequences of rapid population growth. I hope our colleagues will join us in supporting the declaration of World Population Awareness Week.

---

By Mr. INOUYE:

S.J. Res. 161. Joint resolution to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

MEMORIAL TO JAPANESE-AMERICAN WAR VETERANS

• Mr. INOUYE. Mr. President, today I rise to introduce legislation which authorizes the "Go For Broke" National Veterans Association to establish a memorial to Japanese American War Veterans in the District of Columbia or its environs.

On January 28, 1943, with the approval of President Franklin D. Roosevelt, Secretary of War Henry L. Stimson initiated a plan which allowed Americans of Japanese ancestry to volunteer for military service. This action was necessary because soon after December 7, 1941, Japanese Americans found their 1-A classification (acceptable for military service) being changed to 4-C (alien ineligible for military service) or 4-F (unfit for military service) by the Selective Service System. Although rumors were rampant during the early days of World War II, history now clearly shows that there was no evidence of sabotage or espionage activities connected with any Japanese American. Their only crime was that they were born to parents of Japanese ancestry.

As many are aware, large numbers of Japanese Americans were denied their civil rights, deprived of their worldly goods and humiliated by unjust incarceration. Nevertheless, when these young men heard of the War Department's plan in 1943, they volunteered in droves from behind the barbed wire encircled relocation camps. From behind the barbed wire, these men stood tall to provide their loyalty as Americans. They willingly took the oath to defend a nation that had denied them certain rights that are accorded by our Constitution.

Over 20,000 Japanese Americans would eventually serve in the United States military against the enemy in the European and Pacific theaters of World War II. Japanese Americans serving in the 442d Infantry Regimental Combat Team received over 18,000 individual decorations ranging from the Congressional Medal of Honor to the Purple Heart. Many military historians have indicated that the 442nd Infantry Regimental Combat Team was "the most decorated unit in the history of the United States."

The loyalty and sacrifice of these gallant men are beyond question—it is part of the noble military history of our Nation. I urge my colleagues to support the authorization of the establishment of a Japanese American War Veterans memorial.

I hope that with this memorial, the lessons learned during the extraordinary and dark chapter in our Nation's history will not be forgotten. The memorial is an indication to those Japanese American war heroes who gave their lives that their sacrifices were not in vain.

Mr. President, I ask unanimous consent that the text of the joint resolution be placed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 161

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. MEMORIAL FOR JAPANESE-AMERICAN WAR VETERANS.**

(a) IN GENERAL.—The Go For Broke National Veterans Association is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Japanese-American War Veterans.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.).

**SEC. 2. PAYMENT OF EXPENSES.**

The Go For Broke National Veterans Association shall be solely responsible for the acceptance of contributions for, and payment of expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

**SEC. 3. DEPOSIT OF EXCESS FUNDS.**

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b) or upon expiration of the authority for the memorial under section 10(b) of such Act there remains a balance of funds received for the establishment of the memorial, the Go For Broke National Veterans Association shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.•

---

## ADDITIONAL COSPONSORS

S. 102

At the request of Mr. COHEN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 239

At the request of Mr. SARBANES, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 280

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 280, a bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 701

At the request of Mr. COATS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 756

At the request of Mr. DECONCINI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 756, a bill to amend title 17, United States Code, the copyright renewal provisions, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 840

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes.

S. 860

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 860, a bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union.

S. 895

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 895, a bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders.

S. 914

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processess of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1028

At the request of Ms. MIKULSKI, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. SANFORD], the Senator from New Jersey [Mr. BRADLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. HARKIN], the Senator from Illinois [Mr. SIMON], the Senator from Tennessee [Mr. GORE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1028, a bill to authorize increased funding for international population assistance and to provide for a United States contribution to the United Nations Population Fund.

S. 1103

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1103, a bill for the relief of the estate of Dr. Beatrice Braude.

S. 1195

At the request of Mr. DODD, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1195, a bill to authorize the establishment of a memorial on Federal land in the District of Columbia to honor individuals who have served as volunteers in the Peace Corps.

S. 1249

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1249, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 1261

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1261, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury excise tax.

S. 1263

At the request of Mr. DIXON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1263, a bill to amend title 18 of the United States Code to punish as a Federal criminal offense the acts of international parental child kidnaping.

SENATE JOINT RESOLUTION 142

At the request of Mr. SHELBY, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. BOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kentucky [Mr. FORD], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Georgia [Mr. FOWLER], the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. SYMMS], the Senator from Ohio [Mr. GLENN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. MACK], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. SANFORD], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. HEFLIN], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. D'AMATO], the Senator from Nebraska [Mr. EXON], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 142, a joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

SENATE JOINT RESOLUTION 159

At the request of Mr. SIMPSON, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Georgia [Mr. FOWLER], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. FORD], the Senator from California [Mr. SEYMOUR], the Senator from Tennessee [Mr. SASSER], the Senator from Utah [Mr. HATCH], the Senator from Missouri [Mr. BOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. SYMMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate the month of June 1991, as "National Forest System Month."

SENATE RESOLUTION 116

At the request of Mr. ROTH, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Resolution 116, a resolution to express the sense of the Senate in support of Taiwan's member-

ship in the General Agreement on Tariffs and Trade.

## SENATE CONCURRENT RESOLUTION 46—RELATIVE TO HOLDING THE 1998 WINTER OLYMPIC GAMES IN SALT LAKE CITY, UTAH

Mr. HATCH (for himself and Mr. GARN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 46

Whereas the International Olympic Committee will meet on June 15, 1991, at Birmingham, England, to consider the selection of a site for the 1998 winter Olympic games;

Whereas Salt Lake City, Utah, has been selected by the United States Olympic Committee as the United States candidate for the 1998 winter Olympic games;

Whereas it is the consensus of the Members of Congress of the United States that the designation by the International Olympic Committee of Salt Lake City, Utah, as the site of the 1998 winter Olympic games would be a great honor for all the people of the United States; and

Whereas the people of Utah, who symbolize the heart of America's pioneer spirit, and who have for a number of years fully supported the effort to bring the winter Olympic games to the United States, have fashioned their Olympic bid with the goal of establishing the world's finest winter sports center based upon Olympic ideals: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the International Olympic Committee be advised that the Congress of the United States would welcome the holding of the 1998 winter Olympic games in Salt Lake City, Utah, the site so designated by the United States Olympic Committee; and be it further

*Resolved*, That the Congress of the United States expresses the sincere hope that Salt Lake City, Utah, will be selected as the site for the 1998 winter Olympic games, and pledges its cooperation and support of their successful fulfillment in the highest sense of the Olympic tradition.

## SENATE RESOLUTION 140—CONGRATULATING THE CHICAGO BULLS FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. DIXON (for himself and Mr. SIMON) submitted the following resolution; which was considered and agreed to:

S. RES. 140

Whereas for the first time in the 25-year history of the Chicago Bulls franchise, the Bulls have won the National Basketball Association Championship;

Whereas the Bulls posed a 61-21 record in the regular season, the best in franchise history, and tied an NBA playoff record with 15 wins and only two losses;

Whereas head coach Phil Jackson implemented a quick smothering defense which the Bulls used to hold playoff opponents to a record low 91.5 points a game;

Whereas NBA regular season and playoff most valuable player Michael Jordan once again showed his tremendous basketball ability both offensively and defensively;

Whereas Scottie Pippen, Horace Grant, John Paxson, Bill Cartwright and every Bulls player coming off the bench played vintage Bulls basketball, displaying quick athleticism, tenacious defense, clutch outside shooting, and an outstanding transition game to overwhelm the Los Angeles Lakers in the NBA finals in five games; and

Whereas the Bulls utilized a total team effort in winning their first NBA championship: Now, therefore, be it:

*Resolved*, That the Senate congratulates the Chicago Bulls for winning the 1991 National Basketball Association Championship.

## AMENDMENTS SUBMITTED

### SURFACE TRANSPORTATION EFFICIENCY ACT

#### INOUYE AMENDMENT NO. 319

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 1204) to amend title 23, United States Code, and for other purposes, as follows:

On page 35, line 19, following the comma insert the following: "and (v) the annual impact of inflation costs in excess of that provided in prior Interstate Cost Estimates and the annual impact of a State's consumer price index in each of fiscal years 1993, 1994, 1995 and 1996, as published by the Bureau of Labor Statistics of the Department of Labor.".

#### INOUYE (AND AKAKA) AMENDMENT NO. 320

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 1204, supra, as follows:

On page 72, line 20, strike the period and insert "; DISCRETIONARY PROJECTS".

On page 73, after line 23, insert the following:

"(d) SET-ASIDE FOR INTERSTATE DISCRETIONARY PROJECTS.—

"Before any apportionment is made under section 103(b)(5) for a fiscal year beginning after September 30, 1991 the Secretary shall set aside $200,000,000. Such funds shall be available for obligation by the Secretary under the following priorities:

"(1) FIRST.—For high cost projects which directly contribute to the completion of a segment of the interstate system which is not open to traffic;

"(2) SECOND.—For projects of high cost in relation to a State's total apportionment of funds; and

"(3) THIRD.—For projects with respect to which the Secretary may make payments under section 115 of title 23, United States Code.".

#### MOYNIHAN (AND OTHERS) AMENDMENT NO. 321

Mr. MOYHIHAN (for himself, Mr. SYMMS, Mr. BURDICK, and Mr. CHAFEE) proposed an amendment to the bill S. 1204, supra, as follows:

Insert the following on page 62, line 23 after the period:

(f) COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 307 of title 23, United States Code, is amended by adding subsection (g) as follows:

"(g) COLLABORATIVE RESEARCH AND DEVELOPMENT.—For purposes of encouraging innovative solutions to highway problems, and stimulating the marketing of new technology by private industry, the Secretary is authorized to undertake on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments; foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations which are incorporated or established under the laws of any of the States of the United States. In carrying out this section, the Secretary may enter into a cooperative research and development agreement, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710a). The average Federal share in these agreements shall not exceed 50 percent except, where there is substantial public interest or benefit, the Secretary may approve a higher Federal level of participation. Cooperative research and development agreements shall recognize all directly related costs to the non-Federal partners including personnel, travel, hardware development, etc. The research, development, or utilization, of any technology pursuant to an agreement under the above provisions, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended.".

Insert the following at an appropriate place.

**SEC. . INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.**

Chapter 1, of title 23, United States Code is amended by adding the following new section at an appropriate place:

**"SEC. . INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.**

"(a) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the domestic highway community of technological innovations abroad that could significantly improve highway transportation in the United States, to promote United States highway transportation expertise internationally, and to increase transfers of United States highway transportation technology to foreign countries. Such activities may include:

"(1) develop, monitor, assess, and domestically disseminate information about foreign highway transportation innovations that could significantly improve highway transportation in the United States.

"(2) research, development, demonstration, training, and other forms of technology transfer and exchange.

"(3) inform other countries about the technical quality of American highway transportation goods and services through participation in trade shows, seminars, expositions and other such activities.

"(4) offer those Federal Highway Administration technical services which cannot be readily obtained from the United States private sector to be incorporated into the proposals of United States firms undertaking foreign highway transportation projects. The costs for assistance shall be recovered under the terms of each project.

"(5) conduct studies to assess the need for or feasibility of highway transportation improvements in countries that are not mem-

bers of the Organization for Economic Cooperation and Development as of the date of enactment, and in Greece and Turkey.

"(b) COOPERATION.—The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the United States Government, State or local agency, authority, association, institution, corporation (profit or nonprofit) foreign government, multi-national institution, or any other organization or person.

"(c) FUNDS.—The funds available to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating organization or person. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this section. Reimbursements for services provided under this section shall be credited to the appropriation concerned.".

Insert the following new section in an appropriate place:

SEC. . EDUCATION AND TRAINING PROGRAM.—Chapter 1 of title 23, United States Code is amended by adding the following new section at an appropriate place.

**"SEC. . EDUCATION AND TRAINING PROGRAM.**

"(a) AUTHORITY.—The Secretary is authorized to carry out a transportation assistance program that will provide highway and transportation agencies, in (1) urbanized areas of 50,000 to 1,000,000 population and (2) rural areas, access to modern highway technology.

"(b) GRANTS AND CONTRACTS.—The Secretary may make grants and enter into direct contracts for education and training, technical assistance and related support services that will—(1) assist rural local transportation agencies to develop and expand their expertise in road and transportation areas; improve roads and bridges; enhance programs for the movement of passengers and freight; and deal effectively with specific road related problems by preparing and providing training packages, manuals, guidelines and technical resource materials; (2) identify, package and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and (3) establish, in cooperation with State transportation or highway departments and universities (A) urban technical assistance program centers in States with two or more urbanized areas of 50,000 to 1,000,000 population and (B) rural technical assistance program centers. The Secretary shall provide technical and financial support for the centers.".

Insert at the appropriate place the following new section:

**SEC. . NATIONAL HIGHWAY INSTITUTE.**

Section 321 of title 23, United States Code is amended to read as follows:

**"SEC. 321. NATIONAL HIGHWAY INSTITUTE.**

"(a) ESTABLISHMENT AND AUTHORITY TO CONDUCT TRAINING.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute hereinafter referred to as the "Institute". The Institute shall develop and administer, in cooperation with the State transportation or highway departments, and any national or international entity, training programs of instruction for Federal Highway Administration, State and local transportation and highway department employees, State and local police, public safety and motor vehicle employees, United States citizens and foreign nationals engaged or to be engaged in highway work of interest to the United States. Programs may include, but are not limited to courses in modern developments, techniques, management, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance, contract administration, motor carrier activities and inspection. The Secretary shall administer the authority vested in the Secretary by this title or by any other provision of law for the development and conduct of education and training programs relating to highways through the Institute.

"(b) SET-ASIDE.—Not to exceed one-fourth of 1 percent of all Surface Transportation Program funds apportioned to a State under this title shall be available for expenditures by the State highway department for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State and local highway employees authorized by this section shall be provided (1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or (2) in any case where education and training are to be paid for under (b) by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute: *Provided*, That private agencies and individuals shall pay the full cost of any education and training received by them.

"(d) TRAINING FELLOWSHIPS; COOPERATION; COLLECTION OF FEES.—The Institute is authorized, subject to approval of the Secretary, to engage in all phases of contract authority for training purposes authorized by this section including but not limited to the granting of training fellowships. The Institute is also authorized to carry out its authority independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other national or international entity, or person. The Institute is authorized to establish and collect fees from any entity and place them in a special account for the purpose of this section.

"(e) FUNDS.—The funds required to carry out this section may be from the sums deducted for administration purposes under 104(a). The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts or agreements made under the authority of this section. The sums provided pursuant to this subsection may be combined or held separate from the fees or memberships collected and be administered by the Secretary as a fund which shall be available until expended.

"(f) DEFINITION.—The term 'national and international entity' as used in this section is defined to mean any government or non-government, public or private, profit or non-profit body, institution, corporation, agency, association, authority, State, country, province, city, county, local jurisdiction, or individual.".

Beginning on page 58, line 4, strike all until the end of page 60, line 7, and insert in lieu thereof the following, while renumbering the succeeding paragraph of section 115(d) accordingly:

(1) BUREAU OF TRANSPORTATION STATISTICS.—There is established within the Department a Bureau of Transportation Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of transportation statistics which should provide timely summary in the form of industry-wide aggregates, and multiyear averages, and totals of some similar form which include information on—

(i) productivity in the various portions of the transportation sector;

(ii) traffic flows;

(iii) travel times;

(iv) vehicle weights;

(v) variables influencing traveling behavior including choice of mode;

(vi) travel costs of intracity commuting and intercity trips;

(vii) availability and number of passengers served by mass transit for each mass transit authority;

(viii) frequency of vehicle and transportation facility repairs and other interruptions of service;

(ix) accidents;

(x) collateral damage to the human and natural environment; and

(xi) and the condition of the transportation system, all of information which shall be suitable for conducting cost-benefit studies, including comparisons among modes and intermodol transport systems.

(B) The Director of the Bureau of Transportation Statistics, in cooperation with the States, shall pursue a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system. This effort shall—

(i) be coordinated with the efforts undertaken pursuant to section 307(b)(3) of title 23 to develop performance indicators for the national transportation system;

(ii) assure that data and other information are collected in a manner to maximize the ability to compare data from different regions and time periods; and

(iii) assure that data are quality controlled for accuracy and are disseminated to the States and other interested parties.

(C) promulgating guidelines for the collection of information by the Department required for statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(D) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(E) making readily accessible the statistics published under this paragraph; and

(F) identifying missing information of the kind identified under subparagraph (A) (i) through (xi), reviewing these information needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to the appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, or to establish observation or monitoring programs.

(3) Information compiled by the Bureau of Transportation Statistics shall not be disclosed publicly in a manner that would reveal the personal identity of any individual,

consistent with the Privacy Act of 1974 (5 U.S.C. 552a), reveal trade secrets and commercial or financial information provided by any person to be identified with such person.

(4) DIRECTOR OF TRANSPORTATION STATISTICS.—The Bureau shall be under the direction of a Director or Transportation Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. To begin within 180 days of enactment of this act. The director shall be a qualified individual with experience in the compilation and analysis of transportation statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) TRANSPORTATION STATISTICS ANNUAL REPORT.—On January 1, 1992, and each January 1 thereafter, the Director shall submit to the President a Transportation Statistics Annual Report (hereafter referred to as the "Report"). The report shall include, but not be limited to those items identified in subparagraph (A)(i) through (x). The Report shall also include documentation of the methods used to obtain and assure the quality of the statistics presented in the Report and recommendations in improving transportation statistical information.

(6) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(7) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—The Director shall appoint an Advisory Council on Transportation Statistics, comprised of no more than 6 private citizens who have expertise in transportation statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on transportation statistics and analyses, including whether the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

(8) STUDY OF DATA NEEDS.—(A) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Transportation in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(i) data collection procedures and capabilities;

(ii) data analysis procedures and capabilities;

(iii) the ability of data bases to integrate with one another;

(iv) computer hardware and software capabilities;

(v) management information systems, including the ability of management information systems to intergrate with one another;

(vi) Department personnel; and

(vii) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(9) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

On page 42, line 23, before the period insert the following: ", except that revenues collected from such tolls in excess of revenues needed to recover the local share of construction and acquisition costs including debt service and the actual costs of operation and maintenance shall be used for: (1) any transportation project eligible under this title, or (2) costs associated with transportation facilities under the jurisdiction of said non-Federal party, including debt service and costs related to the construction, reconstruction, restoration, repair, operation and maintenance of said facilities".

Beginning on page 91, section 127 of the bill is amended to read as follows:

"SEC. 127. USE OF ASPHALT RUBBER PAVEMENT.—(a) Beginning on the date three years after the date of enactment of this Act, the Secretary of Transportation shall make no grant to any State under title 23 of the United States Code, other than projects or grants for safety where the Secretary determines that the principal purpose of the project is an improvement in safety that will result in a significant reduction in or avoidance of accidents, for any year unless the State shall have submitted to the Secretary a certification that the asphalt pavement laid in the State in such year and financed in whole or part by such grants shall satisfy the minimum utilization requirement for asphalt rubber pavement established by this section. The Secretary may modify the minimum utilization requirement for asphalt rubber pavement during a phase-in period, if the Secretary determines that such phase-in period is necessary to develop production and application facilities for asphalt rubber pavement. Such phase-in period shall not extend beyond the date six years after the date of enactment of this section. The Secretary may increase the minimum utilization requirement for asphalt rubber pavement to be used in federally assisted highway projects to the extent it is technologically and economically feasible to do so and if an increase is appropriate to assure markets for the reuse and recycling of scrap tires.

"(b) The Secretary may set aside the provisions of this section for any three-year period on a determination, made in concurrence with the Administrator of the Environmental Protection Agency with respect to paragraphs (1) and (2), that there is reliable evidence indicating—

"(1) that manufacture, application or use of asphalt rubber pavement substantially increases risks to human health or the environment as compared to the risks associated with conventional pavement;

"(2) that asphalt rubber pavement cannot be recycled to the same degree as conventional pavement; or

"(3) that asphalt rubber pavement does not perform adequately as a material for the construction or surfacing of highways and roads.

"(c) Any determination made to set aside the requirements of this section may be renewed for an additional three-year period by the Secretary, with the concurrence of the Administrator with respect to determinations made under subsections (b)(1) and (b)(2). Any determination made with respect to subsection (b)(3) may be made for specific States or regions considering climate, geography and other factors that may be unique to the State or region and that would prevent the adequate performance of asphalt rubber pavement in such State or region.

"(d) The minimum utilization requirement for asphalt rubber pavement in federally assisted highway projects shall be not less than an average of 6 pounds of rubber derived from scrap tires for each 1 ton of finished asphalt pavement used in Federally-assisted highway projects in the State. The Secretary may grant a State credit toward the minimum utilization requirement for volumes of asphalt rubber pavement used in other road and construction projects and for asphalt rubber pavement containing rubber at rates less than or greater than 6 pounds per ton, provided that the total amount of rubber used in asphalt pavement containing rubber in the State in any year is at least equivalent to the amount that would be used if 100 per centum of the pavement used in federally-assisted highway projects in the State contained 6 pounds of rubber per ton of finished pavement.

"(e) The Secretary shall establish a minimum utilization requirement for asphalt rubber pavement less than the minimum otherwise required by subsection (d) in a particular State, upon the request of such State and with the concurrence of the Administrator of the Environmental Protection Agency, if the Secretary determines that there is not a sufficient quantity of scrap tires available prior to disposal in the State to meet the minimum utilization requirement established by subsection (d) and each of the other recycling and processing uses, including retreading, for which scrap tires are required.

"(f) For purposes of this section—

"(1) the term 'process' means the utilization of tires to reclaim material or energy value;

"(2) the term 'recycle' means to process scrap tires to produce usable materials other than fuels;

"(3) the term 'asphalt' rubber pavement' means any hot mix asphalt paving mixture which contains rubber derived from scrap tires, is produced using the wet or dry process and is used for a pavement base, surface course, or stress absorbing membrane interlayer;

"(4) the term 'stress absorbing membrane interlayer' means a process of spray applying asphalt rubber pavement prior to the overlayment of conventional asphalt pavement to reduce reflective cracking and to waterproof the roadway.".

At the appropriate place insert the following new section:

SEC. . USE OF ZEBRA MUSSELS IN INFRASTRUCTURE.—(a) Within 180 days of the date of enactment of this Act, the Secretary of Transportion shall begin studies to determine the feasibility of utilizing zebra mussels, Dreissena polymorpha, in aggregate or other materials used to construct transportation infrastructure. Within three years of the date of enactment of ths Act the Secretary shall submit a report to the Congress on the feasibility of utilizing zebra mussels

in aggregate or other materials used to construct transportation infrastructure. The Secretary shall continue feasibility studies beyond this date if necessary to determine long-term performance of materials incorporating zebra mussels.

(b) If the studies required under section (a) demonstrate the feasibility of using zebra mussels as a construction material, beginning four years after the enactment of this Act, the Secretary of Transportation shall make no grant to any state under title 23 of the United States Code, other than projects or grants that will result in a significant reduction in or avoidance of accidents, for any year unless the state shall have submitted to the Secretary a certification that zebra mussels have been utilized in construction of transportation infrastructure in all applications in which any increase in cost due to using zebra mussels is equal to or less than the cost of disposal of the zebra mussels in conformance with all applicable environmental regulations. The Secretary may establish a phase-in period, not to extend beyond the date seven years after the date of enactment of this Act, if the Secretary determines that such a phase-in period is necessary to establish technology or production facilities for utilizing zebra mussels in transportation infrastructure applications.

(c) The Secretary may set aside the provisions of this section for any three-year period on a determination that there is reliable evidence indicating—

(1) that zebra mussels do not perform satisfactorily as a material for the construction or surfacing of roads or other infrastructure construction applications; or

(2) that utilization of zebra mussels results in increased risk to the safety of motorists, construction workers, or maintenance personnel.

(d) Any determination made to set aside the requirements of this section may be renewed for an additional three-year period by the Secretary. Any determination made with respect to subsection (c) may be made for specific states or regions considering climate, geography, and other factors that may be unique to the state or region.

(e) The Secretary, at the request of a State, may exclude a certain percentage of the federally assisted highways in such state from these requirements, if the Secretary determines that there is not a sufficient volume of zebra mussels in the waters within or contiguous to the state to constitute a nuisance.

On page 84, strike lines 24 through page 85, line 13, and insert in lieu thereof:

"(b) STUDY.—The Secretary shall conduct a study of restrained and unrestrained individuals injured in motor vehicle crashes and of helmeted and nonhelmeted motorcyclists injured in motorcycle crashes, collecting and analyzing data from regional trauma systems regarding differences in: the severity of injuries; acute, rehabilitative and long-term medical costs, including the sources of reimbursement and the extent to which these sources cover actual costs; and mortality and morbidity outcomes. Of the amounts authorized to be appropriated for fiscal year 1992 to carry out the requirements of this section, not less than $5,000,000 shall be available until expended to carry out this subsection. The Secretary shall report the results of this study to Congress not later than 40 months after the date of enactment of this Act. Approval by the Secretary of Transportation of the payment of such sums shall establish a contractual obligation of the United States to pay such sums."

Beginning on p. 14, line 24, strike all from the beginning of such line through the end of line 15 on page 15, and insert in lieu thereof the following:

"Surface Transportation Program funds may be used—

"(A) as part of a highway construction project, or as a separate effort, to mitigate wetland loss related to highway construction; or

"(B) to contribute to statewide efforts to conserve and restore wetlands adversely affected by highway construction

if such efforts comply with all applicable requirements of and regulations under federal law, including but not limited to the National Environmental Policy Act, the Endangered Species Act, and the Federal Water Pollution Control Act. These efforts may include the development of statewide wetland conservation plans, and other State or regional efforts to conserve and restore wetlands. Contributions toward these efforts may occur in advance of specific highway construction activity only if the State has a transportation planning process that precludes the use of such efforts to influence the environmental assessment of the highway construction project, the decision relative to the need to construct the highway project, or the selection of the project design or location.".

Strike all from the beginning of page 7, line 18 through the end of page 8, line 9, and insert in lieu thereof the following:

(12) HIGHWAY USE TAX EVASION PROJECTS.—(A) For highway use tax evasion projects $5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996: *Provided*, That these sums shall be available until expended and may be allocated to the Internal Revenue Service of States at the discretion of the Secretary: *and provided further*, That these sums shall be used only to expand efforts to enhance motor fuel tax enforcement, fund additional Internal Revenue Service staff (only for purposes under this paragraph), supplement motor fuel tax examination and criminal investigation, develop automated data processing tolls, evaluate and implement registration and reporting requirements, reimburse State expenses that supplement existing fuel tax compliance efforts, and analyze and implement programs to reduce tax evasion associated with other highway use taxes.

(B) The Secretary shall report on October 1 and April 1 of each year to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the expenditure of all funds under this paragraph, including expenses for the hiring of additional staff by any federal agency and any expenditures for outside consultants.

Strike all on page 102, lines 8 and 9.

On page 38, line 12 after the period insert the following:

A State may loan all or part federal funds made available pursuant to this section to a public agency constructing a toll facility: *Provided*, That such loan may be made only after all federal environmental requirements have been complied with and permits obtained. The amount loaned shall be subordinated to other debt financing for the facility except for loans made by the State or any other public agency to the agency constructing the facility. Funds loaned pursuant to this section may be obligated for projects eligible under this section. The repayment of any such loan shall commence not less than five years after the facility has opened to traffic. Any such loan shall bear interest at the average rate the State's pooled investment fund earned in the 52 weeks preceding the start of repayment. The term of any such loan shall not exceed 30 years from the time the loan was obligated. Amounts repaid to a State from any loan made under this section may be obligated for any purpose eligible under this title. The Governor of each State making a loan pursuant to this section shall establish procedures and guidelines for making such loans.

Add the following on page 36, line 9 after the period:

Unobligated balances of funds allocated for Forest Highways may be obligated for Public Lands highways.

On page 36, line 24 after "amended" insert the following:

(A) by striking 'construction and improvements thereof' and inserting in lieu thereof 'planning, research, engineering and construction thereof'; and (B).

On page 57, line 23 after "in paragraph (1)" insert "and inserting in lieu thereof 'by the State highway department only'".

On page 9, beginning on line 3, strike "section 135" and insert in lieu thereof "section 125".

On page 115, line 18, after the period, insert the following:

Section 104 of title 23, United States Code, is amended by inserting subsections (a)(2), (a)(3), (b) and (c) of such section as those subsections existed in title 23, United States Code, immediately prior to enactment of Public Law 101-516.

On page 13, line 15 strike "and" and insert in lieu thereof a comma. On page 13, line 15 after "printing of" insert "and application of calcium magnesium acetate on".

On page 54, line 13, before the semicolon, insert "through a process that includes consultation with local elected officials with jurisdiction over transportation".

On page 53, line 7, after the period, insert "The Bridge Management System shall include provisions for life-cycle cost analysis where appropriate.".

On page 87, line 22, insert "and the Secretary finds" after "Secretary".

On page 88, line 15, strike "was" the two places it appears and insert in lieu thereof "is".

On page 89, line 3, strike "other environmental laws as" and insert "all other applicable environmental laws which shall be"

On page 89, line 9, strike "under this section" and insert "in advance of Federal approval or authorization"

On page 89, lines 10 and 11, strike "including" and on line 12, insert "," after "to construct the project".

On page 89, line 12 strike "specific" and insert "project design or".

---

## DIXON (AND SIMON) AMENDMENT NO. 322

Mr. DIXON (for himself and Mr. SIMON) proposed an amendment to the bill S. 1204, supra, as follows:

On page 31, after line 22, insert the following:

**SEC. 139A. REDESIGNATION OF INTERSTATE ROUTES.**

(a) Whenever two or more bordering States that are connected by a highway on the Interstate System cannot agree to the number designation of that highway, the Secretary of Transportation shall make that designation upon the recommendation of the committee described in subsection (b).

(b) The Secretary of Transportation shall establish an advisory committee composed

of highway, engineering, and traffic safety experts not from the States referred to in subsection (a) to make a recommendation under subsection (a) regarding an appropriate designation of an Interstate route.

## REID AMENDMENT NO. 323

Mr. REID proposed an amendment to the bill S. 1204, supra, as follows:

On page 31, line 5, before the period, insert the following: ", unless such highway or bridge capacity expansion project conforms with the applicable State implementation plan of the State approved or promulgated under section 110 of the Clean Air Act (42 U.S.C. 7410), as described in section 176(c) of the Clean Air Act (42 U.S.C. 7506(c))".

On page 34, line 12, before the period, insert the following: ", unless such lanes conform with the applicable State implementation plan of the State approved or promulgated under section 110 of the Clean Air Act (42 U.S.C. 7410), as described in section 176(c) of the Clean Air Act (42 U.S.C. 7506(c))".

## INOUYE (AND AKAKA) AMENDMENT NO. 324

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 1204, supra, as follows:

On page 35, line 6, after "Massachusetts" insert "and Hawaii".

On page 35, line 24, before the colon, insert "and Hawaii".

On page 36, line 3, strike the period before the ending quotation mark and insert "; *Provided further*, that Hawaii shall be apportioned $205,000,000 for the fiscal year 1992."

## EXON (AND OTHERS) AMENDMENT NO. 325

Mr. EXON (for himself, Mr. LAUTENBERG, Mr. CHAFEE, Mr. ADAMS, Mr. GORE, and Mr. SANFORD) proposed an amendment to the bill S. 1204, supra, as follows:

On page 129, line 8, strike the quotation marks and the second period; and on page 129, immediately after line 8, insert the following:

"(4) Nothing in this subsection shall be construed to allow the operation on any segment of the National System of Interstate and Defense Highways of any commercial motor vehicle combination prohibited under section 411(j) of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311).".

(c) Section 141(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "Each State shall also certify that it is enforcing and complying with section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311(j)).".

**SEC. 138A. VEHICLE LENGTH RESTRICTION.**

Section 411 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311(j) is amended by adding at the end the following new subsection:

"(j)(1) No State shall allow by statute, regulation, permit, or any other means, the operation on any segment of the National System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary, pursuant to subsection (e) of this section, of any commercial motor vehicle combination with two or more cargo carrying units (not including the truck tractor), whose cargo carrying units exceed, as determined by the Secretary—

"(A) the maximum combination trailer, semitrailer, or other type of length limitation authorized by statute or regulations of that State on or before June 1, 1991; or

"(B) the length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, continuing lawful operation (including continuing seasonal operation) in that State on or before June 1, 1991.

"(2) For purposes of this subsection, the length of the cargo carrying units of a commercial motor vehicle combination is the length measured from the front of the first cargo carrying unit to the last cargo carrying unit.

"(3) Commercial motor vehicle combinations whose operations in a State are not prohibited under paragraph (1) of this subsection may continue to operate in such State on the highways described in paragraph (1) only if in compliance with, at the minimum, all State statutes, regulations, limitations, and conditions, including but not limited to routing-specific and configuration-specific designations and all other restrictions in force in such State on June 1, 1991. Nothing in this subsection shall prevent any State from further restricting in any manner or prohibiting the operation of any commercial motor vehicle combination subject to this subsection, except that such restrictions or prohibitions shall be consistent with the requirements of this section and of section 412 and section 416(a) and (b) of this Act. Any State further restricting or prohibiting the operations of commercial motor vehicle combinations shall advise the Secretary within 30 days after such action and the Secretary shall publish a notice of such action in the Federal Register.

"(4) Within 60 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a list of length limitations, as determined by the Secretary, applicable to commercial motor vehicle combinations operating in each State on the highways described in paragraph (1). The list shall indicate the applicable State statutes and regulations associated with such length limitations. The list shall become final within 60 days after publication in the Federal Register. Commercial motor vehicle combinations prohibited under paragraph (1) may not operate on the National System of Interstate and Defense Highways and other Federal-aid Prima System highways as designated by the Secretary. The list may be combined by the Secretary with the list required under section 127(d) of title 23, United States Code.

"(5) Nothing in this subsection shall be construed to allow the operation on any segment of the National System of Interstate and Defense Highways of any longer combination vehicle prohibited under section 127(d) of title 23, United States Code.".

"(6) Nothing in this subsection shall be interpreted to affect in any way the operation of commercial motor vehicles having only one cargo carrying unit. Nor shall this subsection be interpreted to affect in any way the operation in a State of commercial motor vehicles with two or more cargo carrying units if such vehicles were in actual, continuing operation (including continuing seasonal operation) in that State on or before June 1, 1991, authorized under State statute, regulation, or lawful State permit.

"(7) As used in this subsection, 'cargo carrying unit' means any portion of a commercial motor vehicle combination (other than the truck tractor) used for the carrying of cargo, including a trailer, semitrailer, or the cargo carrying section of a single unit truck.

On page 128, on lines 3 through 4, strike "2311, 2312, and 2316 of title 49, United States Code Appendix" and insert in lieu thereof "411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2311, 2312, and 2316)".

## MOYNIHAN AMENDMENT NO. 326

Mr. MOYNIHAN proposed an amendment to the bill S. 1204, supra, as follows:

Insert in the appropriate place the following new section:

**SEC. . INFRASTRUCTURE INVESTMENT COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission to Promote Investment in America's Infrastructure (hereafter referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 7 members appointed as follows:

(A) 2 members appointed by the Majority Leader of the Senate;

(B) 2 members appointed by the Speaker of the House of Representatives;

(C) 1 member appointed by the President of the United States;

(D) 1 member appointed by the Minority Leader of the Senate; and

(E) 1 member appointed by the Minority Leader of the House of Representatives.

(2) Individuals appointed to the Commission shall have appropriate backgrounds in finance, construction lending, actuarial disciplines, pensions, and infrastructure policy disciplines.

(c) FUNCTION OF COMMISSION.—It shall be the function of the Commission to conduct a study for the purpose of determining the feasibility and desirability of creating a type of infrastructure security which would permit the investment of pension funds in funds utilized to design, plan, and construct infrastructures in the United States. The Commission can include recommendations as to private sector as well as other recommendations for innovating public policy alternatives to assist infrastructure investment at all levels of government.

(d) REPORT.—Within 180 days following the date of the enactment of this Act, the Commission shall report its findings and recommendations to the Congress and to the President of the United States.

(e) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code.

(f) COMMISSION STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix compensation of an executive director, a general counsel, and such additional staff as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent for the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the purposes of carrying out this section such sums as may be necessary for the Commission to carry out its functions.

(h) TERMINATION.—Effective 180 days following the date of submission of the report under section (d), the section shall be deemed repealed.

---

## DOLE AMENDMENT NO. 327

Mr. DOLE proposed an amendment, which was subsequently modified, to the bill S. 1204, supra, as follows:

At page 30, following line 19, add the following:

"(g) TRANSFER OF FUNDS.—Up to sixty (60) percent of the apportionment of Bridge Program funds are eligible to be transferred to either the Surface Transportation Program or the Interstate Maintenance Program if apportionment of bridge funds exceed bridge funds obligated in the previous year by more than fifty (50) percent. These transferred funds may be programmed in any area of the state and are not subject to the requirements of distribution specified in Sec. 13(b)(1) of title 23, United States Code.

---

## CRANSTON AMENDMENT NO. 328

Mr. CRANSTON proposed an amendment to the bill S. 1204, supra, as follows:

At the end of the bill add the following:

**TITLE III—FEDERAL TRANSIT ACT OF 1991**

**SEC. 301. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the "Federal Transit Act of 1991".

(b) TABLE OF CONTENTS.—


Sec. 301. Short title; table of contents.
Sec. 302. Change of agency name.
Sec. 303. Amendment to short title of the 1964 Act.
Sec. 304. Findings and purposes.
Sec. 305. Commute-to-work benefits.
Sec. 306. Capital grant or loan program.
Sec. 307. Capital grants; technical amendment to provide for early systems work contracts and full funding grant contracts.
Sec. 308. Section 3 program—Allocations.
Sec. 309. Section 3 program—Rail modernization formula.
Sec. 310. Section 3 program—Local share.
Sec. 311. Section 3—Grandfathered jurisdictions.
Sec. 312. Capital grants—Innovative techniques and practices.
Sec. 313. Capital grants—Elderly persons and persons with disabilities.
Sec. 314. Capital grants—Eligible activities.
Sec. 315. Criteria for new starts.
Sec. 316. Advance construction; technical amendment related to interest cost.
Sec. 317. Federal share for ADA and Clean Air Act compliance.
Sec. 318. Capital grants—Deletion of extraneous material.
Sec. 319. Comprehensive transportation strategies.
Sec. 320. Section 9 program—Allocations.
Sec. 321. Section 9 formula grant program—Discretionary transfer of apportionment.
Sec. 322. Section 9 program—Elimination of incentive tier.
Sec. 323. Section 9 program—Energy efficiency.
Sec. 324. Section 9 program—Applicability of safety provisions.
Sec. 325. Section 9 program—Certifications.
Sec. 326. Section 9 program—Program of projects.
Sec. 327. Section 9 program—Continued assistance for commuter rail in southern Florida.
Sec. 328. Section 11—University transportation centers.
Sec. 329. Rulemaking.
Sec. 330. Section 12—Transfer of facilities and equipment.
Sec. 331. Special Procurement.
Sec. 332. Section 16—Elderly persons and persons with disabilities.
Sec. 333. Section 18—Transfer of facilities and equipment.
Sec. 334. Human resources program support.
Sec. 335. Authorizations.
Sec. 336. Report on safety conditions in mass transit.
Sec. 337. Section 23—Project management oversight.
Sec. 338. Section 26—Planning and research.
Sec. 339. Technical accounting provisions.
Sec. 340. GAO report on charter service regulations.
Sec. 341. GAO study on public transit needs.
Sec. 342. Use of population estimates.
Sec. 343. Section 9B—Technical amendment.
Sec. 344. Use of census data.


**SEC. 302. CHANGE OF AGENCY NAME.**

(a) IN GENERAL.—The Urban Mass Transportation Administration is hereby redesignated as the "Federal Transit Administration".

(b) CONFORMING AMENDMENTS.—Titles 5 and 49, United States Code, are amended by striking "Urban Mass Transportation Administration" wherever it appears and inserting "Federal Transit Administration".

(c) OTHER REFERENCES.—Any reference in any other provision of law to the "Urban Mass Transportation Administration" shall be deemed to refer instead to the "Federal Transit Administration".

**SEC. 303. AMENDMENT TO SHORT TITLE OF THE 1964 ACT.**

(a) IN GENERAL.—The Urban Mass Transportation Act of 1964 is amended by striking the first section and inserting the following:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Federal Transit Act'.".

(b) OTHER REFERENCES.—Any reference in any other provision of law to the "Urban Mass Transportation Act of 1964" shall be deemed to refer instead to the "Federal Transit Act".

**SEC. 304. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Section 2(a) of the Federal Transit Act (hereafter referred to in this Act as the "Act") (49 U.S.C. App. 1601(a)) is amended—

(1) in paragraph (2), by striking "and" after "basis";

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) that significant improvements in public transportation are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.".

(b) PURPOSES.—Section 2(b) of the Act (49 U.S.C. App. 1601(b)) is amended—

(1) in paragraph (2), by striking "and" after "private";

(2) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) to provide financial assistance to State and local governments and their instrumentalities to help implement national goals relating to mobility for elderly persons, persons with disabilities, and economically disadvantaged persons.".

**SEC. 305. COMMUTE-TO-WORK BENEFITS.**

(a) FINDINGS.—The Congress finds that—

(1) current Federal policy places commuter transit benefits at a disadvantage compared to drive-to-work benefits;

(2) this Federal policy is inconsistent with important national policy objectives, including the need to conserve energy, reduce reliance on energy imports, lessen congestion, and clean our Nation's air;

(3) commuter transit benefits should be part of a comprehensive solution to national transportation and air pollution problems;

(4) current Federal law allows employers to provide only up to $15 per month in employee benefits for transit or van pools;

(5) the current "cliff provision", which treats an entire commuter transit benefit as taxable income if it exceeds $15 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

(6) employer-provided commuter transit incentives offer many public benefits, including increased access of low-income persons to good jobs, inexpensive reduction of roadway and parking congestion, and cost-effective incentives for timely arrival at work; and

(7) legislation to provide equitable treatment of employer-provided commuter transit benefits has been introduced with bipartisan support in both the Senate and House of Representatives.

(b) POLICY.—The Congress strongly supports Federal policy that promotes increased use of employer-provided commuter transit benefits. Such a policy "levels the playing field" between transportation modes and is consistent with important national objectives of energy conservation, reduced reliance on energy imports, lessened congestion, and clean air.

**SEC. 306. CAPITAL GRANT OR LOAN PROGRAM.**

The heading of section 3 of the Act (49 U.S.C. App. 1602) is amended by striking "DISCRETIONARY" and inserting "CAPITAL".

**SEC. 307. CAPITAL GRANTS; TECHNICAL AMENDMENT TO PROVIDE FOR EARLY SYSTEMS WORK CONTRACTS AND FULL FUNDING GRANT CONTRACTS.**

Section 3(a)(4) of the Act (49 U.S.C. App. 1602(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in the fifth sentence, by inserting "not less than" after "complete";

(3) by adding after the fifth sentence the following:

"(B) The Secretary is authorized to enter into a full funding contract with the applicant, which contract shall—

"(i) establish the terms and conditions of Federal financial participation in a project under this section;

"(ii) establish the maximum amounts of Federal financial assistance for such project; and

"(iii) facilitate timely and efficient management of such project in accordance with Federal law.

"(C) A contract under subparagraph (B) shall obligate an amount of available budget authority specified in law and may include a commitment, contingent upon the future availability of budget authority, to obligate an additional amount or additional amounts from future available budget authority specified in law. The contract shall specify that the contingent commitment does not constitute an obligation of the United States. The future availability of budget authority referred to in the first sentence of this subparagraph shall be amounts specified in law in advance for commitments entered into under subparagraph (B). Any interest and other financing costs of efficiently carrying out the project or a portion thereof shall be considered as a cost of carrying out the project under a full funding contract, except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. The total of amounts stipulated in a contract for a fixed guideway project shall be sufficient to complete not less than an operable segment.

"(D) The Secretary is authorized to enter into early systems work agreements with the applicant if a record of decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary determines there is reason to believe—

"(i) a full funding contract will be entered into for the project; and

"(ii) the terms of the early systems work agreement will promote ultimate completion of the project more rapidly and at less cost.

The early systems work agreement shall obligate an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of project implementation, including land acquisition, timely procurement of system elements for which specifications are determined, and other activities that the Secretary determines to be appropriate to facilitate efficient, long-term project management. The interest and other financing costs of carrying out the early systems work agreement efficiently shall be considered as a cost of carrying out the agreement, except that eligible costs shall not be greater than the costs of the most favorable financing terms reasonably available for the project at the time of borrowing. If an applicant fails to implement the project for reasons within the applicant's control, the applicant shall repay all Federal payments made under the early systems work agreement plus such reasonable interest and penalty charges as the Secretary may establish in the agreement.";

(4) by inserting "(E)" before "The total estimated";

(5) in the sentence that begins "The total estimated"—

(A) by inserting "and contingent commitments to incur obligations," after "Federal obligations";

(B) by inserting "early systems work agreements and full funding grant contracts," after "all outstanding letters of intent,"; and

(C) by inserting "or 50 percent of the uncommitted cash balance remaining in the mass transit account of the Highway Trust Fund, including amounts received from taxes and interest earned in excess of amounts that have been previously obligated, whichever is greater" after "section 3 of this Act"; and

(6) in the sentence that begins "The total amount covered", by inserting "and contingent commitments included in early systems work agreements and full funding grant contracts" after "by new letters issued,".

**SEC. 308. SECTION 3 PROGRAM—ALLOCATIONS.**

Section 3(k)(1) of the Act (49 U.S.C. App. 1602(k)(1)) is amended to read as follows:

"(1) IN GENERAL.—Of the amounts available for grants and loans under this section for fiscal years 1992, 1993, 1994, 1995, and 1996—

"(A) 40 percent shall be available for rail modernization;

"(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(C) 20 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.".

**SEC. 309. SECTION 3 PROGRAM—RAIL MODERNIZATION FORMULA.**

Section 3(k) of the Act (49 U.S.C. App. 1602(k)) is amended by adding at the end the following:

"(3) RAIL MODERNIZATION FORMULA.—

"(A) HOLD HARMLESS FOR HISTORIC RAIL SYSTEMS.—

"(i) IN GENERAL.—Of the amounts available under paragraph (1)(A), the Secretary shall, in each of fiscal years 1992 through 1996, reserve for grants to historic rail systems $455,000,000 or the amount approved in an appropriations Act, whichever is less.

"(ii) SPECIFIC ALLOCATIONS.—The Secretary shall initially allocate—

"(I) 41 percent of the amount reserved in clause (i) to those two historic rail systems with shared responsibility for the operation and preservation of a regional commuter rail line that, taken together, would receive 49 percent under the apportionment formula specified in section 9(b)(2) if such formula was applied, solely for the historic rail systems, to the total amount available for allocation under this paragraph, with 14.63 percent of the amounts so allocated being reserved for the smaller of the two historic rail systems as measured by fixed guideway route miles; and

"(II) an amount equal to 2 percent of the amount reserved in clause (i) to that historic rail system that received funding for rail modernization under this section for only 2 of the 5 fiscal years 1986 through 1990.

"(iii) GENERAL ALLOCATIONS.—The Secretary shall allocate all amounts described in clause (i) that remain after making the allocations specified in clause (ii) so that each historic rail system, other than those specified under such clause, receives the higher of—

"(I) an amount that bears the same ratio to the total amount available for allocation under this subparagraph as the total amount of funding for rail modernization activities received during fiscal years 1984 through 1990 by that historic system bears to the total amount of funding for rail modernization received during fiscal years 1984 through 1990 by all historic rail systems, or

"(II) an amount that bears the same ratio to the total amount available for allocation under this subparagraph as the total amount of funding for rail modernization activities received during fiscal years 1988 through 1990 by that historic system bears to the total amount of funding for rail modernization received during fiscal years 1988 through 1990 by all historic rail systems.

The Secretary shall make such fair and equitable adjustments to the amounts received by historic rail systems under this clause as are necessary for the practicable administration of the program. Notwithstanding the allocations that would otherwise result under this clause, an historic rail system shall not receive less than the amount the system would receive if the apportionment formula specified under section 9(b)(2) were applied, solely for the historic rail systems, to the total amount available for allocation under this clause.

"(B) REMAINDER.—

"(i) INITIAL ALLOCATION.—After reserving amounts for historic rail systems as required by subparagraph (A), the Secretary shall allocate any amounts remaining available under paragraph (1)(A) that exceed the allocations made under subparagraph (A), but that do not exceed $525,000,000, as follows:

"(I) 50 percent shall be allocated among historic rail systems in accordance with the apportionment formula specified under section 9(b)(2); and

"(II) 50 percent shall be allocated among all other eligible systems in accordance with the apportionment formula specified under section 9(b)(2).

"(ii) SECOND ALLOCATION.—Any amounts available under paragraph (1)(A) in excess of the amounts allocated under subparagraph (A) and clause (i) of this subparagraph shall be made available to all eligible systems in accordance with the apportionment formula specified under section 9(b)(2).

"(C) APPORTIONMENT.—(i) On October 1 of each fiscal year, the Secretary shall apportion any amounts made available or authorized to be appropriated for that fiscal year (and any fiscal years remaining in the authorization period identified under paragraph (3)) among all eligible systems in accordance with the provisions of this paragraph. The Secretary shall publish apportionments of such authorized amounts on the apportionment date established by the preceding sentence.

"(ii) The Secretary shall apportion any amounts provided or approved for obligation in an appropriations Act to carry out paragraph (3)(A) for any fiscal year in accordance with the provisions of this paragraph not later than the 10th day following the date on which such funds were appropriated or October 1 of such fiscal year, whichever is later. The Secretary shall publish apportionments of such appropriated amounts on the apportionment date established by the preceding sentence.

"(D) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'historic rail system' includes those rail systems that (I) received funding for rail modernization under this section for at least 2 of the 5 fiscal years 1986 through 1990, and (II) receive in fiscal year 1991 at least 0.5 percent of the total amount of funding made available under section 9(b)(2); and

"(ii) the term 'eligible systems' shall include, for a given fiscal year, all historic rail systems and all other fixed guideway systems placed in revenue service more than 10 years prior to such fiscal year. The term 'eligible system' may include, for a given fiscal year, a fixed guideway system not eligible under the preceding sentence if such system, prior to the beginning of such fiscal year, demonstrates to the satisfaction of the Secretary that the system has modernization needs that cannot be met adequately with amounts received under section 9(b)(2) of this Act. A fixed guideway system shall be considered to be placed in revenue service for purposes of this clause if a minimum operable segment of such system was so placed.".

**SEC. 310. SECTION 3 PROGRAM—LOCAL SHARE.**

Section 4(a) of the Act is amended by inserting at the end the following new sentence: "The remainder so provided may include the cost of rolling stock previously purchased if the applicant demonstrates to the satisfaction of the Secretary that—

"(1) such purchase was made solely with non-Federal funds;

"(2) such purchase would not have been made except for use on a planned extension that is eligible for assistance under section 3; and

"(3) the rolling stock so purchased is to be used on the extension for which the Federal grant is being requested.".

**SEC. 311. SECTION 3—GRANDFATHERED JURISDICTIONS.**

Section 3 of the Act is amended in subsection (a)(4), by adding after the second paragraph the following new paragraph:

"All existing Letters of Intent, Full Funding Agreements and Letters of Commitment, issued prior to the enactment of the Federal Transit Act of 1991, shall be continued in force.".

**SEC. 312. CAPITAL GRANTS—INNOVATIVE TECHNIQUES AND PRACTICES.**

Section 3(a)(1) of the Act (49 U.S.C. App. 1602(a)(1)) is amended by inserting before the semicolon the following: ", including grants to States and local public bodies for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services".

**SEC. 313. CAPITAL GRANTS—ELDERLY PERSONS AND PERSONS WITH DISABILITIES.**

Section 3(a)(1) of the Act (49 U.S.C. App. 1602(a)(1)) is amended by striking subparagraph (E) and inserting the following:

"(E) mass transportation services which are planned, designed, and carried out to meet the special needs of elderly persons and persons with disabilities, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under this section; and".

**SEC. 314. CAPITAL GRANTS—ELIGIBLE ACTIVITIES.**

Section 3(a)(1) of the Act (49 U.S.C. App. 1602(a)(1)) is amended by adding at the end the following:

"(F) the development of corridors to support fixed guideway systems, including bus service improvements, marketing of bus service, protection of rights-of-way through acquisition, transportation system management improvements such as dedicated bus and high occupancy vehicle lanes and construction of park and ride lots, and any other improvements that the Secretary may determine would result in increased transit usage in the corridor.".

**SEC. 315. CRITERIA FOR NEW STARTS.**

Section 3(i) of the Act (49 U.S.C. App. 1602(i)) is amended to read as follows:

"(i) NEW START CRITERIA.—

"(1) DETERMINATIONS.—A grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may not be made under this section unless the Secretary determines that the proposed project—

"(A) is based on the results of an alternatives analysis and preliminary engineering;

"(B) is cost-effective;

"(C) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

"(2) CONSIDERATIONS.—In making determinations under this subsection, the Secretary—

"(A) shall consider the direct and indirect costs of relevant alternatives;

"(B) shall account for costs related to such factors as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to implement each alternative analyzed; and

"(C) may consider other factors including the current state of land use in the community, the degree to which the project increases the mobility of the transit dependent population or promotes economic development, and other factors that the Secretary deems appropriate to carry out the purposes of this Act.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines that set forth the means by which the Secretary shall evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment for the purposes of paragraph (1).

"(B) COST-EFFECTIVENESS.—Cost-effectiveness thresholds shall be adjusted to account for inflation and to reflect differences in local land costs, construction costs, and operating costs.

"(C) FINANCIAL COMMITMENT.—The degree of local financial commitment shall be considered acceptable only if—

"(i) the proposed project plan provides for the availability of contingency funds that the Secretary determines to be reasonable to cover unanticipated cost overruns;

"(ii) each proposed local source of capital and operating funding is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed transit system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing transit services in order to operate the proposed project.

"(D) STABILITY ASSESSMENT.—In assessing the stability, reliability, and availability of proposed sources of local funding, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which funding sources are dedicated to the purposes proposed; and

"(iii) any debt obligations which exist or are proposed by the recipient for the proposed project or other transit purposes.

"(4) PROJECT ADVANCEMENT.—No project shall be advanced from alternatives analysis to preliminary engineering unless the Secretary finds that the proposed project meets the requirements of this section and there is a reasonable chance that the project will continue to meet these requirements at the conclusion of preliminary engineering.

"(5) EXCEPTIONS.—

"(A) IN GENERAL.—A new fixed guideway system or extension shall not be subject to the requirements of this subsection and the simultaneous evaluation of such projects in more than one corridor in a metropolitan area shall not be limited if (i) the project is located within an extreme or severe nonattainment area and is a transportation control measure, as defined by the Clean Air Act, that is required to carry out an approved State Implementation Plan, or (ii) assistance provided under this section accounts for less than $25,000,000 or less than ⅓ of the total cost of the project or an appropriate program of projects as determined by the Secretary.

"(B) EXPEDITED PROCEDURES.—In the case of a project that is (i) located within a nonattainment area that is not an extreme or severe nonattainment area, (ii) a transportation control measure, as defined in the Clean Air Act, and (iii) required to carry out an approved State Implementation Plan, the simultaneous evaluation of projects in more than one corridor in a metropolitan area shall not be limited and the Secretary shall make determinations under this subsection with expedited procedures that will promote timely implementation of the State Implementation Plan.

"(C) EXCLUSION FOR CERTAIN PROJECTS.—That portion of a project financed with highway funds made available under the Federal-Aid Highway Act of 1991 shall not be subject to the requirements of this subsection.

"(6) PROJECT IMPLEMENTATION.—A project funded pursuant to this subsection shall be implemented by means of a full funding contract.".

**SEC. 316. ADVANCE CONSTRUCTION; TECHNICAL AMENDMENT RELATED TO INTEREST COST.**

Section 3(*l*)(2)(B) of the Act (49 U.S.C. App. 1602(*l*)(2)(B)) is amended by striking all after "greater than" and inserting "the most favorable interest terms reasonably available for the project at the time of borrowing.".

**SEC. 317. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.**

Section 12 of the Act (49 U.S.C. 1608) is amended by inserting at the end thereof the following new subsection:

"(k) FEDERAL SHARE FOR CERTAIN PROJECTS.—The Federal grant for a project to be assisted under this Act that involves the acquisition or construction of bus-related equipment or facilities required by the Clean Air Act or the Americans with Disabilities Act of 1990 shall be 90 percent of the net project cost of such equipment or facilities attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs attributable to equipment or facilities specified in the preceding sentence.".

**SEC. 318. CAPITAL GRANTS—DELETION OF EXTRANEOUS MATERIAL.**

Section 4 of the Act (49 U.S.C. App. 1603) is amended—

(1) by inserting at the end of subsection (a) the following: "If the Secretary gives special consideration to projects that include more than the minimum non-Federal share of the net project cost required under this subsection, the Secretary shall give reasonable consideration to differences in the fiscal capacity of State and local governments."; and

(2) by striking subsections (b) through (g) and subsection (i) and redesignating subsection (h) as subsection (b).

**SEC. 319. COMPREHENSIVE TRANSPORTATION STRATEGIES.**

Section 8 of the Act (49 U.S.C. App. 1607) is amended to read as follows:

**"SEC. 8. COMPREHENSIVE TRANSPORTATION STRATEGIES.**

"(a) METROPOLITAN TRANSPORTATION STRATEGIES.—

"(1) IN GENERAL.—It is in the national interest to encourage and promote the development of transportation systems that integrate various modes of transportation and efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. The Secretary shall cooperate with State and local officials in metropolitan areas in the devel-

opment of comprehensive transportation strategies for achieving this objective.

"(2) METROPOLITAN PLANNING ORGANIZATIONS.—

"(A) IN GENERAL.—A metropolitan planning organization shall be designated for each urbanized area of more than 50,000 in population by agreement among the Governor and units of general purpose local government representing at least 75 percent of the affected population, including the central city or cities, as defined by the Bureau of the Census. In those metropolitan areas eligible for designation as transportation management areas in accordance with subparagraph (D), the metropolitan planning organization shall include local elected officials, officials of agencies that administer or operate major modes of transportation in the metropolitan area, (including, at a minimum, all transportation agencies that were included as of June 1, 1991) and appropriate State officials. For purposes of this section, the term 'metropolitan area' shall mean an area for which one metropolitan planning organization is responsible.

"(B) CONTINUING DESIGNATION.—Designations of metropolitan planning organizations, whether made under this or earlier provisions of law, shall remain in effect until revoked by agreement among the Governor and the affected units of general purpose local government, or as otherwise provided under State or local procedures, except that a metropolitan planning organization (i) shall be redesignated within a period of 12 months if the metropolitan area is designated as a transportation management area under subparagraph (D), and (ii) metropolitan planning organizations may be reorganized by agreement among the Governor and units of general purpose local government representing at least 75 percent of the affected population including the central city or cities, as defined by the Bureau of the Census, as appropriate to carry out the provisions of this Act. The Secretary shall establish practicable procedures and timetables that the Secretary determines to be appropriate for metropolitan planning organizations to meet the requirements of subparagraph (A).

"(C) RESPONSIBILITY OF THE GOVERNOR.—When a metropolitan planning organization is designated or reorganized, the Governor shall ensure that the metropolitan planning organization is structured to—

"(i) give balanced assessment to all modes of transportation, including roadway and public transit facilities;

"(ii) give full consideration to the need for mobility of people and goods into and through central cities within the metropolitan area; and

"(iii) otherwise carry out the metropolitan planning organization's responsibilities under Federal law. The Governor shall certify to the Secretary that the requirements of this subparagraph have been met.

"(D) TRANSPORTATION MANAGEMENT AREAS.—The Secretary shall publish and annually update a list of those metropolitan areas that—

"(i) have populations of more than 250,000; or

"(ii) are nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.).

The Secretary shall designate such areas to be transportation management areas. The Secretary may designate additional metropolitan areas to be transportation management areas upon the request of the Governor and the metropolitan planning organization. Such additional metropolitan areas may include ecologically fragile areas of national significance that are expected to be significantly affected by transportation decisions. The designation of a transportation management area shall remain in effect until revoked by the Secretary. The metropolitan planning organization in a transportation management area shall carry out a continuing, cooperative and comprehensive transportation planning and programming process in cooperation with the State and transit operators and have such additional authorities and responsibilities as are specified in this Act.

"(E) TRANSITIONAL PROVISION.—The Secretary shall designate as transportation management areas—

"(i) not less than 20 percent of the metropolitan areas on the list in subparagraph (D) within 1 year after the date of enactment of this section;

"(ii) not less than 40 percent of such areas within 2 years after the date of enactment of this section;

"(iii) not less than 60 percent of such areas within 3 years after the date of enactment of this section;

"(iv) not less than 80 percent of such areas within 4 years after the date of enactment of this section; and

"(v) all such areas thereafter.

To the extent the Secretary deems practicable after taking into account local circumstances, the Secretary shall exceed the percentages required in this subparagraph and give priority to designation of metropolitan areas that have the most severe problems of air quality and traffic congestion. The Secretary shall designate all nonattainment areas that are classified under the Clean Air Act as moderate, serious, severe, or extreme nonattainment areas for ozone or serious nonattainment areas for carbon monoxide within 2 years after the date of enactment of the Federal Transit Act of 1991.

"(3) METROPOLITAN AREA BOUNDARIES.—

"(A) IN GENERAL.—For the purposes of this Act, the boundaries of any metropolitan area shall be determined by agreement between the metropolitan planning organization and the Governor. Each metropolitan area shall include at least the existing urbanized area and the contiguous area that can reasonably be expected to be urbanized within the subsequent 20-year period.

"(B) TREATMENT OF LARGE URBAN AREAS.—More than 1 metropolitan planning organization may be designated within a metropolitan statistical area, as defined by the Bureau of the Census, if—

"(i) more than 1 metropolitan planning organization was designated within such area on January 1, 1991; and

"(ii) the Secretary determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization appropriate.

If more than 1 metropolitan planning organization has authority within a metropolitan statistical area, appropriate provision, as determined by the Secretary, shall be made to coordinate the metropolitan transportation strategies within such urban area.

"(C) INCLUSION OF CLEAN AIR NONATTAINMENT AREAS.—Any area that—

"(i) is found to be in nonattainment for any transportation-related pollutant under the Clean Air Act; or

"(ii) is determined by the Governor and the metropolitan planning organization to be likely to be significantly affected by air pollution within a reasonable period of time shall be included within the boundaries of the appropriate metropolitan area, as determined by the Governor and the metropolitan planning organization. If more than one metropolitan planning organization has authority within a nonattainment area, appropriate provision, as determined by the Secretary, shall be made to coordinate the metropolitan transportation strategies within such nonattainment area.

"(D) COORDINATION IN MULTI-STATE AREAS.—

"(i) IN GENERAL.—The Secretary shall establish such requirements as the Secretary deems appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Bureau of the Census, to provide coordinated transportation planning for the entire Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area.

"(ii) COMPACTS.—The consent of the Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

"(4) DEVELOPMENT OF TRANSPORTATION STRATEGY.—

"(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update periodically, according to a schedule that the Secretary determines to be appropriate, a metropolitan transportation strategy for its metropolitan area as provided in this section. In developing the strategy, the metropolitan planning organization shall consider the environmental, energy, land use, and other regional effects of all transportation projects to be undertaken within the metropolitan area, without regard to funding source.

"(B) PUBLICATION OF STRATEGIES.—A metropolitan transportation strategy shall be—

"(i) published or otherwise made readily available for public review; and

"(ii) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish as appropriate for the publication and submission of metropolitan transportation strategies to carry out this section.

"(C) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In nonattainment areas for transportation-related pollutants, the metropolitan planning organization shall coordinate the development of a metropolitan transportation strategy with the process for development of the transportation measures of the State Implementation Plan required by the Clean Air Act.

"(D) PARTICIPATION BY INTERESTED PARTIES.—Prior to approving a metropolitan transportation strategy, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation and other interested parties with a reasonable opportunity to participate in the development of the strategy, in a manner that the Secretary deems appropriate.

"(E) CERTIFICATION OF COMPLIANCE.—The Secretary shall assure that each metropolitan planning organization is carrying out its responsibilities under applicable provisions of Federal law. The Secretary shall, not less frequently than every 3 years, provide cer-

tification to those metropolitan planning organizations that, in the opinion of the Secretary, are carrying out applicable requirements of Federal law. If the Secretary finds, after reasonable notice and opportunity for hearing, that a metropolitan planning organization is not carrying out its responsibilities under applicable provisions of Federal law, the Secretary shall deny certification and, until corrective action satisfactory to the Secretary is taken, may suspend or disapprove in whole or in part the expenditure within the metropolitan area of funds made available under the Federal-Aid Highway Act of 1991 or this Act. The Secretary shall not (i) withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization for determining the feasibility of private enterprise participation in accordance with section 8(e), or (ii) otherwise impede a metropolitan planning organization's implementation of such policies and criteria.

"(5) CONTENTS OF STRATEGY.—A metropolitan transportation strategy under this section shall be in a form that the Secretary determines to be appropriate and shall, at a minimum—

"(A) identify transportation facilities (including but not necessarily limited to major roadways, mass transit, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions, such as—

"(i) moving goods within the metropolitan area and among distant markets;

"(ii) enabling people to move quickly to and from home, jobs and other destinations; and

"(iii) connecting complementary modes of transportation (such as highways, transit systems, ports, railroads and airlines);

"(B) assess major demands on the metropolitan transportation system, projected over the subsequent 20-year period;

"(C) set forth a long-range strategy for meeting metropolitan area personal mobility and goods transportation needs, including State and local actions to manage travel demand, improve transportation operations and management, increase the efficiency and effectiveness of existing facilities, or provide new transportation capacity; and

"(D) explain how proposed transportation decisions will—

"(i) achieve compliance with applicable requirements of the Clean Air Act, the Clean Water Act, and other environmental and resource conservation laws;

"(ii) further applicable Federal, State and local energy conservation programs, goals and objectives; and

"(iii) affect other important social, economic and environmental objectives of the metropolitan area as reflected in publicly adopted plans, such as those concerning housing, community development, and historic preservation;

"(E) explain—

"(i) the extent to which State and local policies regarding land use and transportation will affect metropolitan-wide mobility; and

"(ii) how proposed transportation decisions will affect future travel demand, growth in vehicle use, mobile source emissions, and land use and development, taking into consideration the provisions of all applicable short-term and long-term land use and development plans;

"(F) include a financial plan that demonstrates how the metropolitan transportation strategy can be implemented, which plan shall indicate resources from all sources that are reasonably expected to be made available to carry out the strategy, and recommend any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls, and congestion pricing;

"(G) project capital investment and other measures necessary to—

"(i) ensure the preservation of the existing metropolitan transportation system, including requirements for operations, resurfacing, restoration and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization and rehabilitation of existing and future public transit facilities; and

"(ii) make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods; and

"(H) indicate as appropriate proposed transportation enhancement activities.

"(6) ABBREVIATED STRATEGIES FOR CERTAIN AREAS.—For metropolitan areas not designated as transportation management areas under paragraph (2)(D), the Secretary may provide for the development of abbreviated metropolitan transportation strategies that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas.

"(7) STATEWIDE STRATEGY.—The State shall develop a statewide transportation strategy, in a form acceptable to the Secretary, that shall take into account the transportation needs of areas for which no metropolitan planning organization has been designated.

"(b) TRANSPORTATION IMPROVEMENT PROGRAMS.—

"(1) DEVELOPMENT OF PROGRAMS.—

"(A) IN GENERAL.—The metropolitan planning organization, in cooperation with the State and relevant transit operators, shall develop and submit to the Secretary for review a transportation improvement program for the ensuing period of not less than 3 years and, to the extent practicable, for subsequent periods of not less than 3 years.

"(B) CONTENTS.—The program shall—

"(i) include all projects within the metropolitan area proposed for funding pursuant to the Federal-Aid Highway Act of 1991 and this Act, except as provided in clause (iii);

"(ii) conform with the approved metropolitan transportation strategy and the State Implementation Plan required under the Clean Air Act; and

"(iii) include a project, or an identified phase of a project, only if full funding for such project or project phase can reasonably be anticipated to be available within the period of time contemplated for completion of the project and, in the case of a major project to expand the transportation capacity, an appropriate range of alternatives has been analyzed pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

"(2) PERIODIC REVIEW AND REVISION.—The metropolitan planning organization shall update or reapprove the program not less frequently than annually, except that the Secretary may provide for a less frequent updating for areas that are not designated to be transportation management areas, as the Secretary determines to be appropriate. A metropolitan planning organization may amend the program at any time, if the amendment is consistent with the metropolitan transportation strategy.

"(3) NOTICE AND COMMENT.—Prior to approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(4) PRIORITY PROJECTS.—The program shall identify priority projects reflecting projected funding and the objectives of the metropolitan transportation strategy that shall be carried out for each relevant programming period.

"(5) STATE PROGRAMS.—The Governor shall develop and submit to the Secretary, in a form acceptable to the Secretary, a transportation improvement program covering a period of not less than 3 years for areas for which no metropolitan planning organization has been designated and shall include in such program the projects proposed for funding in both metropolitan and nonmetropolitan areas under sections 108 and 109 of the Federal-Aid Highway Act of 1991.

"(c) PROJECT SELECTION WITHIN TRANSPORTATION MANAGEMENT AREAS.—

"(1) APPROVAL OF PROJECTS.—For projects within a transportation management area, the metropolitan planning organization shall submit to the Governor and the Secretary a list of highway and transit projects and activities that the metropolitan planning organization has approved for funding in the ensuing period, which shall not exceed 2 years. The list shall specify for each approved project the programmatic source of Federal assistance available for approval by the metropolitan planning organization. Federal assistance required for the approved projects and activities shall not exceed Federal assistance made available for project selection by the metropolitan planning organization for that period under section 106 of the Federal-Aid Highway Act of 1991 and sections 3 and 9 of this Act. When submitting a list of projects and activities under this paragraph, the metropolitan planning organization shall certify to the Secretary that the list—

"(A) was developed in accordance with a continuing, cooperative and comprehensive planning process that the Secretary has found satisfactory under subsection (a)(4)(E); and

"(B) is consistent with a transportation improvement program that is submitted to the satisfaction of the Secretary under subsection (b)(2).

"(2) REQUIREMENT OF APPROVAL.—Notwithstanding any other provision of law, no project or activity to be carried out with Federal participation pursuant to the Federal-Aid Highway Act of 1991 or this Act may be approved within a transportation management area unless it is included in the list of projects approved by the metropolitan planning organization under paragraph (1).

"(3) EXCEPTIONS.—(A) Paragraph (2) shall not apply to projects or activities that in the determination of the Secretary, are mandated by the Americans with Disabilities Act of 1990.

"(B) Nothing in this section confers on a metropolitan planning organization the authority to intervene in the management of a transportation agency.

"(4) RECAPTURE.—Amounts made available under the Federal-Aid Highway Act of 1991 or this Act for project selection by a metropolitan planning organization in a transportation management area shall remain available for a period of 3 years following the

close of the fiscal year for which such funds are made available to the metropolitan area. The Secretary shall recapture any funds not obligated during such period and reallocate the funds nationally as soon as practicable according to the formula for the program under which the funds were made available. For the purposes of this paragraph, funds shall be considered to be obligated if the funds are reserved to help finance a project for which an application is pending under section 3.

"(5) TRANSFER OF FUNDS.—Funds made available for a highway project under this Act shall be transferred to and administered by the Federal Highway Administration in accordance with the requirements of the Federal-Aid Highway Act of 1991. Funds made available for a transit project under the Federal-Aid Highway Act of 1991 shall be transferred to and administered by the Secretary in accordance with the requirements of this Act.

"(d) GRANTS.—

"(1) ELIGIBILITY.—The Secretary is authorized to contract for and make grants to States and local public bodies and agencies thereof, or enter into agreements with other Federal departments and agencies, for the planning, engineering, design, and evaluation of public transportation projects, and for other technical studies. Activities assisted under this section may include—

"(A) studies relating to management, operations, capital requirements, and economic feasibility;

"(B) evaluation of previously funded projects; and

"(C) other similar or related activities preliminary to and in preparation for the construction, acquisition or improved operation of mass transportation facilities and equipment.

"(2) CRITERIA.—A grant, contract or working agreement under this section shall be made in accordance with criteria established by the Secretary.

"(e) PRIVATE ENTERPRISE.—The plans and programs required by this section shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban areas, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.

"(f) USE FOR COMPREHENSIVE PLANNING.—

"(1) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that amounts made available under section 21(c)(1) for the purposes of this section are used to support balanced and comprehensive transportation planning that takes into account the relationships among land use and all transportation modes, without regard to the programmatic source of the planning funds.

"(2) FORMULA ALLOCATION TO ALL METROPOLITAN AREAS.—The Secretary shall apportion 80 percent of the amounts made available under section 21(c)(1) to States in the ratio that the population in urbanized areas, in each State, bears to the total population in urbanized areas, in all the States as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this paragraph. Such funds shall be allocated to metropolitan planning organizations designated under section 8(a)(2)(A) by a formula, developed by the State in cooperation with metropolitan planning organizations and approved by the Secretary, that considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in section 8 of this Act. The State shall make such funds available promptly to eligible metropolitan planning organizations according to procedures approved by the Secretary.

"(3) SUPPLEMENTAL ALLOCATION TO TRANSPORTATION MANAGEMENT AREAS.—The Secretary shall apportion 20 percent of the amounts made available under section 21(c)(1) to States to supplement allocations under subparagraph (B) for metropolitan planning organizations in transportation management areas. Such funds shall be allocated according to a formula that reflects the additional costs of carrying out planning, programming, and project selection responsibilities under this section in such areas.

"(4) HOLD HARMLESS.—The Secretary shall ensure, to the maximum extent practicable, that no metropolitan planning organization is allocated less than the amount it received by administrative formula under section 8 of this Act in fiscal year 1991. To comply with the previous sentence, the Secretary is authorized to make a pro rata reduction in other amounts made available to carry out section 21(c).

"(5) FEDERAL SHARE PAYABLE.—The Federal share payable for activities under this paragraph shall be 75 percent except where the Secretary determines that it is in the Federal interest not to require a State or local match.".

**SEC. 320. SECTION 9 PROGRAM—ALLOCATIONS.**

Section 9(a) of the Act is amended—

(1) in paragraph (1), by striking "8.64" and inserting "8.90"; and

(2) in paragraph (2), by striking "88.43" and inserting "91.10".

**SEC. 321. SECTION 9 FORMULA GRANT PROGRAM—DISCRETIONARY TRANSFER OF APPORTIONMENT.**

Section 9 of the Act (49 U.S.C. App. 1607a) is amended—

(1) in subsection (j)(1), by inserting after the first sentence the following: "In a transportation management area designated pursuant to section 8(a)(2)(D), grants for construction projects under this section also shall be available for highway projects if—

"(A) such use is approved by the metropolitan planning organization in accordance with section 8(c) after appropriate notice and opportunity for comment and appeal is provided to affected transit providers; and

"(B) in the determination of the Secretary, appropriate provision is made for investments mandated by the Americans with Disabilities Act of 1990."; and

(2) by adding at the end of subsection (j) the following:

"(3) Grants for construction projects under this section may be available for highway projects only if funds used for the State or local share portion of such highway projects are eligible to fund either highway or transit projects, or, when in the determination of the Secretary there exists under State or local law a sufficient amount of funds from a dedicated source which is available to fund local transit projects.".

**SEC. 322. SECTION 9 PROGRAM—ELIMINATION OF INCENTIVE TIER.**

Section 9 of the Act (49 U.S.C. App. 1607a) is amended—

(1) in subsection (b)(2), by striking "95.61 per centum of the" and inserting "The";

(2) in subsection (b), by striking paragraph (3);

(3) in subsection (c)(2), by striking "90.8 per centum of the" and inserting "The"; and

(4) by striking subsection (c)(3).

**SEC. 323. SECTION 9 PROGRAM—ENERGY EFFICIENCY.**

Section 9(b) of the Act (49 U.S.C. 1607a(b)) is amended by adding at the end the following:

"(3) If a designated recipient under this section demonstrates to the satisfaction of the Secretary that energy or operating efficiencies would be achieved by actions that reduce equipment use but provide the same frequency of revenue service to the same number of riders, the recipient's apportionment under paragraph (2)(B) shall not be reduced as a result of such actions.".

**SEC. 324. SECTION 9 PROGRAM—APPLICABILITY OF SAFETY PROVISIONS.**

Section 9(e)(1) of the Act (49 U.S.C. App. 1607a(e)(1)) is amended in the first sentence by striking "and 19", and inserting "19, and 22".

**SEC. 325. SECTION 9 PROGRAM—CERTIFICATIONS.**

(a) ANNUAL SUBMISSIONS.—Section 9(e)(2) of the Act (49 U.S.C. App. 1607a(e)(2)) is amended by inserting after the first sentence the following: "Such certifications and any additional certifications required by law shall be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall annually publish a list of all required certifications in conjunction with section 9(q).".

(b) STREAMLINED PROCEDURES.—Section 9(e)(3) of the Act (49 U.S.C. App. 1607a(e)(3)) is amended by adding at the end the following: "The Secretary shall establish streamlined administrative procedures to govern compliance with the certification requirement under subparagraph (B) with respect to track and signal equipment used in ongoing operations.".

**SEC. 326. SECTION 9 PROGRAM—PROGRAM OF PROJECTS.**

Section 9(f) of the Act (49 U.S.C. App. 1607a(f)) is amended—

(1) at the end of paragraph (3), by striking "and";

(2) at the end of paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) assure that the proposed program of projects provides for the maximum feasible coordination of public transportation services assisted under this section with transportation services assisted by other Federal sources.".

**SEC. 327. SECTION 9 PROGRAM—CONTINUED ASSISTANCE FOR COMMUTER RAIL IN SOUTHERN FLORIDA.**

Section 329 of the Federal Mass Transportation Act of 1987 (101 Stat. 239) is amended—

(1) in the first sentence, by striking all that follows "year" and inserting a period; and

(2) in the second sentence, by striking all that follows "service" and inserting a period.

**SEC. 328. SECTION 11—UNIVERSITY TRANSPORTATION CENTERS.**

Section 11 of the Act (49 U.S.C. App. 1607c) is amended—

(1) in the third sentence of subsection (a), by inserting "safety," after "engineering,";

(2) by striking paragraph (7) of subsection (b) and inserting the following:

"(7) PROGRAM COORDINATION.—The Secretary shall provide for coordination of the research, education, training and technology transfer in the research centers, the dissemination of the results of the research, and a clearinghouse between the centers and the

transportation industry. The Secretary shall review and evaluate the programs carried out by the grant recipients at least annually.";

(3) by striking paragraph (8) of subsection (b) and inserting the following:

"(8) ADMINISTRATION.—Up to 1 percent of the funds made available from any source to carry out this subsection shall be available to the Secretary for the administrative expenses in connection with the performance of such administrative responsibilities."; and

(4) by adding at the end of subsection (b) the following:

"(11) AVAILABILITY OF RESEARCH FUNDS.—Notwithstanding any other provision of law, funds appropriated or otherwise made available to the Department of Transportation in any Act for the purpose of transportation research may, at the discretion of the Secretary, be made available to one or more of the transportation research centers for the conduct of research compatible with the research conducted in such centers pursuant to authorizations under this Act or from the Highway Trust Fund.

"(12) NATIONAL CENTERS.—To accelerate the involvement and participation of minorities and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants to colleges or universities to establish three additional National Centers for Transportation Management, Research, and Development. The National Centers shall give special attention to the design, development, and implementation of research, training, and technology transfer activities to increase the number of highly skilled minorities and women in the work force. The Centers shall meet all guidelines and criteria applicable to Centers under this subsection. In awarding the grants, the Secretary shall consider the commitment which the college or university demonstrates to enrollment of minorities and women.".

**SEC. 329. RULEMAKING.**

Section 12(i) of the Act (49 U.S.C. App. 1608(i)) is amended by adding at the end the following:

"(3) LIMITATION.—The Secretary may not use any other method to propose or implement rules governing activities under this Act except as provided under this subsection.".

**SEC. 330. SECTION 12—TRANSFER OF FACILITIES AND EQUIPMENT.**

Section 12 of the Act (49 U.S.C. App. 1608) is amended by adding at the end the following:

"(l) TRANSFER OF CAPITAL ASSET.—

"(1) AUTHORIZATION.—If a recipient determines that facilities and equipment acquired with assistance under this Act no longer are needed for their original purposes, the Secretary may authorize the transfer of such assets to any public body to be used for any public purpose, with no further obligation to the Federal Government, on condition that any such facilities (including land) remain in public use for a period of not less than 5 years after the date of the transfer.

"(2) DETERMINATION.—Before authorizing a transfer under paragraph (1) for any public purpose other than mass transportation, the Secretary shall first determine that—

"(A) there are no purposes eligible for assistance under this Act for which the asset should be used;

"(B) the overall benefit of allowing the transfer outweighs the Federal Government interest in liquidation and return of the Federal financial interest in the asset, after consideration of fair market value and other factors; and

"(C) in the case of facilities (including land), the Secretary determines through an appropriate screening or survey process that there is no interest in acquiring the asset for Federal use.

"(3) DOCUMENTATION.—Where the Secretary finds that a transfer is warranted, the Secretary shall set forth in writing the rationale for the decision that the transfer is appropriate under the standards in paragraph (2).

"(4) RELATION TO OTHER PROVISIONS.—The provisions of this section shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

**SEC. 331. SPECIAL PROCUREMENT.**

Section 12 of the Act (49 U.S.C. App. 1608) is amended by adding at the end the following:

"(m) SPECIAL PROCUREMENT INITIATIVES.—

"(1) TURNKEY SYSTEM PROCUREMENTS.—

"(A) IN GENERAL.—In order to advance new technologies and lower the cost of constructing new mass transportation systems, the Secretary may allow the solicitation for a turnkey system project to be funded under this Act to be conditionally awarded before Federal requirements have been met on the project so long as the award is made without prejudice to the implementation of those Federal requirements. Federal financial assistance under this Act may be made available for such a project when the recipient has complied with relevant Federal requirements.

"(B) INITIAL DEMONSTRATION PHASE.—In order to develop regulations applying generally to turnkey system projects, the Secretary is authorized to approve not to exceed 4 projects for an initial demonstration phase. The results of such demonstration projects shall be taken into consideration in the development of the regulations implementing this subsection.

"(C) TURNKEY SYSTEM PROJECT DEFINED.—As used in this subsection, the term 'turnkey system' means a vendor-specific project under which a recipient contracts with a vendor to build a transit system that meets specific performance criteria and which is operated by the vendor for a period of time.

"(2) MULTIYEAR ROLLING STOCK PROCUREMENTS.—

"(A) IN GENERAL.—A recipient procuring rolling stock with Federal financial assistance under this Act may enter into a multiyear agreement for the purchase of such rolling stock and replacement parts pursuant to which the recipient may exercise an option to purchase additional rolling stock or replacement parts for a period not to exceed 5 years from the date of the original contract.

"(B) CONSORTIA.—The Secretary shall permit 2 or more recipients to form a consortium (or otherwise act on a cooperative basis) for purposes of procuring rolling stock in accordance with this paragraph and other Federal procurement requirements.".

**SEC. 332. SECTION 16—ELDERLY PERSONS AND PERSONS WITH DISABILITIES.**

Section 16 of the Act (49 U.S.C. App. 1612) is amended—

(1) by striking "elderly and handicapped persons" each time the phrase appears and inserting "elderly persons and persons with disabilities";

(2) in subsection (b)(2), by striking "to private nonprofit corporations and associations" and all that follows through "inappropriate," and inserting "to the Governor of each State for allocation to private nonprofit organizations and public bodies approved by the State to coordinate transportation services to elderly persons and persons with disabilities for the specific purpose of assisting such organizations and public bodies to provide transportation services to elderly persons and persons with disabilities,";

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c)(1) Funds made available for purposes of subsection (b) may be used for transportation projects to assist in the provision of transportation services for elderly persons and persons with disabilities which are included in a State program of projects. Such programs shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Federal sources.

"(2) Sums made available for expenditure for purposes of subsection (b) shall be apportioned to the States on the basis of a formula administered by the Secretary which shall take into consideration the number of elderly persons and persons with disabilities in each State.

"(3) Any amounts of a State's apportionment under this subsection that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for transfer to supplement funds apportioned to the State under section 18(a) or section 9(d).

"(4) The Secretary shall, within 60 days following the enactment of the Federal Transit Act of 1991, promulgate regulations to allow vehicles purchased under this section to be leased to local public bodies and agencies for the purpose of improving transportation services designed to meet the special needs of elderly persons and persons with disabilities.".

**SEC. 333. SECTION 18—TRANSFER OF FACILITIES AND EQUIPMENT.**

Section 18 of the Act (49 U.S.C. App. 1614) is amended—

(1) by striking subsection (g) and redesignating subsection (h) as subsection (g); and

(2) by adding at the end the following:

"(h) TRANSFER OF FACILITIES AND EQUIPMENT.—In addition to the transfer authority under section 12(k), in administering this section, the State may transfer facilities and equipment acquired with assistance under this section or section 16(b) to any recipient eligible to receive assistance under this Act if the equipment or facilities continues to be used in accordance with the requirements of this section or section 16(b), as appropriate.".

**SEC. 334. HUMAN RESOURCES PROGRAM SUPPORT.**

Section 20 of the Act (49 U.S.C. App. 1616) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by adding at the end the following:

"(b) USE OF FUNDS.—The Secretary is authorized to retain any funds returned to the Secretary in connection with a grant or contract under subsection (a), and such funds may continue to be used for the purpose of subsection (a).".

**SEC. 335. AUTHORIZATIONS.**

Section 21 of the Act (49 U.S.C. App. 1617) is amended to read as follows:

**"SEC. 21. AUTHORIZATIONS.**

"(a) FORMULA GRANT PROGRAMS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 9B, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, $1,070,500,000 for the fiscal year 1992, $1,220,000,000 for the fiscal year 1993, $1,300,000,000 for the fiscal year 1994, $1,450,000,000 for the fiscal year 1995, and $1,565,000,000 for the fiscal year 1996, to remain available until expended.

"(2) AUTHORIZED TO BE APPROPRIATED FROM THE TRUST FUND.—In addition to the amounts specified in paragraph (1), there are hereby authorized to be appropriated from the Transit Account of the Highway Trust Fund to carry out sections 9B, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, $450,000,000 for the fiscal year 1992, $525,000,000 for the fiscal year 1993, $550,000,000 for the fiscal year 1994, $400,000,000 the fiscal year 1995, $300,000,000 for the fiscal year 1996, to remain available until expended.

"(3) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraphs (1) and (2), there are hereby authorized to be appropriated to carry out sections 9, 11(b), 12(a), 16(b), 18, 23, and 26 of this Act, and substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, $990,000,000 for the fiscal year 1992, $862,000,000 for the fiscal year 1993, $801,000,000 for the fiscal year 1994, $981,500,000 for the fiscal year 1995, and $1,160,000,000 for the fiscal year 1996, to remain available until expended.

"(b) SECTION 3 DISCRETIONARY AND FORMULA GRANTS.—

"(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3 of this Act, $535,000,000 for the fiscal year 1992, $580,000,000 for the fiscal year 1993, $680,000,000 for the fiscal year 1994, $750,000,000 for the fiscal year 1995, and $835,000,000 for the fiscal year 1996, to remain available until expended.

"(2) FROM GENERAL FUNDS.—In addition to the amounts specified in paragraph (1), there are hereby authorized to be appropriated to carry out section 3 of this Act, $775,000,000 for the fiscal year 1992, $780,000,000 for the fiscal year 1993, $798,600,000 for the fiscal year 1994, $828,900,000 for the fiscal year 1995, and $850,400,000 for the fiscal year 1996, to remain available until expended.

"(3) CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant or contract with funds made available under subsection (a)(1) or (b)(1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project. Approval by the Secretary of a grant or contract with funds made available under subsection (a)(2), (a)(3) or (b)(2) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project only to the extent that amounts are provided in advance in appropriations Acts.

"(c) SET-ASIDE FOR PLANNING, PROGRAMMING AND RESEARCH.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), an amount equivalent to 3.0 percent of funds made available or appropriated under subsections (a) and (b), and appropriated under the National Capital Transportation Act of 1969 shall be made available until expended as follows:

"(1) 45 percent of such funds shall be made available for metropolitan planning activities under section 8(f);

"(2) 5 percent of such funds shall be made available to carry out section 18(h);

"(3) 20 percent of such funds shall be made available to carry out the State program under section 26(a); and

"(4) 30 percent of such funds shall be made available to carry out the national program under section 26(b).

"(d) OTHER SET-ASIDES.—Before apportionment in each fiscal year of the funds made available or appropriated under subsection (a), of the funds made available or appropriated under subsections (a) and (b) and appropriated under the National Capital Transportation Act of 1969—

"(1) not to exceed an amount equivalent to 1.22 percent shall be available for administrative expenses to carry out section 12(a) of this Act and shall be available until expended;

"(2) not to exceed an amount equivalent to 1.5 percent shall be available for transportation services to elderly persons and persons with disabilities pursuant to the formula under section 16(b) of this Act, to be available until expended; and

"(3) $5,000,000 shall be available for the purposes of section 11(b) relating to university transportation centers for each of fiscal years 1992 through 1996.

"(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Of the amounts remaining available each year under subsections (a) and (b), after allocation pursuant to subsections (c) and (d), for substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there shall be available $160,000,000 for fiscal year 1992 and $164,843,000 for fiscal year 1993.

"(f) SET-ASIDE FOR RURAL TRANSPORTATION.—An amount equivalent to 6 percent of the amounts remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), and (e), shall be available pursuant to the formula under section 18, to remain available until expended.

"(g) SECTION 9 FUNDING.—The funds remaining available each year under subsection (a), after allocation pursuant to subsections (c), (d), (e), and (f), shall be available under section 9.".

**SEC. 336. REPORT ON SAFETY CONDITIONS IN MASS TRANSIT.**

Section 22 of the Act (49 U.S.C. App. 1618) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 22."; and

(2) by adding at the end a new subsection as follows:

"(b) REPORT.—The Secretary shall, within 180 days after the date of enactment of this subsection, make a report to Congress to include—

"(1) actions taken to identify and investigate conditions in any facility, equipment, or manner of operation as part of the findings and determinations required of the Secretary in providing grants and loans under this Act;

"(2) actions taken by the Secretary to correct or eliminate any conditions found to create a serious hazard of death or injury as a condition for making funds available through grants and loans under this Act;

"(3) a summary of all passenger-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(4) a summary of all employee-related deaths and injuries resulting from unsafe conditions in any facility, equipment, or manner of operation of such facilities and equipment financed in whole or in part under this Act;

"(5) a summary of all actions taken by the Secretary to correct or eliminate the unsafe conditions to which such deaths and injuries were attributed;

"(6) a summary of those actions taken by the Secretary to alert transit operators of the nature of the unsafe conditions which were found to create a serious hazard of death or injury; and

"(7) recommendations to the Congress by the Secretary of any legislative or administrative actions necessary to ensure that all recipients of funds under this Act will institute the best means available to correct or eliminate hazards of death or injury, including—

"(A) a timetable for instituting actions,

"(B) an estimate of the capital and operating cost to take such actions, and

"(C) minimum standards for establishing and implementing safety plans by recipients of funds under this Act.".

**SEC. 337. SECTION 23—PROJECT MANAGEMENT OVERSIGHT.**

Section 23(a) of the Act (49 U.S.C. App. 1619(a)) is amended—

(1) by striking paragraphs (1) through (5);

(2) by striking "½ of 1 percent of—" and inserting "¾ of 1 percent of the funds made available for any fiscal year to carry out sections 3, 9, or 18 of this Act, or interstate transfer transit projects under section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under any such section.".

**SEC. 338. SECTION 26—PLANNING AND RESEARCH.**

The Act is amended by adding at the end the following:

**"SEC. 26. PLANNING AND RESEARCH PROGRAM.**

"(a) STATE PROGRAM.—The funds made available under section 21(c)(3) shall be available for State programs as follows:

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—50 percent of that amount shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend mass transportation research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of that amount shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act.

"(A) APPORTIONMENT FORMULA.—Amounts shall be apportioned to the States in the ratio which the population in urbanized areas in each State, bears to the total population in urbanized areas, in all the States as shown by the latest available decennial cen-

sus, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this section.

"(B) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under this subsection to be used to supplement funds available under subsection (a)(1), as the State deems appropriate.

"(b) NATIONAL PROGRAM.—

"(1) IN GENERAL.—The funds made available under section 21(c)(4), shall be available to the Secretary for grants or contracts for the purposes of section 6, 8, 10, 11, or 20 of this Act, as the Secretary deems appropriate.

"(2) COMPLIANCE WITH ADA.—Of the amounts available under paragraph (1), the Secretary shall make available not less than $2,000,000 to provide transit-related technical assistance, demonstration programs, research, public education, and other activities that the Secretary deems appropriate to help transit providers achieve compliance with the Americans with Disabilities Act of 1990. To the extent practicable, the Secretary shall carry out this subsection through contract with a national nonprofit organization serving persons with disabilities with demonstrated capacity to carry out these activities.

"(3) SPECIAL INITIATIVES.—Of the amounts available under paragraph (1), an amount not to exceed 25 percent shall be available to the Secretary for special demonstration initiatives subject to such terms, conditions, requirements, and provisions as the Secretary deems consistent with the requirements of this Act, except that the provisions of section 3(e)(4) shall apply to operational grants funded for purposes of section 6. For nonrenewable grants that do not exceed $100,000, the Secretary shall provide expedited procedures governing compliance with requirements of this Act.

"(4) TECHNOLOGY DEVELOPMENT.—

"(A) PROGRAM.—The Secretary is authorized to undertake a program of transit technology development in coordination with affected entities.

"(B) INDUSTRY TECHNICAL PANEL.—The Secretary shall establish an Industry Technical Panel consisting of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the supply industry. The Panel shall assist the Secretary in the identification of priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.

"(C) GUIDELINES.—The Secretary shall develop guidelines for cost sharing in technology development projects funded under the section. Such guidelines shall be flexible in nature and reflect the extent of technical risk, market risk, and anticipated supplier benefits and pay back periods.

"(5) SUPPLEMENTARY FUNDS.—The Secretary may use funds appropriated under this subsection to supplement funds available under subsection (a)(1), as the Secretary deems appropriate.

"(6) FEDERAL SHARE.—Where there would be a clear and direct financial benefit to an entity under a grant or contract funded under this subsection or subsection (a)(1), the Secretary shall establish a Federal share consistent with that benefit.".

**SEC. 339. TECHNICAL ACCOUNTING PROVISIONS.**

Notwithstanding any other provision of law, any funds appropriated before October 1, 1983, under section 6, 10, 11, or 18 of the Act, or section 103(e)(4) of title 23, United States Code, in effect on September 30, 1991, that remain available for expenditure after October 1, 1991, may be transferred to and administered under the most recent appropriation heading for any such section.

**SEC. 340. GAO REPORT ON CHARTER SERVICE REGULATIONS.**

The Comptroller General of the United States shall submit to the Congress, not later than 12 months after the date of the enactment of the Act, a report evaluating the impact of existing charter service regulations. The report shall—

(1) assess the extent to which the regulations promote or impede the ability of communities to meet the transportation needs of government, civic, and charitable organizations in a cost-effective and efficient manner;

(2) assess the extent to which the regulations promote or impede the ability of communities to carry out economic development activities in a cost-effective and efficient manner;

(3) analyze the extent to which public transit operators and private charter carriers have entered into charter service agreements pursuant to the regulations; and

(4) analyze the extent to which such agreements enable private carriers to profit from the provision of charter service by public transit operators using federally subsidized vehicles.

The report shall also include an assessment of the factors specified in the preceding sentence within the context of not less than three communities selected by the Comptroller General.

**SEC. 341. GAO STUDY ON PUBLIC TRANSIT NEEDS.**

The Comptroller General of the United States shall, on a biennial basis, submit a report to the Congress evaluating the extent to which the Nation's transit needs are being adequately addressed. The report shall include:

(1) An assessment of the unmet needs for transit, as reflected by the unmet, existing maintenance, and modernization needs of transit systems throughout the Nation.

(2) A 5-year projection of the maintenance and modernization needs that will result from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed-guideway systems.

(3) A 5-year projection of the need to invest in the expansion of existing transit systems to meet changing economic, commuter, and residential patterns.

(4) An estimate of the level of expenditure needed to satisfy the needs identified above.

(5) An examination of existing Federal, State, and local resources as well as private resources that are or can reasonably be expected to be made available to support public transit.

(6) The gap between the level of expenditure estimated under paragraph (4) and the level of resources available to meet such needs identified under paragraph (5).

**SEC. 342. USE OF POPULATION ESTIMATES.**

(a) URBAN MASS TRANSIT PROGRAM.—Section 5(a) of the Act (49 U.S.C. App. 1604(a)) is amended—

(1) in paragraph (1)(A)(i), by inserting after "Federal census" the following: "or, after the expiration of 4 and 8 years after the most recent Federal census data become available, as shown by estimates prepared by the Secretary of Commerce";

(2) in paragraph (2)(A)(i)(1), by inserting after "Federal census" the following: "or, after the expiration of 4 and 8 years after the most recent Federal census data become available, as shown by estimates prepared by the Secretary of Commerce"; and

(3) in paragraph (2)(A)(ii)(1), by inserting after "Federal census" the following: "or, after the expiration of 4 and 8 years after the most recent Federal census data become available, as shown by estimates prepared by the Secretary of Commerce".

(b) BLOCK GRANTS.—Section 9(d)(1) of the Act (49 U.S.C. App. 1607a(d)(1)) is amended by inserting after "Federal census" the following: "or, after the expiration of 4 and 8 years after the most recent Federal census data become available, as shown by estimates prepared by the Secretary of Commerce".

(c) FORMULA GRANT PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS.—Section 18(a) of the Act (49 U.S.C. App. 1614(a)) is amended in the second sentence by inserting after "Federal census" the following: "or, after the expiration of 4 and 8 years after the most recent Federal census data become available, as shown by estimates prepared by the Secretary of Commerce".

**SEC. 343. SECTION 9B—TECHNICAL AMENDMENT.**

Section 9B(a) of the Act (49 U.S.C. App. 1607a–2(a)) is amended by striking "subsections (b) and (c) of".

**SEC. 344. USE OF CENSUS DATA.**

For fiscal year 1992, the Secretary of Transportation shall use data from the 1990 Federal census, to the extent practicable, in determining the allocation of funds under sections 9, 16(b)(2), and 18 of the Act. The Secretary of Transportation and the Secretary of Commerce shall coordinate efforts to expedite the availability of census data for such use and to ensure that census data is collected and prepared in a form that is appropriate to the needs of the Department of Transportation. The Secretary of Transportation shall notify, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of actions taken pursuant to this subsection not later than 9 months following the date of enactment of this Act.

---

## CRANSTON AMENDMENT NO. 329

Mr. CRANSTON proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place in the bill, insert the following:

**SEC. 16. MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.**

Section 16 of the Act (49 U.S.C. App. 1612) is amended by adding at the end the following:

"(g) MEAL DELIVERY SERVICE TO HOMEBOUND PERSONS.—In order to carry out subsection (a), the Secretary shall authorize mass transportation service providers receiving assistance under this section or section 18(a) to coordinate and assist in providing meal delivery service for homebound persons on a regular basis, if the activities authorized do not—

"(1) conflict with the provision of mass transportation services; or

"(2) result in a reduction of service to mass transportation passengers.".

At the appropriate place in the bill, insert the following:

**SEC. 317. FEDERAL SHARE FOR ADA AND CLEAN AIR ACT COMPLIANCE.**

Section 317 of the bill is amended by:

(1) on line 7 by striking "or construction";

(2) on line 8 by striking "or facilities";

(3) on lines 10–11 by striking "or facilities";

(4) on line 14 by striking "or facilities".

On page 21, line 3, after "(C)", strike "may" through "community" and insert the following: "shall identify and consider transit supportive existing land use policies and future patterns, and consider other factors including".

## PACKWOOD AMENDMENT NO. 330

Mr. PACKWOOD proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. . REGULATORY INTERPRETATION.**

Section 634.410 of title 23, Code of Federal Regulations, and any similar regulation, ruling, or decision shall be applied as if to include coating.

## INOUYE (AND AKAKA) AMENDMENT NO. 331

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 1204, supra, as follows:

On page 5, strike line 19 and insert "$1,950,000,000 for fiscal year 1993, $1,768,000,000 for fiscal year 1994, 1995,".

On page 35, line 6, after "MASSACHUSETTS" insert "AND HAWAII".

On page 35, line 24, before the colon, insert "and Hawaii".

On page 36, line 3, strike the period before the ending quotation mark and insert "; *Provided further*, That Hawaii shall be apportioned $205,000,000 for the fiscal year 1992.".

## STEVENS AMENDMENT NO. 332

Mr. STEVENS proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place in the bill insert the following new section:

**"SEC. . NATIONAL DEFENSE HIGHWAYS.**

(a) Upon certification by the Secretary, after consultation with the Secretary of Defense, that a particular highway or portion of such highway, located outside the territory of the United States, is important to the national defense, up to $20,000,000, as determined by the Secretary, shall be made available for the purposes of this section in fiscal year 1993, 1994, 1995, and 1996 from the Interstate Construction Program funds authorized under section 103(b)(5) of this Act.

"(b) Funds made available under this section shall be available only for the reconstruction of any highway or portion thereof certified under subsection (a), and shall remain available until expended."

## DOLE (AND OTHERS) AMENDMENT NO. 333

Mr. MOYNIHAN (for Mr. DOLE, for himself, Mr. PRESSLER, and Mr. GRASSLEY) proposed an amendment to the bill S. 1204, supra, as follows:

On page 131, after line 22, insert the following new section:

**SEC. 140. CLEAR GASOLINE REQUIREMENT.**

No refiner may enter into the common carrier pipeline system any gasoline that would preclude the addition of a legally waivered fuel or fuel additive unless the gasoline contains a legally waivered fuel or fuel additive in a quantity sufficient to meet the requirements of regulations issued pursuant to section 211 of the Clean Air Act (42 10 U.S.C. 7545).

## MOYNIHAN (AND OTHERS) AMENDMENT NO. 334

Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. SYMMS) proposed an amendment to the bill S. 1204, supra, as follows:

Section 115(d) is amended by adding the following new paragraphs:

(10) STUDY OF STATE LEVEL OF EFFORT.—(A) Not later than 3 months after the date of enactment of this Act, the Secretary and the Director of the Bureau shall undertake a comprehensive study of the most appropriate and accurate methods of calculating State level of effort in funding surface transportation programs.

(B) Such study shall include collection of data relating to State and local revenue collected and spent on surface transportation programs. Such revenue shall include income from fuel taxes, toll revenues including bridge and ferry tolls, sales taxes, general fund appropriations, property taxes, bonds, administrative fees, taxes on commercial vehicles, and other appropriate State and local revenue sources as the Director of the Bureau deems appropriate.

(C) Not later than 9 months after the date of enactment of this Act, the Secretary and the Director of the Bureau shall provide a written report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives detailing the findings of the study. Such report shall include recommendations on the most appropriate measure of State level of effort in funding surface transportation programs and comprehensive data by State on revenue sources and amounts collected by States and local governments and devoted to surface transportation programs.

## ADAMS (AND GORTON) AMENDMENT NO. 335

Mr. SYMMS (for Mr. ADAMS, for himself and Mr. GORTON) proposed an amendment to the bill S. 1204, supra, as follows:

Insert at the appropriate place in title III the following new subsection:

**"SEC. . FERRY ROUTES.**

Section 9 of the Act (49 U.S.C. app 1607a) is amended by adding at the end thereof the following new subsection:

"(r) FERRY SERVICES.—A vessel used in ferryboat operations funded under this section that is part of a Statewide ferry system may from time to time be operated outside of the urbanized area in which service is provided to accommodate periodic maintenance so long as the mass transportation service funded under this section is not thereby reduced."

## CHAFEE AMENDMENT NO. 336

Mr. SYMMS (for Mr. CHAFEE) proposed an amendment to the bill S. 1204, supra, as follows:

Section 127 of the bill is amended by adding at the end thereof the following new subsection:

"(g) The Secretary shall, in cooperation with the Administrator of the Environmental Protection Agency, conduct a program of research to determine—

"(1) the public health and environmental risks associated with the production and use of asphalt rubber pavement;

"(2) the performance of the asphalt rubber pavement under various climate and use conditions; and

"(3) the degree to which asphalt rubber pavement can be recycled.

The research program required by this subsection shall be completed not later than three years after the date of enactment of this Act. The Secretary is authorized to use funds pursuant to sections 103(b) and 115 (making amendments to section 307 of title 23, United States Code) to carry out the research required by this subsection.".

## BENTSEN (AND OTHERS) AMENDMENT NO. 337

Mr. BENTSEN (for himself, Mr. WARNER, Mr. SANFORD, Mr. FORD and Mr. BOND) proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. 17. ALLOCATION FORMULA STUDY.**

The General Accounting Office in conjunction with the Bureau of Transportation Statistics created pursuant to Section 115 of this act, shall conduct a thorough study and recommend to the Congress within two years after the date of enactment a fair and equitable apportionment formula for the allocation of federal-aid highway funds that best directs highway funds to the places of greatest need for highway maintenance and enhancement based on the extent of these highway systems, their present use, and increases in their use.

The results of this study shall be presented to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on or before January 1, 1994 and shall be considered by these committees as they reauthorize the surface transportation program in 1996.

## DOLE (AND BURNS) AMENDMENT NO. 338

Mr. SYMMS (for Mr. DOLE, for himself and Mr. BURNS) proposed an amendment to amendment No. 300 to the bill S. 1204, supra, as follows:

Amendment 300 is amended as follows:

On line 12, after "custom harvesting" insert the following new phrase: "and to vehicles used to transport livestock feed,".

## DURENBERGER (AND OTHERS) AMENDMENT NO. 339

Mr. DURENBERGER (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. GORTON, Mr. BROWN, Mr. LUGAR, Mr. BAUCUS, Mr. BURNS, Mr. SIMPSON, and Mr. DOMENICI) proposed an amendment to the bill S. 1204, supra, as follows:

**SECTION 1. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) On page 96, line 9, strike "intercontinental" and insert in lieu thereof "interconnected".

(b) On page 74, line 12, after the word "arterials" insert the words "and designated as a part of the interim or permanent National Highway System.

**SEC. 2. NATIONAL HIGHWAY SYSTEM.**

On page 96, at the end of Section 130 add the following new paragraphs and designate subsections accordingly:

"(b) During the two year period prior to the submission of the proposed National Highway System to Congress, the interim National Highway System shall consist of the Interstate System and such urban and rural principal arterials (including toll facilities) as designated by each State. Each State shall expend at least 17.5 percent of the amounts authorized by section 103(b)(1) of this Act for each of the fiscal years 1992 and 1993 on such interim National Highway System.

(c) Final National Highway System submitted to Congress by the Secretary shall be designated in accordance with guidelines issued by the Secretary which provide for equitable allocation of mileage among States. The final system shall be designated by each State in consultation with regional and local officials, with the approval of the Secretary. Ninety days after submission of the proposed National Highway System to Congress, each State shall expend at least 17.5 percent of the amounts authorized by section 103(b)(1) of this Act for each of the fiscal years 1994 through 1996 on the system so designated in the report to Congress or on such system as is modified by an Act of Congress. Amounts authorized by section 103(b)(1) of this Act do not include any amounts transferred to the Surface Transportation Program from the Interstate Maintenance Program, or any other program."

"(d) If a State certifies to the Secretary that apportionments required to be spent on the National Highway System pursuant to this section are in excess of amounts needed to adequately maintain the National Highway System routes within the State as determined by the Bridge Management System and Pavement Management System under section 135(a) of title 23, as amended by this Act, the State may transfer up to 20 percent of these amounts for any project eligible under the Surface Transportation Program.

---

## DURENBERGER AMENDMENT NO. 340

Mr. DURENBERGER proposed an amendment to the bill S. 1204, supra; as follows:

Page 78, line 23, insert after section 402 "; section 152, except repavement;"

Page 102, line 4, strike line 4 and renumber accordingly.

Page 110, line 11, insert: (19) Section 152 is amended by striking subsections (d) and (e) and by renumbering the remaining sections accordingly.

---

## DOMENICI AMENDMENT NO. 341

Mr. MOYNIHAN (for Mr. DOMENICI) proposed an amendment to the bill S. 1204, supra, as follows:

S. 204 is amended by adding at the end of section 115 entitled "Research and Data Collection", the following new subsection:

"(e) Section 307 of title 23, United States Code, is amended by inserting new paragraph (2) to read as follows:

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exend one-half of one per centum of sums apportioned under section 104 and 144 shall be available for expenditure upon request of the State Highway Department to rural planning organizations designated by the State as being responsible for assisting the State in carrying out the provisions of section 135 of this title.

---

## INOUYE AMENDMENT NO. 342

Mr. MOYNIHAN (for Mr. INOUYE) proposed an amendment to the bill S. 1204, supra, as follows:

On page 16, line 10, strike out the semicolon and "or".

On page 16 strike out lines 11 and 12.

On page 18, between lines 2 and 3, insert the following new subparagraph:

"(C) The requirements of subparagraph (A) shall not apply to any State which is noncontiguous with the continental United States.".

---

## DOMENICI (AND OTHERS) AMENDMENT NO. 343

Mr. DOMENICI (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. SIMON, Mr. BINGAMAN, Mr. DECONCINI, Mr. DASCHLE, Mr. MURKOWSKI, Mr. WELLSTONE, Mr. CONRAD, and Mr. PACKWOOD) proposed an amendment to the bill S. 1204, supra, as follows:

On page 5, line 4, delete "$2,370,000,000" and insert in lieu thereof: "$2,320,000,000".

On page 5, line 5, delete "$2,460,000,000" and insert in lieu thereof: "$2,410,000,000".

On page 5, line 6, delete "$2,600,000,000" and insert in lieu thereof: "$2,550,000,000".

On page 5, line 7, delete "$2,840,000,000" and insert in lieu thereof: "$2,790,000,000".

On page 5, line 8, delete "$3,050,000,000" and insert in lieu thereof: "$3,000,000,000".

On page 6, line 11, delete "$150,000,000" and insert in lieu thereof: "$200,000,000".

On page 37, at the end of Section 111, add a new subsection "(d)":

"(d) INDIAN RESERVATION ROAD PLANNING.—Two percent of funds allocated for Indian reservation roads shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistanct Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or Metropolitan Planning Organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary."

---

## CHAFEE (AND SYMMS) AMENDMENT NO. 344

Mr. MOYNIHAN (for Mr. CHAFEE, for himself, and Mr. SYMMS) proposed an amendment to the bill S. 1204, supra; as follows:

The bill is amended by adding at the end thereof the following new section:

"SEC. XX. STORM WATER PERMIT REQUIREMENTS.—(a) Notwithstanding the requirements of sections 402(p)(2) (B), (C) and (D) of the Federal Water Pollution Control Act, the Administrator of the Environmental Protection Agency shall not—

"(1) require any municipality with a population of less than 100,000 to submit any part I general permit application or individual application (as described in a rulemaking published in the Federal Register on November 16, 1990) for a storm water discharge associated with any airport, powerplant or uncontrolled sanitary landfill owned or operated by the municipality prior to May 18, 1992, or any part II general permit application for such discharge prior to May 18, 1993, unless such permit is required by sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act;

"(2) require any municipality with a population of less than 100,000 to submit any permit application for a storm water discharge associated with any industrial activity other than an airport, powerplant or uncontrolled sanitary landfill owned or operated by the municipality prior to October 1, 1992, unless such permit is required pursuant to sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act, and any deadlines established pursuant to regulation or Public Law 102-27 associated with such permit application requirements shall be delayed until after such date;

"(3) enforce the requirements of any permit issued to a municipality with a population of 100,000 or greater solely for storm water discharges, other than permits associated with industrial activities owned or operated by the municipality and permits required by sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act, prior to October 1, 1992.

"(b) For purposes of this section an uncontrolled sanitary landfill is a landfill or open dump, whether in operation or closed, which does not meet the requirements for run-on and run-off controls established pursuant to subtitle D of the Solid Waste Disposal Act.

"(c) This section shall not be interpreted, construed or applied to affect any permit requirement or application deadlines for a storm water discharge established pursuant to sections 402(p)(2) (A) or (E) of the Federal Water Pollution Control Act or any permit for a storm water discharge associated with an industrial activity not owned or operated by a municipality.

"(d) The Administrator shall modify permit application deadlines applicable to storm water discharges associated with industrial activities owned or operated by municipalities with populations of 100,000 or greater to assure that such deadlines are coincident with application deadlines for systemwide permits required for such municipalities and associated with storm water discharges from other than industrial facilities.".

---

## INOUYE (AND AKAKA) AMENDMENT NO. 345

Mr. MOYNIHAN (for Mr. INOUYE, for himself and Mr. AKAKA) proposed an amendment to the bill S. 1204, supra, as follows:

On page 72, line 20, strike the period and insert "; DISCRETIONARY PROJECTS".

On page 73, after line 23, insert the following:

"(d) SET-ASIDE FOR INTERSTATE DISCRETIONARY PROJECTS.—

"Before any apportionment is made under section 103(b)(5) for a fiscal year beginning after September 30, 1991 the Secretary shall set aside $200,000,000. Such funds shall be available for obligation by the Secretary under the following priorities:

"(1) FIRST.—For high cost projects which directly contribute to the completion of a segment of the interstate system which is not open to traffic;

"(2) SECOND.—For projects of high cost in relation to a State's total apportionment of funds; and

"(3) THIRD.—For projects with respect to which the Secretary may make payments under section 115 of title 23, United States Code.".

## SIMON AMENDMENT NO. 346

Mr. SYMMS (for Mr. SIMON) proposed an amendment to the bill S. 1204, supra, as follows:

At the appropriate place in the bill, insert the following new section:

**SEC. . REPORT ON THE USE OF OXYGENATED FUELS IN CERTAIN CITIES AND METROPOLITAN STATISTICAL AREAS.**

Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, and in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on the feasibility and effectiveness of requiring, during the period from October 1 through March 31, in all cities and metropolitan statistical areas (as established by the Office of Management and Budget) with a population of 250,000 or more, the use of oxygenated fuels (with a percentage of 2.7 or greater).

## METZENBAUM AMENDMENT NOS. 347 AND 348

Mr. METZENBAUM proposed two amendments to the bill S. 1204, supra, as follows:

AMENDMENT NO. 347

At the appropriate place, insert the following new section:

**SEC. . YOUTH JOBS HIGHWAY BEAUTIFICATION PROGRAM.**

(a) AUTHORITY.—A State may use not to exceed 0.2 percent of the amounts appropriated to such State under section 104 of title 23, United States Code, to establish a State program to employ eligible economically disadvantaged individuals during the employment period to perform highway landscaping and beautification activities.

(b) ELIGIBLE ECONOMICALLY DISADVANTAGED INDIVIDUALS.—To be eligible to be employed under a State program established under subsection (a), an individual shall—

(1) have an income, or be a member of a family with a family income, that is below 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) for an individual or a family of similar size; and

(2) be a resident of the State.

Preference shall be given to individuals meeting the requirements of this subsection who are between the ages of 18 and 20.

(c) EMPLOYMENT ACTIVITIES.—Individuals may be employed under a State program established under subsection (a) to perform highway landscaping and beautification activities within the State that may include—

(1) activities directed at improving the scenic landscaping at highway rights-of-way and rest areas;

(2) trash pick-up and collection activities along roadsides;

(3) participation in programs related to traveler information (including signage); and

(4) other appropriate activities.

(d) ADMINISTRATION.—

(1) STATE CONTRIBUTION.—To be eligible to use the amounts referred to in subsection (a) to establish a State program, a State shall agree, with respect to the costs incurred by the State in carrying out such program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to 5 percent of such costs.

(2) LIMITATION.—A State shall not use in excess of 5 percent of amounts made available to such State under subsection (a) to administer the State program.

(3) FEDERAL OVERSIGHT.—The State official responsible for administering the program established by the State under subsection (a) shall annually prepare and submit to the Secretary of Transportation a report containing a description of such program, including—

(A) the costs incurred in implementing such program;

(B) the number of individuals employed under such program;

(C) the types of activities performed by such individuals.

(e) NONDISPLACEMENT AND GRIEVANCE PROCEDURE. The grievance procedures and nondisplacement requirements contained in sections 176(f) and 177(b) of the National and Community Service Act of 1990 shall apply to State programs established under this section, insofar as they are applicable, except that all references to 'this title' in such sections shall be deemed to be a reference to this section.".

(f) For the purposes of employing individuals pursuant to a program established under subsection (a), each state shall give preference to individuals who were formerly employed by such state, and who suffered loss of employment, within the previous year for reasons other than cause.".

AMENDMENT NO. 348

**SEC. . INVESTIGATION AND REPORT.**

(a) The Secretary of Transportation shall conduct an investigation into the feasibility of prescribing rules with respect to multilane, limited access, Federal-aid highways to do the following:

(1) Prohibit trucks weighing in excess of 10,000 pounds gross weight from using the furthest left lane.

(2) Restrict all such trucks to the furthest right lane, except that such trucks may use the lane adjacent to the furthest right lane to pass.

(b) In conducting the investigation described in subsection (a), the Secretary of Transportation shall consider innovative ways to separate truck traffic from other vehicle traffic on highways taking into consideration the effect on safety, congestion, management, other relevant issues, and the cost of each such innovation.

(c) The Secretary of Transportation shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report setting forth the findings of the study conducted under subsection (a), within one year from the date of enactment of this act.

## NICKLES (AND OTHERS) AMENDMENT NO. 349

Mr. NICKLES (for himself, Mr. BOREN, Mr. COHEN, Mr. MITCHELL, and Mr. DASCHLE) proposed an amendment to the bill S. 1204, supra; as follows:

At the appropriate place in the bill, insert the following:

**SEC. . SECTION 18—GRANTS TO OFFSET AMTRAK LOSSES.**

Section 18 of the Act (49 U.S.C. App. 1614) is amended by adding at the end the following:

"(i) AMTRAK LOSSES.—The amounts apportioned under subsection (a) to Maine, South Dakota, and Oklahoma may be used by such State to offset operating losses incurred by Amtrak in any calendar year as a result of providing passenger rail service to such State on the basis of an application pursuant to section 403 of the Rail Passenger Service Act (45 U.S.C. 563), and in conjunction with cost-sharing under subsection (b) of such section. Not more than 50 percent of the States share of the operating losses incurred by Amtrak in a State may be offset with funds available under this section.".

To amend title 23, United States Code, and for other purposes "On page 13, line 18, after the operating cost for pasasenger rail for States without Amtrak service as of the date of enactment of this Act."

## NICKLES (AND OTHERS) AMENDMENT NO. 350

Mr. NICKLES (for himself, Mr. DOLE, Mr. DOMENICI, and Mr. BOREN) proposed an amendment to the bill S. 1204, supra, as follows:

(a) On page 14, after line 15, insert the following new paragraph (10):

"'(10) incremental costs attributable to the use of alternative fuels by school buses, including purchase and installation of alternative fuel refueling facilities to be used primarily for school bus refueling and conversion of school buses to make them capable of using an alternative fuel (except that diesel school buses may be converted to run on a combination of diesel and natural gas), provided that, any conversion using funds authorized by this paragraph comply with the warranty and safety requirements for alternative fuel conversions contained in section 247 of the Clean Air Act Amendments of 1990; and provided further that, for purposes of this paragraph, "alternative fuels" means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, ethanol, or other alcohol with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; and electricity;"; and

(b) On page 14, line 17, delete "(10)" and insert "(11)".

## SIMPSON (AND WALLOP) AMENDMENT NO. 351

Mr. SIMPSON (for himself and Mr. WALLOP) proposed an amendment to the bill S. 1204, supra, as follows:

Section 138 of S. 1204, the surface transportation efficiency act of 1991, as reported, is amended as follows:

(a) on page 127, line 22, after "1991", insert the following: ", except in Wyoming in which additional vehicle configurations not in actual operation on June 1, 1991, may be authorized by state law, unless otherwise decided, not later than the general election date in 1992, provided such vehicle configurations do not exceed 117,000 pounds gross vehicle weight and comply with the single axle, tandem axle, and bridge formula limits set forth in 23 U.S.C. 127(a).

## NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 1269, the Renewable Hydrogen Energy Research and Development Act of 1991.

The hearing will take place on Tuesday, June 25, 1991, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will be holding a hearing on the agriculturally derived renewable fuels—current status and prospects for the future. The hearing will be on Thursday, June 20, 1991, at 9 a.m., in SR-332. For further information please contract Ray Dobert of the subcommittee staff at 224-2321.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on enforcement and administration of the Foreign Agents Registration Act [FARA] on Thursday, June 20, 1991, at 1:30 p.m., in room 342 of the Dirksen Senate Office Building.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 14, 1991, at 10 a.m. to hear and consider the nominations of Alixe Reed Glen to be an Assistant Secretary of Health and Human Services and Mary Catherine Sophos to be a Deputy Under Secretary of the Treasury.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be authorized to meet during the session of the Senate on June 13, 1991, at 2:30 p.m. to hold a hearing on renewable and conservation energy tax incentives.

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

SUBCOMMITTEE ON OVERSIGHT

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, June 13, 1991, at 9:30 a.m., to hold a hearing on oversight of enforcement of antidumping and countervailing duties.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, June 13, 1991, at 10 a.m. to conduct a hearing on the Export-Import Bank.

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

COMMITTEE ON THE JUDICIARY

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate, Thursday, June 13, 1991, at 10 a.m.

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

SUBCOMMITTEE ON AGING

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate, Thursday, June 13, 1991, at 10 a.m. for a hearing on nursing home reform.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 13, 1991, at 9:30 a.m. on the nomination of Carolyn R. Bacon of Texas, Martha Buchanan of Texas, and Sheila Tate of Virginia to the Board of Directors of the Corporation for Public Broadcasting [CPB].

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet in open session on Thursday, June 13, 1991, at 2 p.m., to receive testimony on chemical defense and chemical demilitarization issues, in review of S. 1066, the Department of Defense authorization bill for fiscal years 1992-93.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 13, 1991, at 10 a.m. for a hearing on reauthorization of the Office of Educational Research and Improvement.

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

COMMITTEE ON ARMED SERVICES

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on the Armed Services be authorized to meet on Thursday, June 13, 1991, at 10:30 a.m. to consider the nominations of Gen. Gordon R. Sullivan, USA, to be Chief of Staff of the Army, and Lt. Gen. Carl E. Mundy, Jr., USMC, to be Commandant of the Marine Corps.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 13, 1991, at 1:30 p.m., to hold a joint hearing with the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, on standards for forensic DNA analysis.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 13, 1991, at 9 a.m. on the nomination of James H. Quello of Michigan to be a member of the Federal Communications Commission.

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet

during the session of the Senate on Thursday, June 13, beginning at 9:30 a.m., to hear testimony on municipal pollution control proposals included in legislation to reauthorize the Clean Water Act (S. 1081) and related bills.

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

## ADDITIONAL STATEMENTS

### ENCOURAGING ECONOMIC GROWTH IN POLAND

• Mr. BIDEN. Mr. President, I was pleased to learn this morning that the World Bank has decided to extend substantial loans to the nations of Eastern Europe, reaching a 1991 level of approximately $3 billion in assistance to that region. I congratulate the World Bank on its decision; loans to Eastern Europe at this time are likely to yield significant financial benefits to Eastern Europe and its trading partners in the future.

The World Bank was particularly farsighted in granting a significant portion of the funds to Poland. Under an ambitious and difficult economic reform program, Poland has made some of the most significant gains in economic progress of any nation in the region. A fair portion of the World Bank funds will go specifically toward privatizing Polish industries. Privatization is critical not only to establish private ownership and encourage entrepreneurship, but also to create an environment secure enough for foreign enterprises to be willing to invest.

The international effort to assist Poland in its move to a free market reached a high point earlier this spring when the Paris Club decided to forgive much of Poland's government debt. This decision, I might add, followed a letter from myself, Senator BRADLEY, and Representatives ROSTENKOWSKI and LEACH, encouraging President Bush to take the lead in urging other creditor nations to forgive the debt hampering Poland's development. I am pleased the World Bank will strongly support this effort, which will help Poland to establish an effective, prosperous free market democracy that will be a fast friend to the United States.•

### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Bob Redding, a member of the staff of Senator FOWLER, to participate in a program in Indonesia, sponsored by the Indonesian Government from August 19 to September 1, 1990.

The committee has determined that participation by Mr. Redding in the program in Indonesia, at the expense of the Indonesian Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Ann Hardison, a member of the staff of Senator BOB GRAHAM, to participate in a program in China, sponsored by the United States-Asia Institute, from August 6–16, 1990.

The committee has determined that participation by Ms. Hardison in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Saul Singer, a member of the staff of Senator CONNIE MACK, to participate in a program in China, sponsored by the United States-Asia Institute, from August 6–16, 1990.

The committee has determined that participation by Mr. Singer in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Nancy Norell, a member of the staff of Senator JAMES A. MCCLURE, to participate in a program in China, sponsored by the United States-Asia Institute, from August 6–16, 1990.

The committee has determined that participation by Ms. Norell in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Julie Dammann, a member of the staff of Senator CHRISTOPHER S. BOND, to participate in a program in China, sponsored by the United States-Asia Institute, from August 6–16, 1990.

The committee has determined that participation by Ms. Dammann in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Mike Harper, a member of the staff of Senator NANCY KASSEBAUM, to participate in a program in China, sponsored by the United States-Asia Institute, from August 6–16, 1990.

The committee has determined that participation by Mr. Harper in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.•

### HARRODSBURG

• Mr. MCCONNELL. Mr. President, as you may know, from time to time I like to bring to the attention of my colleagues a story which illustrates Kentucky's great historic tradition. Today, I would like to insert into the RECORD a statement about a town that embodies that tradition: Harrodsburg.

Harrodsburg was Kentucky's first settlement, and the sense of history in the town is "almost haunting." A collective spirit that values things past prevails in this small town of 8,790 people. But Harrodsburg residents would reject descriptions of their town as stagnant, politically passive, or stuck in the pages of history.

Harrodsburg boasts central Kentucky's major tourist attractions which include the country's oldest restored Shaker village, Old Fort Harrod, and the Beaumont Inn. Beaumont Inn was built in 1855 and is furnished with antiques. It was originally a girl's school, and later a women's college before being purchased by former student Anna Bell Goddard in 1917. Converted later to an inn, it has been passed down from generation to generation.

A newer attraction is the Blue Ribbon Deli, Main Street's only restaurant. It has around just 7 years, but it is already as popular as some of the town's historic landmarks. It's the place where "the morning coffee club"—a group of business people and local leaders—meets every day to solve the world's problems before 9:30 a.m. About 90 regulars leave their own coffee mugs there, hanging on nails with name tags beneath them. People stop by with such reliability that the mugs serve as message boxes also.

Many sites in Harrodsburg are listed on the National Register of Historic Places. Visits to Harrodsburg's famous

landmarks, old and new, generated $29.7 million for the tourism industry in Mercer County last year.

Mr. President, I am inserting this article into the RECORD because I believe that Harrodsburg exemplifies the unity, and historic pride and tradition, which is still existent in much of Kentucky today. Industrialization and change present a challenge to the town, but they do not detract from its nostalgia or historical charm.

The article follows:

HISTORY IS PERSONAL IN KENTUCKY'S FIRST SETTLEMENT

(By Jim White)

Amid 200-year-old buildings and farmland lined with black fences, people whose local lineages predate the Civil War go about their daily business almost like exhibits in a living museum.

Harrodsburg was Kentucky's first settlement, and "the sense of history here is almost haunting," said Harrodsburg High School principal Kearney Lykins, who moved to town two years ago. "You can feel it."

Residents can recite the history of the area's major tourist draws—Old Fort Harrod, The Beaumont Inn, Shakertown, and folks are particularly adept at working into virtually any conversation the declaration that "Harrodsburg is the first permanent English settlement west of the Allegheny Mountains."

But historical knowledge goes beyond the trivia of travel brochures and rote descriptions of the town's famous treasures. In Harrodsburg, history is personal.

Last November, a fire destroyed an 1884 livery stable in the middle of downtown. As residents gathered on Main Street to watch the building burn, librarian Carolyn Sue Patterson recalled, a sense of immense loss and shock struck the whole town. "Some even cried," she said.

Indeed, some people believe that the town's proud heritage—and pressure to live up family names and traditions—was behind an alarmingly high suicide rate in Mercer County from 1963 to 1982, when the rate of suicides per 100,000 people was 21.9. The state rate for the same 20-year period was 12.2.

"This is a very traditional community, very family centered, and some of these families go back generations," said Delmer Odel, of Comprehensive Care in Mercer County. "When people have trouble in their families, or if they run the risk of embarrassing their family, the impact of that is probably more profoundly felt here than in less traditional communities."

In typical Harrodsburg fashion, however, support groups were formed, town meetings were held and the suicide rate has steadily dropped since 1983. That's another characteristic of Harrodsburg—a powerful community unity and singleness of purpose.

Despite its history, Harrodsburg doesn't exist in a vacuum and never has, its residents say. There's an industrial park on the north end of town and about 1,900 people work in a plant of one kind or another.

Some of the industrial newcomers are Japanese engineers and managers at Hitachi Automotive, Harrodsburg's largest manufacturing employer. At first there was concern that the plant might cause some resentment in the town that doesn't forget its past. Sixty-six Harrodsburg men were killed or captured by Japanese forces on Manila during World War II; the survivors were forced on the infamous Bataan death march. The huge Army tank that sits on a hill at the edge of town as a memorial to those men overlooks the Hitachi plant now.

But Japanese employees say that, after meeting with local officials and residents, they were accepted into the community like all newcomers. Besides, Hitachi wasn't the first manufacturer to break ground in Harrodsburg. Some residents were apprehensive when Corning Glass Works arrived in 1952.

"They said that the yankees were coming," said Hank Ide, a Japanese Hitachi employee who lived in Harrodsburg for six years.

There are many who say Harrodsburg is slow to change, but most residents would correct them by saying the town is cautious, not slow. With much of Harrodsburg listed on the National Register of Historic Places, and tourism industry that generated $29.7 million in Mercer County last year, it's no wonder they're cautious with their surroundings.

Many longtime residents lament the county's shift from an agrarian to an industrial economy. But as long as Ralph Anderson is around, working farms will never become extinct in Mercer County. Anderson, son of a Harrodsburg farmer and owner of Belcan Engineering Inc. in Cincinnati, has purchased about 3,100 acres of farmland in the county and plans to do nothing but farm it, preserve it, and let people come see it.

"I just believe farmland should stay farmland," said Anderson, who calls his spread Anderson Circle Farm.

When it comes to politics, residents seem to prefer stability, of the conservative Democrat variety. The county is dry and labor unions are scarce. Mayor Charles Carr has been in office for almost 20 years. And Mercer County Judge-Executive I.C. James III, who belongs to an old political family, has held the office for 11 years. He was sheriff for 12 years before that.

The most divisive issue to hit the town in recent years—where to put a bypass to ease traffic on U.S. 127—didn't cause residents to forget their civility or the common good. The proposed routes were discussed at public forums. No one picketed local government buildings. No one printed up T-shirts with anti-bypass slogans. And in March, when state highway officials made their final decision—that the bypass would run around the east side of town—even opponents of that route showed support for the road. Construction is scheduled to begin in 1993. "Everyone agreed that a bypass was needed and everyone knew that somebody was going to have to sacrifice for it," Carr said.

Harrodsburg residents reject descriptions of their town as sleepy, politically passive, or stuck in the pages of its history. Residents are quick to point out Hitachi, or their new 40,000-volume state library, to illustrate the town's progressiveness. And residents will also tell you that they are concerned with the same things and face the same contemporary problems that folks do in communities all over the country.

Indeed, downtown retailers worry about a slowdown in business, and people are concerned with the increasing exodus of younger generations, problems facing many Kentucky towns. Last year, the conviction of several men who ran a cocaine ring in Mercer County was sobering proof that Harrodsburg is as much a part of today's world as it is a monument to the past.

Still, the town has a feel all its own. "It's a haven from the rest of the world," said Frances Keightley, a local historian. "Life here is relaxed, and easy, and the people are friendly. I don't mean to say that it's not progressive, but there's an element here, a collective spirit, that values things past."

Everybody's right: Harrodsburg was indeed the first permanent English settlement this side of the Allegheny Mountains. And it served as the foremost western outpost for pioneers for many years. Daniel Boone occupied a cabin there periodically. Today, Old Fort Harrod State Park stands in the middle of town, a replica of the original fort built by James Harrod and his men in 1774.

Other tourist attractions include "The Legend of Daniel Boone" outdoor drama, an action-packed depiction of frontier life in Kentucky; the country's oldest restored Shaker village (located 7 miles from Harrodsburg in Mercer County); and numerous historic homes and buildings.

There's also the Beaumont Inn, built in 1855 and furnished with antiques. The Inn was originally a school for "young ladies," and later a woman's college before being purchased by Anna Bell Godddard, a former student, in 1917. It was converted to an inn soon after and has been passed down from generation to generation ever since. It is now owned by Goddard's grandson, T.C. "Bud" Dedmon, who is 75, and is managed by his son, Charles.

Establishments don't have to be 200 years old to be special in Harrodsburg. The Blue Ribbon Deli, Main Street's only restaurant, has been around just seven years and is already as talked about as some of the town's landmarks.

It's the place where the morning coffee club—a loose group of business people and local leaders—meets every day to solve the world's problems before 9:30 a.m. About 90 "regulars" leave their own coffee mugs there, hanging on nails with name tags underneath. People stop by with such reliability that the mugs double as message boxes.

"If you want somebody to get your message, just drop it in their mug." said owner Sue Gilvin. "They'll get it before the day's out."

The Blue Ribbon is where Harrodsburg native Faith Burns, an attorney with the Department of Natural Resources in Frankfort, practices "dish therapy" at the end of bad days.

"I'll come in, go in the back and start doing dishes," she said. "Some days you just can't get anything accomplished but when you do dishes, you can actually see what you've accomplished."

And it's where Bob Victor, the new administrator at the James B. Haggin Memorial Hospital, got a free dinner after hours last year. All he had to do in exchange for the meal was read a part in a rehearsal of Agatha Christie's story "Ten Little Indians" for the local theatre group, which was rehearsing at the Blue Ribbon and came up one person short. Victor ended up playing the role in the production.

"That meal turned into a five-month commitment," he said. "But it was a good meal."

Residents of Harrodsburg say they have accepted the fact that their town is changing, but most agree that change doesn't necessarily mean nostalgia and historic preservation have to go. Indeed, three new additions to the town will make sure of that. They are Dan Kidd, Executive Director of the Chamber of Commerce; Robyn Cutter, head of the Harrodsburg First downtown revitalization project; and Jacie Bellar, head of the Tourism Commission.

The threesome, hired within a month of each other last winter, are eager to preserve

what Harrodsburg's got and promote the town vigorously.

"We believe this place has a lot of potential to do even more," Bellar said.•

## EXPLANATION OF ABSENCE FROM A BUSINESS MEETING OF THE COMMITTEE ON FINANCE ON JUNE 13, 1991

• Mr. GRASSLEY. Mr. President, this morning I was unavoidably absent from a business meeting of the Committee on Finance because I was debating on the floor of the Senate an amendment by Senator DIXON to rename an interstate highway passing through Iowa which I believed would hurt my State. I was needed on the floor to oppose this amendment. I authorized Senator PACKWOOD, the ranking minority member of the committee to vote my proxy in favor of the two nominees being considered by the committee.•

## DESTRUCTALL, INC.

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky businessman for his commitment to the business community and the environment. I would like to insert into the RECORD his story, told in the June 3, 1991 issue of the Lexington Herald-Leader.

Ralph Lyons knew that a firm's trash could provide its competitors a wealth of information. Discarded documents, printer ribbon cassettes and microfilm can reveal too much about a company's operations. So Lyons opened Destructall, Inc. to ensure that confidential documents stay out of the wrong hands.

This document destruction business is flourishing beyond his expectations. Lyons and his two employees can shred 1,500 to 2,000 pounds of paper an hour, but, he said, that is not enough to keep up with the demand.

Most of Destructall's shredded material is recycled at paper mills and Lyons is arranging with a Cincinnati company to recycle the plastic materials.

If a company gives Destructall its nonconfidential waste paper to be recycled, Destructall will destroy the confidential documents for free. Lyons, who was a recycling coordinator at IBM, will also give free advice to a customer on starting a recycling program.

I commend Ralph Lyons for the fine business example he has set for Kentucky and for his exemplary environmental concerns. Mr. President, I submit this statement for publication in the RECORD because I believe Ralph Lyons possesses the ingenuity and the perseverance which may serve as an inspiration to all of us.

The article follows:

[From the Lexington (KY) Herald-Leader, June 3, 1991]

FIRM'S FAST START IS A MATTER OF RECORD

(By Sonya Turner)

Destructall Inc. of Lexington is not a new remodeling business staffed by mallet-wielding professional wrestlers. Nor is it the latest therapy program for aging demolition derby drivers.

Destructall Inc. is Ralph Lyons' brainchild to destroy confidential documents for corporate clients.

Lyons knew that one firm's trash could be a gold mine for its competitors. Discarded documents, printer ribbon cassettes and microfilm can reveal too much about a company's operations. So Lyons opened Destructall on May 1 to ensure that precious documents stay out of the wrong hands.

"I think sometimes people can be very careless about the disposing of records and things," Lyons said. "People have told me that they have seen their competitors digging around in their trash."

Lyons and his assistant can destroy records at the clients' site with their mobile shredding unit, or they can collect the records and bring them back to their offices on Palumbo Drive.

But why the name Destructall? Lyons, who left IBM after 25 years to become a self-employed trash collector, said he wanted to stress that his company destroys all types of documents, not just paper.

"Some people are under the impression that we're in scrap metal," he said.

But Lyons has no plans to diversify into junk yards. The document destruction business is blossoming beyond his expectations, he said.

While other businesses around town do have shredding operations, Destructall is the only one that specializes in it. Lyons and his two employees can shred 1,500 to 2,000 pounds of paper an hour, but that is not enough to keep up with demand, he said. Getting more employees and equipment is in the works.

The amount of documents to be destroyed is almost infinite, he said. All companies that keep records need to worry about their disposal, Lyons said. Some of his clients are bankers, accountants, attorneys and veterinarians.

"We try to tailor our service to the customer's need," he said. "We take the truck out, load it ourselves and bring it back here. If they have records stashed on the second floor, we don't tell them they have to carry it, we do it ourselves."

Security and confidentiality are crucial in Lyons' line of work. Destructall's offices are wired with security alarms and large motion detectors. Microfilm, ribbon and videotape are diced to the point that not even a square inch of material is left intact.

Customers can watch the shredding process through a window in Destructall's facility. And most documents get destroyed the day they are collected, he said.

Most of Destructall's shredded material is recycled at paper mills. Lyons said he was arranging with a Cincinnati company to recycle the plastic materials.

In fact, if a company gives Destructall its non-confidential waste paper to be recycled, Destructall will destroy the confidential documents for free. Lyons said the money he gets from selling the paper to the mills is enough to cover the cost of shredding the other documents.

Lyons, who was recycling coordinator at IBM, also will give free advice to a customer on starting a recycling program.

"I think we need to protect the environment. We've abused it long enough. Industry needs to be more environmentally aware of producing products that can be recycled. I think there's going to be a revolution where industries are going to be held accountable for the products they produce."

Respect for the environment was a way of life when Lyons was growing up the sixth of 11 children on a farm near Carlisle in Nicholas County. The farm also was where Lyons learned his business philosophy.

"My father was a very successful farmer," he said. "He believed in hard work, and he also believed that if you're going to do anything, do it right the first time. I'm accused a lot of being a perfectionist because I expect people to live up to what ought to be done. I think it's very important that you have pride and strive to maintain the highest quality possible."

Lyons almost never left the farm. When he graduated from Nicholas County High School, he was sure he wanted to be a farmer. But his brother was applying for jobs in Lexington, so Lyons decided to tag along.

The first place they stopped was IBM. His brother applied at several other companies, but Lyons decided he really wasn't interested.

To his surprise, he was hired four weeks later to work on IBM's assembly line. He worked various line jobs, then went into nonproduction work. By taking advantage of IBM's training and management programs, Lyons worked his way up to the position of staff assistant to management. Among other things, he arranged for the destruction of confidential documents and established a recycling program for the IBM Lexington site.

After 25 years, Lyons decided to leave IBM when the products division was sold and became Lexmark International Inc. IBM offered its departing employees money, resume consultation, job search assistance and entrepreneur classes.

"I told some people when I left IBM, 'I'm not sure I can even fill out an application because I've only filled out one in my life,'" Lyons said.

The idea for Destructall hatched from his recycling experience at IBM. The company was spending extra money to send its confidential documents out of town to be destroyed. Lyons knew there was a better way and began plotting Destructall's debut in the Lexington business scene.

"I put four or five months of work into (planning) before I ordered the first piece of equipment," he said.

Lyons cannot say enough good about the training and support he received from IBM throughout his career.

"I honestly don't feel that I would have had the background to go into this business if it hadn't been for IBM," he said. "I wanted to get out into business for myself and just try it. I was lucky enough to have the opportunity."•

## BALANCING ENERGY AND ENVIRONMENTAL CONCERNS ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. JOHNSTON. Mr. President, one of the most positive developments in public policy over the last 30 years is the increasing concern about preserving the quality of our environment. As a nation, we have adopted increasingly stringent requirements of development activities to protect all aspects of the environment.

The first and second generation steps were relatively easy. Now we have arrived at the point where we are forced to recognize that energy and environmental issues are inextricably intertwined. Further, they are directly related to national security and foreign policy. An appropriate balance must be maintained among all these factors. The economic consequences of each initiative must be considered. There is growing recognition that environmental sensitivity and economic growth, fueled by energy, go hand in hand. We no longer have the luxury of trying to have one without the other.

The noted columnist, Charles Krauthammer, recently wrote about the need to make intelligent choices among varying environmental and developmental actions.

I commend his essay "Saving Nature, But Only for Man" to my colleagues.

The essay follows:

[From Time Magazine, June 17, 1991]

SAVING NATURE, BUT ONLY FOR MAN

(By Charles Krauthammer)

Environmental sensitivity is now as required an attitude in polite society as is, say, belief in democracy or aversion to polyester. But now that everyone from Ted Turner to George Bush, Dow to Exxon has professed love for Mother Earth, how are we to choose among the dozens of conflicting proposals, restrictions, projects, regulations and laws advanced in the name of the environment? Clearly not everything with an environmental claim is worth doing. How to choose?

There is a simple way. First, distinguish between environmental luxuries and environmental necessities. Luxuries are those things we must have regardless. Then apply a rule. Call it the fundamental axiom of sane environmentalism: Combatting ecological change that directly threatens the health and safety of people is an environmental necessity. All else is luxury.

For example, preserving the atmosphere—stopping ozone depletion and the greenhouse effect—is an environmental necessity. In April scientists reported that ozone damage is far worse than previously thought. Ozone depletion not only causes skin cancer and eye cataracts, it also destroys plankton, the beginning of the food chain atop which we humans sit.

The reality of the greenhouse effect is more speculative, though its possible consequences are far deadlier; melting ice caps, flooded coastlines, disrupted climate, parched plains and, ultimately, empty breadbaskets. The American Midwest feeds the world. Are we prepared to see Iowa acquire Albuquerque's climate? And Siberia acquire Iowa's?

Ozone depletion and the greenhouse effect are human disasters. They happen to occur in the environment. But they are urgent because they directly threaten man. A sane environmentalism, the only kind of environmentalism that will win universal public support, begins by unashamedly declaring that nature is here to serve man. A sane environmentalism is entirely anthropocentric: it enjoins man to preserve nature, but on the grounds of self-preservation.

A sane environmentalism does not sentimentalize the earth. It does not ask people to sacrifice in the name of other creatures. After all, it is hard enough to ask people to sacrifice in the name of other humans. (Think of the chronic public resistance to foreign aid and welfare.) Ask hardworking voters to sacrifice in the name of the snail darter, and, if they are feeling polite, they will give you a shrug.

Of course, this anthropocentrism runs against the grain of a contemporary environmentalism that indulges in earth worship to the point of idolatry. One scientific theory—Gaia theory—actually claims that Earth is a living organism. This kind of environmentalism likes to consider itself spiritual. It is nothing more than sentimental. It takes, for example, a highly selective view of the benignity of nature. My nature worship stops with the April twister that came through Andover, Kans., or the May cyclone that killed more than 125,000 Bengalis and left 10 million (!) homeless.

A nonsentimental environmentalism is one founded on Protagoras' maxim that "Man is the measure of all things." Such a principle helps us through the thicket of environmental argument. Take the current debate raging over oil drilling in a corner of the Alaska National Wildlife Refuge. Environmentalists, mobilizing against a bill working its way through Congress to permit such exploration, argue that we should be conserving energy instead of drilling for it. This is a false either/or proposition. The country does need a sizable energy tax to reduce consumption. But it needs more production too. Government estimates indicate a nearly fifty-fifty chance that under the ANWR lies one of the five largest oil fields ever discovered in America.

We have just come through a war fought in part over oil. Energy dependence costs Americans not just dollars but lives. It is a bizarre sentimentalism that would deny ourselves oil that is peacefully attainable because it risks disrupting the calving grounds of Arctic caribou.

I like the caribou as much as the next man. And I would be rather sorry if their mating patterns are disturbed. But you can't have everything. And if the choice is between the welfare of caribou and reducing an oil dependency that gets people killed in wars. I choose man over caribou every time.

Similarly the spotted owl. I am no enemy of the owl. If it could be preserved at no or little cost. I would agree: the variety of nature is good, a high aesthetic good. But it is no more than that. And sometimes aesthetic goods have to be sacrificed to the more fundamental ones. If the cost of preserving the spotted owl is the loss of livelihood for 30,000 logging families, I choose family over owl.

The important distinction is between those environmental goods that are fundamental and those that are merely aesthetic. Nature is our ward. It is not our master. It is to be respected and even cultivated. But it is man's world. And when man has to choose between his well-being and that of nature, nature will have to accommodate.

Man should accommodate only when his fate and that of nature are inextricably bound up. The most urgent accommodation must be made when the very integrity of man's habitat—e.g., atmospheric ozone—is threatened. When the threat to man is of a lesser order (say, the pollutants from coal- and oil-fired generators that cause death from disease but not fatal damage to the ecosystem), a more modulated accommodation that balances economic against health concerns is in order. But in either case the principle is the same: protect the environment—because it is man's environment.

The sentimental environmentalists will call this saving nature with a totally wrong frame of mind. Exactly. A sane—a humanistic—environmentalism does it not for nature's sake but for our own.•

---

## DANGEROUS SUPREME COURT RULING

• Mr. SIMON. Mr. President, both the House and Senate are expected to act soon on legislation to overturn the recent Supreme Court ruling upholding the Government's ban on abortion counseling at federally funded family planning clinics.

I will do all I can to see that the Senate affirms the right and the responsibility of family planning clinics to provide quality and comprehensive counseling to their patients.

Central to this decision is the philosophy that if you have money, you can buy access to quality health care; if you are poor, your health care options are limited and may well be life-threatening. This is not a philosophy nor a government policy with which I want to be associated.

I have written my weekly column for newspapers in my State on this ruling. I ask to have it reprinted in the RECORD.

The article follows:

THE GAG RULE'S HARMFUL CONSEQUENCES

The appalling 5-4 decision by the U.S. Supreme Court to muzzle what doctors can tell patients in family planning clinics is not only a violation of free speech; ironically, it probably will result in more abortions unless Congress acts to reverse the decision.

Physicians in clinics are under instructions not to mention the abortion option when advising patients.

Some family planning clinics feel they must close, rather than try to live with a decision they believe is harsh and unworkable.

Let's take three examples:

A 16-year-old girl comes in and says she has been raped.

A 14-year-old reports that she believes that she is pregnant because of her father's sexual acts.

A 25-year-old woman with a serious diabetes problem is pregnant, and giving birth could mean extremely complicated health problems for the mother, including blindness, and life-threatening difficulties for the baby.

In all three cases, under the Supreme Court decision, the doctor is prohibited from mentioning the legal option of abortion.

In an eloquent defense of free speech three decades, ago, Justice William O. Douglas said that the "right of the doctor to advise his patients according to his best lights seems so obviously within First Amendment rights as to need no extended discussion."

There clearly has been a restriction free speech in this case.

But there is an ironic twist.

We lack a great deal of knowledge about what discourages abortions, but we do know some things that do. One of those is to provide information about birth control.

If, as a result of this court decision, clinics close and birth control information is not available to these women—often young women—who are poor and frequently poorly

educated, then there will be more unwanted pregnancies and more abortions.

The nation would be much ahead if, instead of the current emotional debate, we could a little more calmly answer this question: Are there things that both sides could agree upon that would discourage unwanted pregnancies?

There are.

For example, there are about 1 million teenage pregnancies each year, about 400,000 of them ending in abortions. We know that teenage girls who drop out of school are much more likely to become pregnant, and that teenage boys who drop out are more likely to cause pregnancy.

We also know what can reduce the dropout rate:

Help young people as soon as they have trouble in school. Don't wait until they're sophomores in high school.

Help parents who cannot read and write, who cannot help their children.

Have intensified preschool programs in disadvantaged areas. Of the present preschool programs, those who need it the most are the least likely to receive help.

Make Head Start available to all who are eligible. Now about one-fifth of children eligible for Head Start receive it. We know it pays off, yet we are doing little to expand the program.

These suggestions are just in one area. Helping with programs like these may not be as emotionally satisfying as carrying placards or attending a rally, but will do a great deal more good.

Another example: How many churches and synagogues offer sex education programs? Raising the question is delicate, I know, but it can help to provide real answers.

We ought to be looking for real answers.●

## CORRECTION OF SENATE REPORT 102-63, THE COMPREHENSIVE URANIUM ACT OF 1991 (S. 210)

● Mr. JOHNSTON. Mr. President, on May 23, 1991, I submitted on behalf of the Committee on Energy and Natural Resources Senate Report 102-63, to accompany S. 210, the Comprehensive Uranium Act of 1991. Unfortunately, the report contained an error.

On page 18 of the report, there is a list of the so-called active uranium mill sites that contain mill tailings generated under Federal contracts. One such mill, the Grants Mill in Grants, NM, was inadvertently omitted from the list printed in the committee report.●

## PRISONERS OF CONSCIENCE IN MYANMAR

● Mr. KERRY. Mr. President, in the wake of the large-scale civil unrest that rocked Myanmar, formerly known as Burma, in 1988, the successive military dictatorships in that nation have ruthlessly suppressed all political opposition. The detention of prisoners of conscience is particularly disturbing, especially when they ardently have advocated nonviolent forms of protest.

When the streets of Burma erupted in largely peaceful demonstrations calling for the end of the one-party military rule in early 1988, they were met with violence. The brutal repression by Gen. U Ne Win's regime resulted in the death of thousands who had called for a neutral, caretaker government to assume control until free elections could be held. The will of the people ultimately proved stronger than the general, who was forced to resign in July 1988. Unfortunately, his successor, U Sein Lwin, proved himself to be just as ruthless, deliberately killing thousands more.

On September 18, 1988, a military-controlled government headed by the State Law and Order Restoration Council [SLORC] was established. The SLORC, too, suppressed peaceful street demonstrations with violence, and declared martial law—greatly restricting the population's freedom to assemble. However, the SLORC pledged to carry out economic and political reforms, and subsequently legalized the formation of political parties. As a result, during the following year over 200 political parties, headed by a varied group of leaders, were registered.

Among the emerging democratic leaders is Aung San Suu Kyi, the daughter of the late leader of Burma's independence movement. She has struggled peacefully against the oppression of a military government that has shown no qualms about violently suppressing demonstrators. Aung San Suu Kyi was arrested in July 1989 for her role in the democracy movement, and is still in government custody under house arrest.

Yet, despite the fact that she was under house arrest, her party, the NLD, won 80 percent of the votes in last year's elections. However, SLORC refuses to relinquish power to the democratically elected NLD, and Aung San Suu Kyi remains in custody. Aung San Suu Kyi has continually insisted that protest gatherings be nonviolent, describing her party's workings as "no more violent than is necessary in banging the keys of a typewriter."

The United States should support human rights and democracy in Myanmar and elsewhere. Certainly one of the pillars of the New World Order must be an international respect for these inalienable rights. We must mobilize the world community to protect the rights of all peoples to choose their own government, and we must speak out against injustice everywhere.●

## COMMEMORATING BALTIC FREEDOM DAY

● Mr. DIXON. Mr. President, June 14, 1991, marks the 50th anniversary of the beginning of mass deportations of Baltic citizens from Estonia, Latvia, and Lithuania. On June 14, 1941, the Soviet Union began mass deportations of Estonian, Latvian, and Lithuanian, men, women, and children to Siberia. On this night alone 60,000 citizens were taken from their homes, torn away from their families, and transported in cattle cars to Siberian prison camps.

Fifty years has passed since the Soviet Union began its massive deportation of Baltic citizens; the atrocities continue. In 1990, the Baltic Republics once again declared their independence from the Soviet Union. Yet, we have all had to watch in horror as the brutal Soviet Army rolled its tanks into Latvia and Lithuania killing and injuring hundreds of unarmed civilians, and seizing buildings and property.

The United States has never recognized the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. We must continue to do all we can to put an end to Soviet aggression toward the Baltic States.

I stand today in solidarity with the brave people of the Baltic States in their quest for freedom, on this, the 50th anniversary of the Soviet Union's unprovoked deportation of thousands of Baltic citizens. We must never forget the suffering of those Baltic citizens in 1941, and we, as American citizens, must continue to do all we can to ensure that the door never closes on the Baltic States' dream of freedom and independence from the Soviet Union.●

## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of Rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Wallace Henderson, a member of the staff of Senator JOHN BREAUX, to participate in a program in China, sponsored by the Chinese Government from August 19-31, 1991.

The committee has determined that participation by Mr. Henderson in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for G. Robert Wallace, a member of the staff of Senator MALCOLM WALLOP, to participate in a program in China,

sponsored by the Chinese Government from August 19–31, 1991.

The committee has determined that participation by Mr. Wallace in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Mary Wakefield, a member of the staff of Senator QUENTIN N. BURDICK, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1991.

The committee has determined that participation by Ms. Wakefield in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Ashley O. Thrift, a member of the staff of Senator ERNEST F. HOLLINGS, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1991.

The committee has determined that participation by Mr. Thrift in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Robert Dove, a member of the staff of Senator BOB DOLE, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1991.

The committee has determined that participation by Mr. Dove in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for James Wholey, a member of the staff of Senator BOB DOLE, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1990.

The committee has determined that participation by Mr. Wholey in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Mike Tongour, a member of the staff of Senator ALAN K. SIMPSON, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1990.

The committee has determined that participation by Mr. Tongour in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.

The select committee has received a request for a determination under rule 35 for Anne Caldwell, a member of the staff of Senator RICHARD SHELBY, to participate in a program in China, sponsored by the Chinese Government from August 19 to 31, 1990.

The committee has determined that participation by Ms. Caldwell in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States. This trip was previously approved by the committee but the committee delayed formal notification of its approval pending resolution of additional matters.●

## POLISH FREE MARKET ECONOMY

● Mr. MURKOWSKI. Mr. President, next week is a critical time for Poland and for all of us who support that country's efforts to reach its goal of establishing a free market economy and join the Western family of nations. Polish Government officials will begin negotiations with representatives of foreign banks, including some American institutions, to reschedule its foreign debt.

The Marxist regime formerly in power borrowed extensively on the international market, and this burden on the government of President Lech Walesa could cripple Poland's efforts to transition to a free market economy.

Western governments have taken the lead in assisting Poland to overcome its debt, which amounts to approximately $48 billion. Last March Western nations agreed to a rescheduling package which provides relief totaling $17 billion, or 50 percent of the outstanding debt to foreign governments. President Bush subsequently forgave 70 percent of Poland's debt to the United States.

The agreement reached with Western governments stipulates that Poland may not offer better terms to its other creditors. Hence, it is critical that private institutions also offer favorable terms to Poland.

Mr. President, the developments in Poland have stirred the world, as repression has been replaced with freedom, and a Communist regime has given way to a capitalist economic system. Yet Poland is by no means out of the woods. Hence, I call on Western financial institutions to be flexible in negotiations and supportive of Poland's attempts to deal realistically with its debt problems.●

## TRIBUTE TO DR. EDUARDO J. PADRON

● Mr. GRAHAM. Mr. President, I rise today to salute and applaud the many contributions of Dr. Eduardo J. Padron to the south Florida community and to the American educational system. I also recognize the Spanish American League Against Discrimination [SALAD] for honoring Dr. Padron at tonight's Leadership Award Dinner.

Dr. Padron is truly a worthy recipient of this prestigious honor. Dr. Padron is the vice president and chief executive officer of the Mitchell Wolfson New World Center Campus of Miami-Dade Community College, where he has developed and implemented the most successful and innovative urban center of education in the Nation. He is thoroughly committed to improving the education of underprepared and disadvantaged students, as can be seen by his service to the National Commission on Improving Minority Education where he serves as a board member. Eduardo has always gone the proverbial extra mile in his quest to improve the quality of America's educational system.

Eduardo's commitment to his community does not simply end at work. He is dedicated to promoting harmony between the diverse ethnic groups in the south Florida community. He has worked tirelessly over the past 20 years with approximately 50 local community organizations. He serves currently as a cochair of the board of directors of Greater Miami United, is involved with the Community Relations Board and has recently been appointed to the board of directors of the United Way of Dade county.

Dr. Padron has also worked to bridge the gap between the private and public sectors. He has recognized the need for a cooperative effort between both groups as vital to the continued progress of the south Florida community.

I have always treasured his friendship and valued his input on matters of education, and other interests of importance to the south Florida community. Mr. President, I am pleased to honor Dr. Eduardo J. Padron today and wish him continued health and success.●

## TRIBUTE TO THE NASA STS-40 SPACE SHUTTLE MISSION

• Mr. DOMENICI. Mr. President, today I have the opportunity to shine a light of recognition on the achievements of two natives of the great State of New Mexico. Astronaut Sidney M. Gutierrez and Dr. Andrew Gaffney are busy today pioneering the frontiers of space and science aboard the shuttle *Columbia* as it circles the Earth on a 9 day mission designed to study the life sciences and the effects of space travel on the human body.

Lt. Col. Sidney Gutierrez' hometown is Albuquerque where he graduated from Valley High School in 1969. He studied aeronautical engineering at the U.S. Air Force Academy and returned to New Mexico in 1978. After an assignment with the 7th Tactical Fighter Squadron at Holloman Air Force Base in Alamagordo, Colonel Gutierrez went on to become an astronaut in 1985. He has since prepared and practiced for his current mission as the pilot of the *Columbia*.

Dr. Andrew Gaffney is a long way from his hometown of Carlsbad, NM, while he conducts life science experiments aboard the *Columbia* as a payload specialist. Dr. Gaffney graduated from Carlsbad High School in 1964 and earned a medical degree from the University of New Mexico in 1972. Fifteen years of experience in cardiac research and operation of electrocardiographs qualify him to study human cardiovascular adaptation to space flight.

What is the future of human space exploration? How hospitable of an environment does space provide for the human body? What are the hurdles that we face as we consider the possibilities of extended stays in space, and how can we overcome them? These are questions that are being answered by this shuttle mission as it studies the adaptability of the human body to life in space. Their critical contributions are another feather in the cap of America's space and science communities and a tribute to the hard work of dedicated people throughout our space program. Their achievements serve as inspiration to the American community of scientists and technicians. They are fine role models for the future scientists of America, who are still in high schools and grade schools around the Nation dreaming of the contribution that they too will someday make to the fields of science and space exploration.

To Lieutenant Colonel Gutierrez and Dr. Gaffney, I say thank you. The wealth of information that you bring with you is invaluable. America and your home State of New Mexico are proud of you and we are waiting, along with your families, for your safe return with the rest of the *Columbia* crew. I offer my congratulations in advance and my appreciation for a job and service very well done.•

## S. 909—THE SEMICONDUCTOR INTERNATIONAL PROTECTION EXTENSION ACT OF 1991

• Mr. LEAHY. Mr. President, semiconductor chips are the basic building blocks for high-technology products. They are critical to the economic prosperity and national security of the United States. As we approach the 21st century, nearly every American industry depends, directly or indirectly, on the semiconductor industry.

The semiconductor industry is a catalyst for economic growth and a source of high-quality jobs. In my own State of Vermont, more than 7,500 people are directly employed by the semiconductor industry, and more than 600 companies supply goods and services to the semiconductor industry. Chips manufactured in Vermont are used in computers and other electronic products that are sold throughout the world.

The semiconductor industry is the product of American ingenuity. The transistor and the integrated circuit are American inventions. As our scientists and engineers develop innovative new technologies, they simultaneously challenge the Congress to support them with laws that ensure that the fruits of their labors are not appropriated by others.

Senators BROWN, DECONCINI, HATCH, SIMON, GRASSLEY, SPECTER, HEFLIN, and KOHL accepted this challenge by joining me in cosponsoring S. 909, the Semiconductor International Protection Extension Act of 1991. As unanimously reported by the Judiciary Committee, this legislation would ensure that the Semiconductor Chip Protection Act [SCPA] continues to be an important tool in promoting international comity in the protection of intellectual property. I am pleased that S. 909 was unanimously passed by the Senate, and I look forward to prompt consideration of this legislation by the House of Representatives.

Last year, the Subcommittee on Technology and the Law held a hearing on the semiconductor industry. Research and innovation are essential to the life and health of the American chip industry. According to the late Dr. Robert N. Noyce, coinventor of the integrated circuit and president and chief executive officer of Sematech, "U.S. semiconductor manufacturers spend a higher percentage of their sales on R&D than any other industry * * *."

When piracy threatened research and innovation in the design of semiconductor chips, we passed the Semiconductor Chip Protection Act of 1984. (See Pub. Law No. 98-620, title III.) That 1984 law protects the chip designs that American engineers and enterprises develop. It created the first intellectual property right outside the traditional categories of patents, trademarks, and copyright principles in 100 years.

We wanted assurances that U.S. manufacturers would receive reciprocal protection abroad. Congress decided to empower the Secretary of Commerce to extend interim protection to chip designs of nationals of foreign countries that are "making good faith efforts and reasonable progress * * *" toward reciprocal protection of chip designs owned by U.S. nationals (17 U.S.C. 914).

The original authority of the Secretary of Commerce to issue interim protection orders expired in 1987. Three years after enactment of the SCPA, the Senate passed by a vote of 96-0, a bill to extend the Secretary's authority to issue interim orders until July 1, 1991. See Public Law No. 100-159.

This carrot and stick approach—we protect your country's work so long as you make speedy progress toward laws protecting ours—has been effective. The Commerce Department reports that interim protection has been extended to 19 nations, 17 of which have already enacted legislation substantially similar to the SCPA.

The provision establishing the Secretary's interim order authority under section 914 of the SCPA has been the mechanism for protecting the vast majority of foreign semiconductor chip designs. Many successes of the SCPA may be vitiated if Congress allows the Secretary's authority to issue interim orders to expire in July. By holding foreign nations to the July 1991 deadline, Congress might undermine efforts underway in those countries that have not yet chosen to seek interim protection, including South Korea, Hong Kong, Taiwan, Poland, and Czechoslovakia.

The bill we passed yesterday would grant deserving nations additional time to finalize and implement the mechanisms through which they protect semiconductor chip designs. This extension would enable the Secretary of Commerce to issue interim protection under section 914 through July 1, 1995.

In addition to extending the period within which the Secretary may grant interim protection orders under section 914 of title 17, S. 909 includes a technical clarification of the Secretary's authority to issue such interim protection. Specifically, section 914(a)(1)(B) of title 17, United States Code, is amended by inserting "or implementing" after "enacting." The provision clarifies that a foreign nation remains eligible to receive interim protection under section 914 while it works toward implementing legislation substantially similar to the SCPA. Mr. Leslie J. Hart supported the technical clarification when he testified on behalf of the Semiconductor Industry Association at the May 1, 1991, hearing held by the House Subcommittee on Intellectual Property and Judicial Administration. According to Mr. Hart, "It is important that a foreign country expedi-

tiously implement a chip protection law after enactment. Mere passage of a statute without meaningful and effective implementation is inconsistent with the rational for interim order of protection under the SCPA."

Congressman BILL HUGHES, chairman of the Judiciary Subcommittee on Intellectual Property and Judicial Administration, introduced the companion bill, H.R. 1998. Congressman HUGHES was joined by Congressman MOORHEAD, ranking minority member of the subcommittee. The House bill is also cosponsored by Congressman EDWARDS (from California), MINETA, FRANK, and LOPETSKI. The House bill was favorably reported by the Subcommittee on Intellectual Property and Judicial Administration on May 1, 1991.

I am pleased that the ranking minority member of the Technology Subcommittee, Senator BROWN, the chairman and ranking minority member of the Patents Subcommittee, Senators DECONCINI and HATCH, as well as our Judiciary Committee colleagues, Senators SIMON, GRASSLEY, SPECTER, HEFLIN, and KOHL joined me in cosponsoring S. 909.

Mr. President, this bill was unanimously passed by the Senate. It has the support of the administration, the semiconductor industry, and the intellectual property community. I look forward to working with the administration to ensure that the Semiconductor Chip Protection Act continues to be an important tool in promoting international comity in the protection of intellectual property.

In closing, I would like to thank the following staff members for their fine work on this legislation: John Bliss on Senator BROWN's staff; and Michael Remington of Congressman HUGHES' staff. Finally, I would like to thank my own staff on this legislation: Craig Schiffries, and my chief counsel, Ann Harkins.●

● Mr. BROWN. Mr. President, as ranking member of the Subcommittee on Technology and the Law of the Senate Judiciary Committee, and as an original cosponsor of this legislation, I am pleased that S. 909 has passed the Senate by unanimous consent.

This is a fine bill. The administration is unopposed to it. The American semiconductor industry is firmly behind it, as are intellectual property experts. Indeed, we understand it has met with no opposition. A companion bill, H.R. 1998, has been favoraby reported out of the House Subcommittee on Intellectual Property and Judicial Administration, and awaits scheduling for a full committee markup.

S. 909 extends for 4 years the authority of the Secretary of Commerce under the Semiconductor Chip Protection Act of 1984 to issue interim protection, under certain conditions, to U.S. nationals of foreign countries for semiconductor chip designs first commercially exploited outside the United States.

It also would require the Secretary of Commerce, in consultation with the Register of Copyrights, to update previous reports submitted to Congress concerning actions taken under this section and to inform Congress about the current status of international recognition of semiconductor chip design protection.

Mr. President, it is important that the Senate has acted so quickly because the Secretary's authority to issue interm protection expires on July 1, 1991. In 1987, Congress had previously extended for a 3-year term the Secretary's interim protection authority. Senator LEAHY'S 1987 interim protection extension bill, S. 442, is nearly identical to the current measure, and passed the Senate by a vote of 96–0 and by voice vote in the House.

Extension of the Semiconductor Chip Protection Act of 1984 is as laudable an objective now as it was in 1987. Congress adopted the 3-year transitional period to encourage foreign nations either to enact laws that protect semiconductor chip designs owned by U.S. nationals or to enter into an international treaty that similarly protects U.S. chips.

Since enactment of the Semiconductor Chip Protection Act of 1984, foreign countries have made significant progress in enacting acceptable chip protection laws. Nineteen countries have earned interim protection for their chip designs through section 914. More importantly, most of these countries have enacted legislation substantially similar to the Semiconducter Chip Protection Act of 1984.

The United States has met with less success in its efforts to establish a fully satisfactory international agreement for chip protection. The World Intellectual Property Organization, known as WIPO, completed its Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits on May 26, 1989. However, the United States voted against the treaty because it provided a less than adequate and effective level of chip protection.

Negotiations during the Uruguay round of the General Agreement of Tariffs and Trade have also failed thus far to achieve a consensus on standards on chip protection. In addition, the recent suspension of the Uruguay round raises legitimate concerns as to whether a chip protection agreement will be reached in that forum in the near future.

Thus, given this mixed measure of success, extension of the Commerce Secretary's interim protection authority plays an even more important role in the administration of the Semiconductor Chip Protection Act of 1984 and the development of adequate and effective international standards for chip protection.

Enactment of this legislation would serve to continue to promote the rapid growth of sound and balanced foreign laws on chip protection that will not create trade problems. Moreover, this bill would provide an important incentive for the development of a multinational system for the protection of semiconductor chips that is based on widely accepted national standards. Finally, the reporting requirement contained in this bill would afford Congress the reasonable oversight necessary to ensure continued progress toward bilateral and multilateral protection for semiconductor chip designs.●

## AMERICANS WHO ARE MAKING A DIFFERENCE

● Mr. COATS. Mr. President, it is always inspiring to hear of Americans who are making a difference in the lives of needy people around them. This is especially true, however, when these exceptional individuals have overcome great social, financial, or physical obstacles in their own lives before dedicating themselves to the service of others.

The Achievement Against the Odds Award is a program of the National Center for Neighborhood Enterprise, sponsored by the Sears-Roebuck Foundation and the Allstate Foundation. The purpose of the award is to recognize the achievements of low-income Americans who have used self-help approaches to gain empowerment.

Bob Woodson, president of the National Center, is this Nation's foremost advocate of empowerment. Under his leadership, the National Center has long highlighted positive models of success among low-income and minority families. He has repeatedly pointed to the importance of empowering people instead of breeding dependence upon Government programs. It has been largely through his leadership that programs like tenant management and home ownership are on the national agenda.

This year's deserving recipients represent a variety of backgrounds and services, but they share one attribute—they have all faced adversity and triumphed. The 1991 Achievement Against the Odds awardees are Consuelo Santos Chavez, San Antonio, TX; Ethel Branch-Cooper, Philadelphia, PA; Rev. Robert Turner Penton, Sr., Fircrest, WA; Rev. Marcus C. Riggins, Patterson, NJ; Jonathan Richard Wade, Clearwater, FL; Sara Maxime Waller, Ivanhoe, VA; and Darryl R. Webster, Washington, DC.

The following speech was delivered by Wayne E. Hedien, chairman and chief executive officer of Allstate Insurance Co., on April 25, 1991, in Washington, DC, at the Second Annual Achievement Against the Odds cere-

mony. His remarks reflect the pride and commitment of these extraordinary honorees.

The speech follows:

I'm very happy to be here on behalf of Sears and Allstate. You know, our support of this program reflects a tradition of community involvement that goes back a long time.

More than 50 years ago, Sears Chairman Robert E. Wood said, "Business must account for its stewardship, not only on the balance sheet, but also in matters of social responsibility."

Today, that principle is expressed in dozens of ways. For almost 75 years the Sears-Roebuck Foundation has been responsive to the changing needs of our Nation's communities. The Foundation has sponsored everything from "Mr. Roger's Neighborhood"—the longest running children's show on PBS—to "Generations Together"—a program to prepare senior citizens to work in the day-care industry.

Sears has a special interest in programs addressing work force readiness because, obviously, the continued prosperity for our Nation will always be impacted by the quality of our work force.

Allstate and the Allstate Foundation are similarly active. Our efforts are focused on establishing Allstate as a leading advocate of safety, good health, and property protection. We've been committed to safer cars and safer highways since the 1950's. Allstate has long been a leader in promoting seat belt laws, better bumpers, air bags, and campaigning against drunk driving.

We've also looked for ways to expand our commitment to promoting healthy lifestyles. Allstate's support of the U.S. Olympic Committee, the Healthy American Fitness Leaders Program, and sponsorship of the National Employee Health and Fitness Day have helped create the awareness that a healthy lifestyle is good for our country as well as our citizens.

And turning to property protection, I think it's fair to say that housing and neighborhood economic development have been at the top of Allstate's community agenda for many years. In terms of ongoing programs, one of Allstate's longest standing relationships is with neighborhood housing services—working in communities around the country to revitalize neighborhoods.

Our involvement in the housing issue has grown steadily. In fact, we've invested millions of dollars and thousands of hours of our people's time working in neighborhood revitalization programs.

And in those neighborhoods there are ordinary people doing extraordinary work. Achievement against the odds is a special program because it focuses on the people in those neighborhoods.

Will Rogers once said, "We can't all be heroes—somebody has to sit on the curb, and clap as they go by."

But tonight we turn the tables. Some of the most important people in America * * * the kind who are used to *leading* the parades * * * have lined up to applaud the extraordinary accomplishments of so-called ordinary people.

To me, that says a lot about these leaders * * * about the heroes they're honoring * * * and about the country itself.

Tonight, after all, is about the triumph of dedication over despair. About the ability of commitment to overcome conventional wisdom.

For instance, we all know that high school dropouts rarely return. Well, one of tonight's winners not only went back to get his diploma, he went on to get a masters degree.

We also know that violent criminals rarely are rehabilitated, and usually end up back behind bars. But another of our honorees * * * convicted of murder in an argument over drugs * * * studied for the ministry, and was ordained while in prison. After his parole, he did end up back in jail—but this time as chaplain.

Each of our award winners has a similar story to tell. And all of them, it seems to me, are part of a distinguished tradition in America—of heroes who've had to overcome setbacks on their way to success as individuals—and as Americans.

Maybe my favorite example is the politician most people described as ugly and inarticulate. He failed in his first bid for elective office at age 23.

During his 30's, he lost three different times for Congress. In his 40's, he lost a bid for the Senate, for the Vice Presidency, and for the Senate again.

And 2 years after that last defeat, at the age of 51, he was elected President of the United States.

His name was Abraham Lincoln.

But his story didn't end there. Having overcome adversity, Lincoln * * * like tonight's honorees * * * used his achievements and influence to improve the lives of others.

That, too, is an important part of the American ideal. In this country, we believe each of us not only has the opportunity * * * we have the obligation * * * to contribute to the common good.

In other words, Will Rogers was wrong. In America, all of us can be heroes.

In the words of Martin Luther King, another American hero who overcame the odds, "Everybody can be great, because anybody can serve * * * you only need a heart full of grace, a soul generated by love."

Our award winners certainly fit that description. When you hear their stories, and speak with them in person, you quickly realize they're proud of what they've done. But none of them has been motivated by personal recognition.

What they want, instead, is to share their success.

What they want, more than anything, is for their stories to become the rule * * * rather than the exception.

That's a tall order. The odds against achieving that goal are pretty formidable, too.

But if we all follow the lead, and the example, of tonight's achievers * * * it's an American dream that could still come true for a lot of other people.

So, on behalf of Sears and Allstate, let me congratulate the magnificent seven who are being honored tonight.

HONOREES

CONSUELO SANTOS CHAVEZ, SAN ANTONIO, TX

Ms. Chavez dropped out of school in the sixth grade, and at age 28 was divorced with two kids, living on welfare and food stamps. For 22 years she has been a foster parent for the Texas Department of Human Resources and was awarded "Parent of the Year" by the Bexar County Child Protective Services Board.

ETHEL BRANCH-COOPER, PHILADELPHIA, PA

Ms. Cooper has sacrificed her own personal life for her community. Her efforts include fighting the drug war on the streets and instituting a neighborhood crime watch program. Currently she is president of the United Morton Homes Tenant Council.

REV. ROBERT TURNER PENTON, SR., FIRCREST, WA

Despite being a high school dropout from a dysfunctional family, Rev. Penton turned his life around. He joined the Job Corps to complete his high school education. Recently he received his Master of Divinity and is considering a Doctorate in Divinity. He has also devoted his life to help others less fortunate.

REV. MARCUS C. RIGGINS, PATERSON, NJ

After spending 16 years in and out of prison, Rev. Riggins was sent to jail one last time—on murder charges following an argument over drugs. In prison, he turned to religion and was ordained as a minister. Today he is chaplain of the Passaic County Jail, which houses 1700 men and women.

JONATHAN RICHARD WADE, CLEARWATER, FL

A good part of Mr. Wade's life was spent using and selling drugs. But today, he is a positive role model for others. Having conquered his addiction, he is now a chemical dependency counselor for the Largo correctional center in Florida. He also plans to attend the University of South Florida.

SARA MAXINE WALLER, IVANHOE, VA

This woman, with only a ninth grade education, was elected president of the Ivanhoe Civic League to help turn around the depressed former mine community. Ms. Waller has since received her High School Equivalency Diploma and is now pursuing a degree in sociology.

DARRYL R. WEBSTER, WASHINGTON, DC

Once an at-risk student who disliked school, today Mr. Webster is a graduate student at Catholic University of America in Washington, DC. He is devoted to helping the community and has instituted programs to teach youth to say no to drugs and to develop entrepreneurial skills. His home is open to abused and neglected children who have no place to go.●

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the past several days, and more immediately for the past several hours, there have been a series of meetings involving the leadership on the Republican side and on the Democratic side, the managers of the bill, and several others with a particular interest in various aspects of this legislation, in an effort to reach agreement, both on the substance of the formula for allocation and the process by which we may finally dispose of the pending bill.

It had been my hope that we could complete action on the bill this evening, but that now, for reasons I will momentarily describe, will not be possible.

During the most recent meeting, I presented to our colleagues a proposed unanimous-consent agreement under which the Senate would take up a modification of the pending Byrd amendment tomorrow and dispose of that tomorrow, and then identify all remaining amendments to the bill and take them up and dispose of them on Monday, to be followed Monday evening by final passage of the bill.

In that way, it was my hope that the Senate could complete action on this bill by Monday evening so that we

could then proceed to the crime legislation.

The distinguished Republican leader is here, and I will momentarily yield to him for any comment he wishes to make, but he indicated, after consulting with his colleagues, that they are not prepared to agree to the procedure which I have just described at this time, wishing the opportunity to consult with the remainder of their colleagues at a meeting of Republican Senators tomorrow morning.

Therefore, since it is not possible either to proceed to completion of the bill this evening or to get an agreement on proceeding to the bill at some definite date following this evening, I believe that the best alternative is to conclude consideration of this matter at this time to permit our colleagues on the Republican side to have their meeting tomorrow morning and then for the Senate to come in at a time when that meeting will be completed, at which time they will be in a position to respond to the suggestion for disposition of this matter.

Mr. President, I yield now to the distinguished Republican leader and invite him, if I have misstated anything, to correct it and, if not, to make any comments he may wish to make.

The PRESIDING OFFICER [Mr. BRYAN]. The Republican leader is recognized.

Mr. DOLE. Mr. President, I think the majority leader has correctly stated the facts. The facts are that everybody would like to complete this bill. I think the RECORD should reflect that this has been an effort by the two managers, Senator MOYNIHAN and Senator SYMMS, to do so. I know they would like to complete action on the bill.

The point I made in the meeting with a number of Senators earlier, I think it was about 12:30, was that it would be heard to notify everyone on this side, and I assume the same would be true on the other side at this hour, and have them fully understand the amendment that the distinguished chairman of the Appropriations Committee, Senator BYRD, will offer.

It occurred to me, to make certain everybody understood precisely what they were going to be voting on and had an opportunity to look at the numbers, question the numbers, question the methodology, whatever, that we should have a Republican conference. We will have at 10 o'clock in the morning. This Senator cannot be present. I have a longstanding commitment in my State. Senator SIMPSON, the assistant Republican leader, will be there as well as the Senator from Mississippi, Senator COCHRAN, the conference chairman, at which time they will discuss the proposed amendment, which will soon be modified, I understand.

So we will have the latest opportunity then to take a look at the amendment, to be pending and modified by Senator BYRD.

It is very important, and I urge my colleagues who still may be around in their offices or members of their staffs that they should be in S-230 at 10 a.m. We will have someone in to explain the amendment. We will have the Federal highway people in so they can ask any questions, if they have questions about their State and how the State might fair in the amendment. That information will be available.

Following that conference, which I hope will not take more than 1 hour, if there can be some agreement about the vote on the Byrd amendment, we will have no objection. We will try to work that out with the distinguished majority leader. The Senator from Wyoming has already indicated his willingness to try to work it out so that we can complete action on the bill, hopefully on Monday; if not, by Tuesday noon. I think that is the majority leader's wish.

So the RECORD should reflect that it is not an effort to delay. I think there are some questions by some Members on each side. It seems to me that, since about 30-some Members on our side have not had a chance to review the information, it is best we have a conference. I want to thank the majority leader for consenting to that procedure.

Mr. MITCHELL. Accordingly, Mr. President, there will be no further rollcall votes this evening. Since the meeting of Republican Senators will occur at 10 and is expected to last about an hour, when we recess tonight, I will seek consent that the Senate return to session at 11:00 a.m. on tomorrow morning, about which time we hope to have a response from our colleagues and then be in a position to make a decision on how best to proceed.

Mr. President, I thank all my colleagues for their patience. It has been a very difficult experience, and I regret that we have gone so long into the evening without having votes and announcing that there are no more votes. I am sure my colleagues understand the circumstances in which this has occurred.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from West Virginia is recognized.

AMENDMENT NO. 296, AS MODIFIED

Mr. BYRD. Mr. President, I modify my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. Mr. President, the modification that I have sent to the desk entails the substance of the discussions that we have been having. For those Senators who have been available in those meetings, they will understand what is included here. The fact I have modified it at this point does not prevent any further modification on my part as long as I have the right to modify it.

I do ask unanimous consent that the second-degree amendment, as modified, which really is a substitute for the second-degree amendment, be printed in the RECORD.

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

The amendment (No. 296), as modified, is as follows:

In the amendment, strike out "OF EFFORT APPORTIONMENT BONUSES" and all that follows through "available until expended." and insert in lieu thereof the following:

OF EFFORT APPORTIONMENT BONUSES.

(a) AMENDMENT TO TITLE 23.—Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

**"§ 159. Level of effort apportionment bonuses**

"(a) The Secretary shall, for fiscal years beginning with fiscal year 1993, determine each State's total annual apportionment under sections 133 (relating to the Surface Transportation Program), 144 (relating to the Bridge Program), and 119 (relating to the Interstate Maintenance Program) and shall use that total in calculating the bonus apportionments authorized by this section.

"(b) The Secretary shall, subject to the availability of appropriations, provide each State in which the rate of tax on gasoline, as of August 1 preceding the beginning of the fiscal year, exceeds the average rate of tax on gasoline levied by the fifty States and the District of Columbia as of such date, with a bonus apportionment equal to the lesser of—

"(1) five percent of its total annual apportionment under sections 133, 144, and 119 of this title for each of fiscal years 1993, 1994, 1995, and 1996; or

"(2) the percentage by which that State's rate of tax on gasoline exceeds the average rate of tax on gasoline levied by the fifty States and the District of Columbia, multiplied by its total annual apportionment under sections 133, 144, and 119 of this title.

"(c)(1) The Secretary shall, subject to the availability of appropriations, provide each State with a bonus apportionment equal to its total annual apportionment under sections 133, 144, and 119 of this title, multiplied by the percentage by which that State's rate of tax on gasoline, as of August 1 preceding the beginning of the fiscal year, exceeds the average rate of tax on gasoline levied by the fifty States and the District of Columbia as of such date, minus an amount which is the product of that total annual apportionment and the percentage by which that State's per capita disposable income exceeds the average per capita disposable income in the fifty States and the District of Columbia, calculated for the calendar year preceding the year in which the fiscal year begins. The bonus apportionment provided any State under this section shall be reduced by any amount provided under subsection (b).

"(2) For purposes of paragraph (1), the per capita disposable income of a State or the District of Columbia for any calendar year is such income as is determined by the Bureau of Economic Analysis of the Department of Commerce.

"(d) If the aggregate allocations under this section in any fiscal year exceed the authorization of appropriations for such year, there shall be a pro rata reduction for that fiscal year of the allocations to the extent of such excess.

"(e) The Federal share payable of the costs of projects carried out with apportioned funds under this section may not exceed 80 percent.

"(f) For purposes of this section, the term 'tax on gasoline' means a tax that is—

"(1) imposed by and administered by a State; and

"(2) uniform as to rate and based upon identical transactions in all geographical areas of such State.".

(2) The table of sections for chapter 1 of title 23, United States Code, is amended by adding after the item relating to section 158 of the following new item:

"Sec. 159. Level of effort apportionment bonuses.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to be available for payment of the bonus apportionments authorized by section 159 of title 23, United States Code, the following amounts for the following years:

(A) For fiscal year 1993, $390,500,000.

(B) For fiscal year 1994, $943,000,000.

(C) For fiscal year 1995, $1,138,500,000.

(D) For fiscal year 1996, $1,638,500,000.

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(c) ALLOCATION OF ADDITIONAL AMOUNTS UNDER THE MINIMUM ALLOCATION FORMULA.—(1) In addition to the amount which would be allocated among the States in such fiscal year under section 157(a)(3) of title 23, United States Code, but for the enactment of this subsection, the Secretary of Transportation shall, in accordance with paragraph (2) and subject to the availability of appropriations, allocate among the States an additional amount for each of the following fiscal years out of the Highway Trust Fund (other than the Mass Transit Account):

(A) For fiscal year 1993, $390,500,000.

(B) For fiscal year 1994, $943,000,000.

(C) For fiscal year 1995, $1,138,500,000.

(D) For fiscal year 1996, $1,638,500,000.

(2)(A) The additional amount provided under this subsection for a fiscal year shall be allocated only after bonus apportionments under section 159 of title 23, United States Code, to the extent of their availability, have first been made to the States.

(B) The additional amounts which are provided under this subsection for a fiscal year shall be allocated in the same manner as funds which would be allocated among the States in that fiscal year under section 157(a)(3) of title 23, United States Code, but for the enactment of this subsection, except that, for purposes of calculating the minimum percentage for a State under this subparagraph, the total apportionments of that State shall be considered to include the amount of bonus apportionment, if any, provided to that State under section 159 of that title for that fiscal year.

(B)(i) Section 157(a)(3) of title 23, United States Code, is amended by inserting "(other than bonus apportionments under section 159)" after "apportionments in each such fiscal year".

(ii) The amendment made by clause (i) shall take effect on October 1, 1992.

(C) The additional allocation under this subsection shall be subject to the provisions of section 157 of title 23, United States Code, which are applicable to minimum allocations under that section, except that the second sentence of section 157(b) of such title (relating to exemption from obligation limitations) shall not apply.

(D) Additional amounts allocated under this subsection shall be available for a fiscal year to the extent and in the amount provided in an appropriation Act.

(d) RESTRICTION ON AVAILABILITY OF BONUS APPORTIONMENTS AND ADDITIONAL ALLOCATIONS.—(1) For each of fiscal years 1992, 1993, 1994, 1995 and 1996, the Secretary shall distribute the limitation imposed by section 104(a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated (no limitation for the bonus apportionments under section 159 of title 23, United States Code, and for additional allocations under section 140(c) of this Act until 100 per centum has been distributed for the current fiscal year's apportionments and allocation) for Federal-aid highways which are apportioned or allocated to all the States for such fiscal year.

(2) If the provision of apportionments under section 159 of title 23, United States Code, or additional allocations under subsection (c), or both, in any fiscal year would cause the total obligational authority for Federal-aid highway programs for that fiscal year to exceed the limitation applicable to such authority for such fiscal year, then there shall be a pro rata reduction for that fiscal year of the aggregate of apportionments under section 159 of that title and allocations under subsection (c) to the extent of such excess.

(3) Whenever the amount of funds made available for a fiscal year by appropriation is insufficient to cover the aggregate of apportionments undersection 159 of title 23, United States Code, and the additional amounts allocated under subsection (c), then—

(A) 50 percent of the amount of such insufficient appropriations shall be deducted from appropriations that would otherwise be received under section 159 for that fiscal year, and

(B) 50 percent of the amount of such insufficient appropriations shall be deducted from the appropriations that would otherwise be received under subsection (c) for that fiscal year.

(e) INAPPLICABILITY OF OBLIGATION LIMITATION TO EMERGENCY RELIEF.—Limitations in section 104 of this Act shall not apply to obligations for Emergency relief pursuant to section 125 of title 23, United States Code.

(f) DEFINITION.—For purposes of this section, the term "State" has the meaning given to such term in section 101 of title 23, United States Code.

Mr. DOLE. Mr. President, I would like to print in the RECORD at this point two documents. One is State highway funding sources because I made the point that, in addition to the gas tax, we ought to consider other revenues that go into building highways in my State, Nevada, and other States because I think we may be shortchanged if we consider only the gas tax.

I will print in the RECORD a list of the States, how much Federal aid, how much vehicle registration, sales tax, truck tax, bonds, general funds, interest, miscellaneous.

I ask unanimous consent that it be printed in the RECORD. As well, as the other point I have made that a number of States take gas tax money and use it for other purposes. They are still given credit if they pay a high gas tax, and they get a better return than some States who do not distribute their gas tax for other purposes. Some put it in the general fund, some use it for agriculture, parks, alcohol, and drug abuse. I ask unanimous consent that that information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE HIGHWAY FUNDING SOURCES

[In percent]

| State | Federal aid | Motor-fuel taxes | Vehicle registrations | Sales tax on Veh.-Pts. | Miscellaneous truck fees | Bonds | General fund | Interest | Miscellaneous |
|---|---|---|---|---|---|---|---|---|---|
| Alabama | 51.4 | 33.5 | 9.3 | | 1.0 | 1.8 | | 1.0 | 2.0 |
| Alaska | 60.0 | | | | | | 40.0 | | |
| Arizona | 17.9 | 16.6 | 4.1 | | 4.8 | 35.4 | | | 21.2 |
| Arkansas | 31.1 | 44.2 | 14.0 | | 7.3 | | | | 3.4 |
| California [1] | 44.0 | 27.0 | | | 15.0 | | | | 14.0 |
| Colorado | 54.8 | 30.5 | 3.2 | | 3.2 | | 5.3 | | 3.0 |
| Connecticut [2] | 23.2 | 25.4 | 8.9 | | | 30.7 | | 2.2 | 9.6 |
| Delaware [1] | 27.6 | 29.8 | 9.6 | | | | | | 33.0 |
| District of Columbia [1] | 33.6 | 16.6 | 8.0 | | | 30.8 | 10.0 | | 1.0 |
| Florida | 28.3 | 35.8 | 21.9 | | .8 | | | 0.5 | 12.7 |
| Georgia | 46.0 | 36.0 | | | | | | | 18.0 |
| Hawaii | 44.2 | 20.0 | 3.5 | | 5.5 | 17.6 | | | 9.2 |
| Idaho [1] | 51.8 | 29.0 | 8.0 | | 1.2 | | | | 10.0 |
| Illinois | 27.6 | 29.2 | 30.2 | | | 5.1 | 2.1 | | 5.8 |
| Indiana | 48.0 | 26.8 | 7.2 | | | 18.0 | | | |
| Iowa | 40.0 | 28.2 | 19.3 | 9.7 | 0.2 | | | 0.8 | 1.8 |
| Kansas | 24.4 | 24.8 | 19.8 | 14.7 | | | | | 16.3 |
| Kentucky | 17.8 | 29.3 | 4.9 | 19.2 | 1.3 | 17.3 | | | 10.2 |
| Louisiana [1] | 54.0 | | | | | 28.0 | 18.0 | | |
| Maine | 24.8 | 46.6 | 19.3 | | 0.8 | | | | 8.5 |
| Maryland | 38.8 | 16.3 | 5.3 | 12.6 | 0.2 | 11.3 | | 0.9 | 14.6 |
| Massachusetts | 55.0 | 45.0 | (3) | | | | | | |

STATE HIGHWAY FUNDING SOURCES—Continued

[In percent]

| State | Federal aid | Motor-fuel taxes | Vehicle registrations | Sales tax on Veh.-Pts. | Miscellaneous truck fees | Bonds | General fund | Interest | Miscellaneous |
|---|---|---|---|---|---|---|---|---|---|
| Michigan | 34.6 | 34.3 | 22.9 | | | | 2.0 | 1.0 | 5.2 |
| Minnesota | 26.2 | 35.4 | 23.2 | | | | | 1.0 | 14.2 |
| Mississippi | 32.0 | 47.0 | 9.0 | | 2.0 | | | 3.0 | 7.0 |
| Missouri | 30.7 | 32.2 | 21.1 | 11.4 | 0.2 | | | 0.6 | 3.8 |
| Montana | 39.3 | 43.0 | | 2.8 | 8.0 | | | 1.6 | 5.3 |
| Nebraska | 31.6 | 43.8 | 6.2 | 10.1 | 0.3 | | | | 8.0 |
| Nevada | 32.0 | 38.0 | 10.0 | | 3.0 | 10.0 | | | 7.0 |
| New Hampshire | 31.0 | 42.0 | 18.0 | | 4.0 | | | | 5.0 |
| New Jersey | 35.0 | 11.5 | | | | | 53.5 | | |
| New Mexico | 31.7 | 35.5 | 8.4 | 8.7 | 11.8 | | | 1.2 | 2.7 |
| New York | 45.0 | | | | | 23.0 | 27.0 | | 5.0 |
| North Carolina | 22.5 | 54.0 | 20.4 | | 0.1 | | | 2.4 | 0.6 |
| North Dakota | 46.1 | 31.7 | 15.0 | | 2.8 | | | | 4.4 |
| Ohio | 46.0 | 42.0 | | | 0.5 | 9.5 | | | 2.0 |
| Oklahoma | 47.0 | 48.0 | 0.2 | | | | 1.9 | | 2.9 |
| Oregon | 25.3 | 39.0 | 9.8 | | 25.9 | | | | |
| Pennsylvania | 30.0 | 39.0 | 20.0 | | 3.0 | 3.0 | | | 5.0 |
| Rhode Island | 56.0 | | | | | 12.0 | 32.0 | | |
| South Carolina | 32.3 | 62.0 | 5.7 | | | | | | |
| South Dakota | 43.4 | 39.6 | 2.1 | 12.3 | 0.5 | | | 1.7 | 0.4 |
| Tennessee | 34.0 | 44.0 | 15.0 | | | | | | 7.0 |
| Texas | 34.7 | 38.1 | 21.7 | | | | | 0.5 | 5.0 |
| Utah | 31.9 | 48.4 | 5.5 | | 3.6 | | 5.8 | | 4.8 |
| Vermont | 37.6 | | | | 1.1 | | | | [4] 61.3 |
| Virginia | 17.2 | 35.4 | 8.5 | 15.2 | | | | | [5] 23.7 |
| Washington | 55.0 | 30.0 | 13.0 | | | | | | 2.0 |
| West Virginia | 32.6 | 36.8 | 9.7 | 17.6 | 0.4 | | | | 2.9 |
| Wisconsin | 20.1 | 49.5 | 16.8 | | | 5.4 | | | 7.2 |
| Wyoming | 33.6 | 13.7 | 12.3 | | | | | 1.5 | [6] 38.9 |

[1] Fiscal year 1989 data.
[2] Connecticut: funding sources for State Transportation Fund.
[3] Massachusetts: 45 percent=combined state motor-fuel tax and vehicle registration fee revenues.
[4] Vermont: represents funds from State Transportation Fund.
[5] Virginia: includes ½ percent general sales and use tax.
[6] Wyoming: includes 36.9 percent mineral royalties and severance taxes.

Notes: National average Federal share: 36.1 percent. National average State motor-fuel taxes share: 34.6 percent. Included in the "miscellaneous" category are such items as tolls, fines, special fuels taxes, use taxes, severance taxes, and cigarette taxes.

Source: 1991 State Funding, Methods Analysis and Update. Prepared by: Transportation Road Information Program.

STATE DIVERSIONS OF HIGHWAY FUNDS

The list of examples of "other" sources receiving highway funds varies dramatically, from general fund "loans" to funds for the arts or aeronautics. "Other" diversions include the following:

General Fund (DC, FL, MD, NC, OK, PA, TN & VT)
State fiscal agencies (AR, NC, PA & VA)
Natural resources (FL, MI, MN, NV & TN)
Wildlife, fisheries (MS, NV, OR, SD & WA)
Agriculture (AL, CA, NC & TX)
Environment (CA, MD, NC, VT and VA)
Parks/recreation (CA, IA, MI, NV, OH, OR & WI)
Justice/Attorney General (CA, NV, NH & VA)
Public transportation (FL, IA, MA, NJ & SC)
Aeronautics (MS & NV)
Ports (FL, LA, NE & NJ)
Tourism (NM, ND & UT)
Alcohol & drug abuse (NH)
License plate fund (NE)
Vehicle registration/regulation (KY & ME)
Carrier enforcement (NE)
Public safety (ME)
Motorcycle rider safety (NM & TN)
Arts (TN)
Reserve for emergencies (CA)
Flood control (LA)

Source: 1991 State Funding Methods Analysis & Update.

Prepared by Transportation Road Information Program.

Mr. DOLE. Mr. President, I urge my colleagues to carefully look at this. If we want a fair distribution, then it seems to me when we talk about effort, it ought to be the effort that goes into highways. If it is a gas tax, if that is all the State does, that is the effort, but if it is sales tax, or if it is general fund, or if it is other taxes or automobile registration, that ought to be considered part of the effort. And then if a State collects a gas tax and spends it for other purposes other than highways, the effort ought to be reduced by that much.

I guess that if every Senator would take a look at these two areas, they might be in a position to better understand how the formula works. I have a feeling they might be a little better off if they consider the total effort, not just the gas tax, but the total effort, and then also consider how much of that gas tax in some States will be spent for agriculture, wildlife, whatever, if that amount were deducted.

## ORDER FOR CONSIDERATION OF S. 1241

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 110, S. 1241, a bill to control and reduce violent crime, following the disposition of the pending bill, S. 1204.

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

## ORDERS FOR FRIDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Friday, June 14; that, following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of S. 1204, the Surface Transportation Act.

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

## RECESS UNTIL 11 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate now stand in recess as under the previous order until 11 a.m. on Friday, June 14.

There being no objection, the Senate, at 1:10 a.m., recessed until, Friday, June 14, at 11 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 13, 1991:

INTER-AMERICAN FOUNDATION

JAMES R. WHELAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994.

EXECUTIVE OFFICE OF THE PRESIDENT

CHRISTOPHER D. COURSEN, OF MARYLAND, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 1993.

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

# EXTENSIONS OF REMARKS

## THE INTRODUCTION OF THE DOMESTIC ENERGY RESOURCES ACT OF 1991

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BOUCHER. Mr. Speaker, I am pleased to join with my colleague from Virginia, Mr. BLILEY and 14 of our colleagues in introducing the Domestic Energy Resources Act of 1991. It will make coal a fundamental component of the National Energy Strategy. Specifically, the legislation will expand coal use by creating markets for electric vehicles, encouraging research into coal-derived liquid fuels for diesel locomotives, promoting the creation of nonfuel uses of coal, encouraging the cofiring of coal and various waste products and spurring the commercialization of coal liquid refinery operations.

Coal is our Nation's most abundant fossil fuel. The magnitude of this resource, coupled with the multiple uses for coal and coal-derived products, guarantees that coal will be a major component in the Nation's energy supply pattern for the foreseeable future. An expansion of coal use offers the most immediate means of significantly lessening our dangerous dependence on foreign petroleum.

Presently, the United States imports approximately one-half of the oil it consumes. Sixty-three percent of total U.S. oil consumption is used in the transportation sector. Clearly, the development of a vehicle which displaces oil use in transportation should be a major goal of our energy independence efforts. Electric vehicles offer that promise. In view of the fact that 58 percent of the Nation's electricity needs are met with coal, these vehicles have the advantage of using a fuel that is abundant and domestically produced.

The Domestic Energy Resources Act will create an electric vehicle market by requiring owners of fleets of 20 or more automobiles to substitute electric cars for at least 50 percent of their new car purchases. This requirement becomes effective when electric cars become comparable to conventionally fueled cars in terms of cost, acceleration, service warranties and parts availability, range, and accessibility to refueling. They must be capable of being recharged from residential power sources.

The primary impediment to mass-produced electric vehicles is the lack of sufficient energy storage in present generation batteries. To assist domestic automakers in making a breakthrough in battery technology, the act provides a ready market for electric vehicles once the performance targets are met. This assured market will provide a substantial incentive to the United States Advanced Battery Consortium, a cooperative effort among the "Big Three" automobile manufacturers, the Federal Government and major battery producers, to invest in battery research. A revolutionary innovation in battery technology will not only provide our Nation with an opportunity to wean ourselves off the dependency on foreign oil, but will provide the domestic automobile industry a unique product to sell in the global marketplace, thereby positively affecting the trade balance.

The Domestic Energy Resources Act also proposes a coal research and development program to create super clean coal-water slurries and other liquid fuels derived from coal to fire diesel railroad locomotives. The railroad industry provides a potentially large market for expanded coal use.

Under the coal refinery provisions of the legislation, a research, development, demonstration and commercialization program will be established for producing transportation fuels, boiler fuels, fuel additives, lubricants, chemical feedstocks, and carbon-based manufactured products from coal.

The legislation will expand nonfuel uses of coal by funding research into better coke production methods and methods to create useful chemicals from coal.

Finally, the act initiates a federally supported research effort for the joint combustion of coal and various waste products for the generation of electricity. Exploiting the energy potential in municipal waste satisfies the dual objectives of efficient use of resources and reduction of the amount of waste destined for our Nation's overburdened landfills.

The Domestic Energy Resources Act of 1991 will make domestically derived coal a key component to the National Energy Strategy, augmenting our energy security in an environmentally sensitive manner.

## DOMESTIC ENERGY RESOURCES ACT OF 1991

### HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BLILEY. Mr. Speaker, the solution to this Nation's overreliance on foreign oil lies in the mountains of Virginia, the fields of Indiana, and the plains of Wyoming. Of course, I am referring to this Nation's most abundant fuel source, U.S. coal. More than one-quarter of the world's known coal lies within the U.S. border and can be found in 38 of our 50 States. Known reserves would meet our current needs for hundreds of years. Furthermore, the 140,000 American men and women who work in the U.S. coal industry have made it the most productive in the world.

Today, we join to place coal as the cornerstone of our strategy to ensure a secure national energy future. The Domestic Energy Resources Act of 1991 will give a boost to trends and technologies that will allow U.S. coal to play a more dominant role in our energy mix.

Today, 55 percent of our electricity is generated from the use of coal. The most efficient use of coal in the future is through continued use in the generation of electricity. This legislation will bring coal use into the transportation sector initially by advancing the technology for electric vehicles by devoting resources and focus to the U.S. advanced battery consortium. Once a reliable form of the technology is perfected, this legislation will take steps to create a market for these electric vehicles.

Finally, this legislation will also add momentum to a number of other promising technological developments such as coal-fired locomotives, clean coal/waste energy program, and a coal refinery program.

Mr. Speaker, I want to commend my colleague from Virginia, Mr. BOUCHER for his leadership on this issue. I urge my colleagues to support this important legislation.

## IN RECOGNITION OF THE MIAMI CUBAN/LATIN JEWISH COMMUNITY

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Ms. ROS-LEHTINEN. Mr. Speaker, in the 1960's, thousands of Cubans and Latin Jews sought refuge in Miami in search of independence and freedom. According to Dr. Ida Sheskin, professor of geography at the University of Miami, Miami's Cuban/Latin Jewish community is 15,000 strong and growing. And, members of this community are becoming more involved in Miami's organized Jewish community through the Cuban/Latin Division of the Greater Miami Jewish Federation.

The Cuban/Latin Division of the Greater Miami Jewish Federation was formed in 1967 in response to the flourishing local Cuban/Latin community. To address the needs and interests of those who are involved, the division is divided into two separate committees, the Cuban Hebrew Committee and the Latin Hebrew Committee. The Latin Hebrew Committee includes Argentina, Chile, Colombia, Mexico, Peru, Venezuela and Central America.

Dr. George Feldenkreis, who is president of the Cuban Hebrew Committee, brings the community together through a variety of educational, social and fundraising activities. Under Dr. Feldenkreis' direction, the Cuban Hebrew Committee held a solidarity rally at the Cuban Hebrew Congregation, Temple Beth Shmuel, to show the community's support for the people of Israel and for United States troops in the gulf. More than 500 Cuban Jews attended the rally, raising in excess of $200,000 for "Israel in Crisis," the fed-

eration's emergency cash drive to address the critical situation in Israel.

The Cuban Hebrew Committee is working to gather a delegation for Miami's Mega Mission II, a week-long journey to Israel scheduled for October 22–29, 1991. Last year, participants in the Cuban/Latin Division were among the nearly 800 members of Miami's Jewish community on the federation's first mission to Israel, Miami Mission 1000.

The committee meets each Wednesday to discuss ways to work with the Greater Miami Jewish Federation to increase involvement of the Cuban Hebrew community by facilitating a greater understanding of the importance of federated giving. Plans are presently underway for the committee to tour the Greater Miami Jewish Federation's family of local agencies to observe children developing an appreciation and awareness of Jewish values at day school, to watch elderly and homebound individuals receive hot kosher meals and to observe Jewish refugees from the Soviet Union learn to speak English.

Once the Latin Hebrew Committee is complete, similar programs will enable the Federation to embrace members of Miami's Latin community who were previously unaffiliated.

I take great pleasure in recognizing the members of the Cuban Hebrew Committee: Ralph Adouth, Margot Backer, Abraham Baikovitz, Roberto and Estrella Behar, Yoshua and Lillian Sal Behar, Jaime Borenstein, Oscar and Rosita Boruchin, Dr. Isaac and Matilde Cohen, Eugenua Credi, Jose and Sol Credi, Mario and Polita Chyzyk, Sholem Epelbaum, Robert Steve and Eve Feig, Oscar and Ellen Feldenkreis, Rabbi Nesim Gambach, Salomon Garazi, Sergio and Sofia Grobler, Jose Heres, Aron Kelton, Sabeto Garazi, Marcos Kerbel, Eva Kokiel, Rabbi B. Konovitch, Rebeca Kravec, Rachel Lapidot, Zolia Levin, Yacoby and Francis Lubin, Ofelia Lurie, Juan Matalon, Joseph Nahoum, Nieves Olemberg, Dr. Felix Reyler, Josseph Roisman, Rabbi Dow Rozencwaig, Elsa and Isaac Silberberg, Bertha Sklar, Saul Srebnick, Jaime Wenguer, Alan and Ruth Zelcer and Loby Zelcer.

## BY HELPING POLAND, WE ARE HELPING OURSELVES

### HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. KOPETSKI. Mr. Speaker, I rise to commend the President for his recent decision to forgive 70 percent of Poland's $3 billion in outstanding debt to the United States. The people of Poland and their newly elected representatives have shown great courage and determination in their tireless quest for a democratic government and a free market economy. The President was right to offer Poland help on behalf of the American people.

However, more remains to be done if Poland, long burdened by the effects of communism and Soviet control, is to become an economically viable capitalist entity. Poland remains saddled with $48 billion in foreign debt incurred by its former Communist regime. Although the United States and other creditor nations have been generous in granting concessions, Poland still owes $12 billion to commercial banks. The economy is such that the Government of Poland has been unable to service even the interest on this debt since 1989.

Poland's leaders have already met with representatives of its creditor banks to reach a new and mutually acceptable agreement on the terms of Poland's outstanding commercial debt. I am urging these institutions to show Poland the same flexibility that has already been shown by its creditor nations concerning the requirements of debt-repayment.

Poland has come so far in such a short time. Watching Poland change is inspiring to all of us who believe in the virtues of democracy and the benefits of a free market economy.

In addition, it is clear that as Poland succeeds, so will the rest of the capitalist world. A free and open Polish economy offers abundant opportunity for businesses and investors from all nations, including our own. I hope the commercial banks realize that by helping Poland, we are helping ourselves.

## INTRODUCTION OF LEGISLATION TO AMEND THE OLDER AMERICANS ACT

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to amend the Older Americans Act of 1965. The legislation will require the Commissioner of the Administration on Aging to carry out a model volunteer service credit project. The program was previously approved by Congress as a discretionary program, but has not been implemented to date.

The service credit program allows seniors to provide a volunteer service within their communities, accumulate credits for the services, and cash in the credits in order to receive the services of another volunteer when needed.

A service credit volunteer program is currently underway at the Greater Southeast Center for Aging in Washington, DC. Initiated about 7 years ago, more than 800 seniors over the age of 60 teach their peers to read, drive them to and from doctor's appointments, help with chores around the house and assist in the care of the frail elderly.

Seniors are a great source of volunteer power. A recent nationwide study commissioned by Marriott Senior Living Services and the Administration on Aging found that 41 percent of the Nation's seniors volunteered in the previous year and contributed a total of over 3.5 billion volunteer hours. An additional 37 percent of the Nation's 37.7 million seniors indicated interest in volunteering as well.

The majority of seniors in our Nation could also require the services of a volunteer at some point in their lives. As health care costs climb and funding for supportive services is increasingly competitive, we need to help implement creative methods to ensure that seniors have access to the assistance they may require.

The Service Credit Program guarantees individuals that they are eligible to receive transportation, homemaker, and respite care services when needed. The program would be particularly important for individuals who do not qualify for Medicaid or Medicare services yet are unable to pay for these costly benefits.

Mr. Speaker, the Service Credit Program provides seniors not only with supportive services, but also with the security of knowing that they will be assisted and encouraged to live independent and fulfilling lives. I urge my colleagues to support the legislation.

## ROLAND PARK—A BEAUTIFUL COMMUNITY

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CARDIN. Mr. Speaker, today I rise to pay tribute to the Baltimore community of Roland Park as it celebrates its centennial from June 19 to 23.

Developed from the imagination of famed architect Edward Henry Bouton, Roland Park is known for its magnificent homes, tree-lined streets, and distinctive architecture. Walking through the neighborhood, you notice the great variety of rambling shingle-style roofs and fanciful turrets. Because the residents had to build their own homes, no two are exactly alike. However, since there were Roland Park design restrictions, the neighborhood evolved into a coherent wholeness.

The community is proud that this was one of the first areas in the country to be a planned community. Roland Park has served as a model for the development of suburban communities all over the country. As it celebrates 100 years of pride, the Roland Park community of Baltimore should be recognized as a great suburban experiment that was developed through the imagination of Bouton. He imagined that neighborhoods should be more than a place to live. The homes should not just stand, but should become part of the landscape. Streets were not merely something to drive on, but a viewing platform for the person walking by.

Bouton's vision came true with the help of fellow architects such as George Kessler who envisioned a romantic view of the community. He believed the streets should follow the lines of the land and have trees planted in a naturalistic manner.

Roland Park is known for being an esthetically forward-looking community. A place where the city meets the suburbs.

## "WHY I AM PROUD TO BE AN AMERICAN" ESSAY WINNERS

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. FORD of Michigan. Mr. Speaker, I want to share with my colleagues four essays on

"Why I Am Proud To Be an American." The essays that follow are the best essays written this past school year by sixth graders from Hale Creek Elementary School in Romulus, MI. I again want to congratulate William Baker, Lucas Clark, Kimberly Goodwin, and Michele Ochs on their fine work.

WHY I'M PROUD TO BE AN AMERICAN

(By William Baker)

I think how wonderful it is that I am an American, living in America. I know that I have the rights that were given to me a long time ago by the Bill of Rights. It has made this a free country for me to live in. I have freedom of speech, freedom of the press and freedom of religion in America. I am proud to be an American, because I am treated fairly, it is my right.

Sometimes I wonder, what it would be like if I were not an American? Would I have freedom of speech? Would I have freedom of the press? Could I have the religion of my own choosing? I may not even be allowed to have a say in the government. I may not be treated fairly or justly.

In America, I have the right to be my own person. I am free to choose my own lifestyle. I am free to choose my own occupation. I can be anything from a taxi-driver to the president of the United States, if that is what I choose to be. I am free and if I have a dream, I can make it come true in America. Only in America is everyone created equal and treated that way, regardless of race, color, or creed. With a lot of hard work, and determination there isn't anything I cannot achieve in America. America is the land of opportunities and it is up to me to take advantage of them.

I am proud to be an American, because we live in a caring country too. Our government helps everyone, from the young to the elderly, from the strong to the disabled. We help people with food, housing, medical treatments, employment and education. In America there are programs to help people with just about any problems that can occur. We not only help the people of our country, we help other countries as well. We send food, medical supplies, learning supplies, teachers and doctors to help the people of other countries have a better life. If we didn't care we wouldn't help so many people. I cannot explain how great America is in just a few words. You have to live here to really enjoy the beauty of this country and its people.

There is a variety in America. We have mountains, flatlands, oceans, deserts, warm and cold climate states too. There is something for everyone here in America. We have welcomed many to our country who were looking for freedom and a caring country. America is the country they always dreamed of living in.

I feel that we the younger generation are the future of America. I intend to do my very best to help assure it will be a great future. I am very grateful to be able to go to school and learn, and have the opportunity to better myself and my life. I feel as a member of the generation coming up, it is up to me to learn now because later may be too late. We have the knowledge of modern technology today, that we didn't have a few years ago, and it is all to our advantage. We need to look to our future and help make sure it is a great future for all. As Patrick Henry once said, "I regret that I have but one life to give to my country." I want to be the best that I can be, not only for myself but for my country as well. Thanks America! Keep up the good work.

WHY I AM PROUD TO BE AN AMERICAN

(By Lucas Clark)

There are many reasons to be proud to be an American, but the main reason is the freedoms that our constitution guarantees us. Freedom of speech is one. We can express our opinion of our officials, laws and any other subject without fear of punishment.

We also have the right to vote for the people and laws that govern us. If we don't like something, we can protest peacefully.

We can decide for ourselves what we want to be in life. We can live where we want to live, go where we want to go and do what we want to do within the laws that protect everyone.

We can choose our own religious beliefs and worship in the church of our own choice.

Americans help people all over the world. We help people to gain their freedom, like we just did in Kuwait. When there are earthquakes, floods or any other disasters, the Americans always help out no matter what country is affected, even those that have been our enemy.

When our own people need help, we are very generous in giving money or just a helping hand. This makes me proud of our country.

In our country anything is possible for any man. America is known as "The Land of Opportunity." Many people come to our country to take advantage of our system of government and our economy. With hard work and determination, success is possible for many people.

I am proud of the beauty of our country. The mountains, forests, the lakes and the oceans are all part of its beauty. However, the real beauty of America is in the many people of different races and religions who live within its boundaries.

There are many different kinds of people in the United States, but no matter what the nationality or heritage, we all have the same rights. We are all Americans!

WHY I AM PROUD TO BE AN AMERICAN

(By Kimberly Goodwin)

I am an American. I am proud to be a citizen of America. No matter what race, black, white or yellow, everyone is free. We have the freedom to live where we wish, our religion and most important our education.

In 1787, James Madison wrote the Constitution. John Hancock wrote a document called the Bill of Rights which consists of 7 articles and 25 amendments. This was made to make everyone equal and gave us the right to vote. It didn't make blacks and whites equal, it helped establish the grounds that would take place in the future.

July 1863 was the crucial Civil War. This was a war between the North and the South, this was made to make everyone free including blacks. Abraham Lincoln made a speech, the Gettysburg Address, to declare the battle ground for the Civil War.

Lincoln also signed a document, the Emancipation Proclamation, to free the slaves.

Many things have happened since then. Many famous people that made America a great place in which to live. Thomas Edison for inventing our lights, the Wright brothers for inventing our planes, Henry Ford for inventing our cars and, of course, Alexander Graham Bell, who prepared the world for teenagers by inventing the phone. Many others have made America a great country. Our presidents, from George Washington to George Bush, have been America's backbone and have made America what it is today.

In the most recent war we showed someone that he could not come in and take something that wasn't his. Our Troops of Desert Storm were great! They hung in there and gave it all they got. This had to have been scary for them (as it would have been for anyone) but they did it! The men and women who have fought and those who have died for America have bought freedoms that our forefathers designed for us when they wrote the Constitution and the Bill of Rights.

The men and women in our military make me proud. They leave their families, jobs, and homes to protect all of us. Some of them never came home and this makes us really sad for their families. But we remember them in our hearts.

Another thing that makes me proud is saluting the flag each morning. It stands for liberty, justice, and most important, freedom. We have a lot of people here from other nations who came just to be free to own cars, speak as they wish, or have their choice of religion. So they came to America to work and raise families where they can also be free.

These are some of the reasons I am proud to be an American.

WHY I AM PROUD TO BE AN AMERICAN

(By Michele Ochs)

I am proud to be an American because we enjoy many freedoms that other countries don't have.

In America we have the freedom to choose our religion. In some countries it is against the law to even be religious. Our founding fathers came to America because in England they were not allowed to practice their religion freely.

As an American I have the right to vote for who I want. We vote for our president and our representatives who run our country. If we don't agree with the way that things are done we also have the right to protest. I am glad that I live in a democratic society.

I can live wherever I want to live. In South Africa the blacks are told where to live and they are not allowed to own property either.

I can also choose what career that I want.

Being an American gives me the freedom to take my vacation anywhere that I want. In Russia they are not allowed to travel freely. Even when Americans' travel in Russia they can only go where the Russian government tells them that they can go.

In America I can buy anything that I can afford. In many Communist countries they have to stand in long lines just to buy bread and eggs and many times they don't have what they need. I can go to McDonalds and buy a Big Mac, fries and a Coke for $3.00, in Russia it would cost over $20.00.

I know that America is not perfect, we have a crime problem and problems with drugs, but it is the only country I want to live in. I am very proud to be an American.

## KATHERINE WANSLEY: A LADY OF GREAT ACHIEVEMENTS

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. VANDER JAGT. Mr. Speaker, each of us in this body, our fellow elected officials all over the country—at every level—and all of us as human beings believe that we want to be "one of the ones to try to help."

Of Katherine Wansley, who retired following 35 years of service in the clerk's office of Mus-

kegon County it can truly be said that she helped. The accolades which have been heaped upon her as she announced her formal retirement, so that she can continue to contribute to the life and growth of the community to which she has meant so much, demonstrate that her efforts have not gone unnoticed or unappreciated.

So often, of course, we are so busy with the board issues we face that we must rely on the assistance of fellow-workers to bring that help down to the person-to-person level where it counts. And we always hope that those on whom we rely for such help are as sensitive and dedicated as we want to be. We want the people whom they serve to be able to say that they were helped, that they were served. That can be said, in a special way, of Katherine Wansley's work.

As Katherine continues to find ways to serve, and now she can devote more time to the church for which she credits her strength and success, I am pleased to bring to the attention of my colleagues an article on Katherine which appeared in the Muskegon Chronicle earlier this year. Congratulations Katherine:

CLERK RECORDS LAST DAY OF WORK

(By Loretta Robinson)

Katherine Wansley of Norton Shores is retiring as a deputy clerk at the Muskegon County Clerk's office after 35 years and she's ready to set the record straight.

"Muskegon County is a great place," she said, and now that she's ready to make it even a better place to live.

"That's one of my goals," Wansley said, "being one of the ones to try to help."

After more than three decades of helping applicants with forms for marriages, births and even gun permits, the grandmother of five submitted her final forms for retirement this week to her employers.

She is now "laying the ground work" for days filled with travel, adventure, crafts, grandchildren and more civic, church and community involvement.

Wansley's last work day is today and she'll celebrate with colleagues, friends and family at a retirement party this afternoon at the Muskegon County Building.

A resolution from the Muskegon Board of Commissioners will also be presented to her this week in recognition of her public work and a retirement party is being planned for her by family members and friends in March at Greater Harvest Baptist Church.

Over the years, Wansley has seen many changes at the county building.

"I've worked under six county clerks," she said. "I was the second black in the entire county building. I guess I paved the way for many after that. Margaret O'Neal was the first.

"We didn't have copiers. Everything had to be written or typed out. If somebody couldn't leave a document, we would have to write or type it out, word for word.

"Birth certificates only cost $1," she recalled. "Now they're $10. Marriage license, $2. Now they're $20. And death certificates were only $1. Now they're $10."

There are some changes she said she would have liked to have seen before her retirement but she's still hoping to see during her lifetime.

"I would like to see more blacks and other minorities hired in prominent positions at the county building," she said.

She also looks forward to the day when Martin Luther King's birthday will be initiated throughout the county building, she said, "rather than just district and circuit court. It's a shame we don't have that."

One of her proudest job accomplishments, she said, is when she suggested telephone tapes be made available to the public with basic information for licenses for marriages, divorces, etc. The county clerk office incorporated her idea and rewarded her for the suggestion.

Wansley is the widow of James C. Wansley and mother of three sons. She is a native of Mississippi who moved to Illinois at the age of 2. In 1938 she moved to Muskegon to live with her sister.

She graduated from Muskegon High School in 1940 and Muskegon Business College in 1955 while working as a part-time secretary for First Baptist Church. She later obtained part-time work in the register of deeds office at the Muskegon County Building.

Wansley was later offered a full-time position in the county clerk office by Eugene R. Bergeron and has remained there.

When her husband died in 1989 after a long illness, she said she put the wheels in motion for retirement.

"She's been here for so long, it won't seem like the same without her," said Muskegon County Clerk Ruth Stevens.

Probate Court Judge Neil G. Mullally said, "In my years as a practicing attorney and judge, I've always found her to be very cordial, helpful and professional in her work. I've always appreciated her commitment to the community, her church and her dedication to the betterment of people and her fellow citizens."

Wansley doesn't know what her future will hold, she said, "but God has kept me all these years. I'll just put my trust in him. He'll work it out. Every night I ask him to hold my hand, please don't turn it loose. You don't need anyone but God."

The local civic worker is a member and board director of the Urban League, Urban League Guild, Democratic Party and former third chairperson of the Black Women's Political Caucus. She's a former member of the Muskegon Senior Services, United Way's Allocation and Review Board, Community Action Against Poverty and Muskegon County Legal Secretaries Association.

## TIME FOR TRUE CAMPAIGN FINANCE REFORM

### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SANTORUM. Mr. Speaker, today I introduced a reform package which takes seriously our mandate to clean up campaign finances. It is time to take campaign finance reform seriously without burdening the taxpayer with more taxes or debt, and without violating the public trust. It is time for Congress to deliver on its promises to implement reforms which empower voters to play a greater role in electing responsive representatives.

True campaign finance reform empowers challengers and voters. Public financing strips both of their ability and motivation to participate in the electoral process.

One lesson we have learned over the past 30 years is that the further Government removes itself and the decisionmaking process from citizens, the more detached, disenfranchised and disenchanted citizens become. Public finance of campaigns will burden the voter with more taxes or debt, and have no meaningful impact in election outcomes; it will reduce the incentive of politicians to be responsive to their constituents; it will discourage individuals from participating in campaigns; and it will give incumbents an even greater advantage, thereby discouraging challengers and removing choice from the voter. We need an active, not apathetic citizenry. We need true campaign finance reform.

The Campaign Finance Fairness and Reform Act of 1991 I introduced today is true reform because it empowers the individual. It does this by balancing the funding stream, making incumbents and challengers more responsive to constituents, removing the advantages of incumbency, and cleaning up campaign financing.

Public financing will not create the reform-minded "citizen Congress" that the public wants, but bureaucrats who are unaccountable to their constitutents. At a time when we are asking our seniors and veterans to tighten their belts, how can Members of Congress propose to loosen their belts to add financial fat for their reelection efforts? Estimates are that television vouchers and mail discounts could amount to $76,000,000 for Senate campaigns alone. Public financing may end up costing the taxpayer hundred of millions of dollars in any given election cycle.

We cannot afford to play around with taxpayer money or trust. We need to empower the voter, and we cannot afford to play games with campaign finances. We need to truly reform the system, and to this end I have introduced the Campaign Finance Fairness and Reform Act of 1991. I ask for my colleagues' support of this important measure.

## HONORING MARIA KAKOURIS SOMOZA, A SUPER TEACHER

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to the attention of the House of Representatives and the American public the hard work and commitment of Ms. Maria Kakouris Somoza, a Dade County school teacher. Unfortunately, today's teachers rarely receive the recognition they deserve for their accomplishments.

When I hear of educators in south Florida who are making a difference, I am proud to know that it is the children of our community who are benefiting. The Miami Herald has a continuing series profiling teachers who make outstanding contributions to their schools. Featured in the May 19, 1991, issue of the Herald was the story of Ms. Maria Kakouris Somoza:

Maria Kakouris Somoza believes in the power of the stage.

Being involved in theater helped her overcome shyness as a kid, and now she's using the same formula to build the confidence of students she works with at St. Thomas Episcopal School. It works. Just ask the children.

"She helps me feel confident and better about myself," said Cristina Sotolongo, 10. "If something is hard, she helps me with it and I know I can learn it."

"She has a nice way of correcting you when something's wrong," said Sarah Baker, 10. "She's funny about it. She doesn't come in and use a big red pen."

Somoza, 37, is a resource teacher at the school, 5692 SW 88th St., working on special events with the kids. She feels it's her job to help them excel by using the performing arts as a platform.

"The performances help establish good self-images for these students," Somoza said. "By the time they leave here, they've had a taste of it all, and they're comfortable with it."

Thursday, Somoza and two other teachers were helping a group of fourth-graders prepare for "Florida Day," a celebration based on the history of the state. Somoza put together a musical play based on their textbook. She also produces plays for the other classes, getting every child involved.

"She wants everyone to shine," said principal Laura Walker. "She gives them all a chance to be in the spotlight, and that helps the kids mature."

Somoza's own abilities and background help her communicate with the kids. She's a master of facial expressions and accents, with her own storehouse of jokes that keep the children loose before they perform.

"She's a wonderful model for them," Walker said. "Having her is a blessing for us."

Somoza, a native Miamian, attended Coral Gables High. She has a degree in speech and hearing therapy from Marquette University and a master's degree in deaf education from the University of Miami.

She taught in the Dade Public School System for six years, then worked in Greece setting up an education program for American dependent children abroad.

Somoza returned to Miami in 1984, and her son Kosta was enrolled at St. Thomas, which now has 383 students in prekindergarten through sixth grade. Somoza said she got a job because she "was hanging around the school so much."

She started teaching fifth and sixth grade in 1985—and took on the responsibility for producing plays and special events. After a few years of doing it all, the strain took its toll.

Walker didn't want to lose her, so the school created the resource teacher position for her. Now, Somoza teaches at St. Thomas two days a week, which gives her time to pursue her own interest in art.

Working with the kids, though, is what keeps her smiling.

"I think I get more out of it than they do," she said. "It's great to watch these students develop and see them learning to respect themselves and one another. Hopefully, one of them will save me a seat at the Academy Awards one day."

I am proud to have Ms. Maria Kakouris Somoza as a teacher in Dade County. She is a perfect model for our young students and perfect model for our country.

## TRIBUTE TO FRANK J. BARRANCO

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CARDIN. Mr. Speaker, today I rise and pay tribute to Frank J. Barranco, who has dedicated 30 years of his life to television news.

Frank has worked as a television photographer for 30 years. His career is extraordinary. He has covered the White House, Congress, and other major political elections. He is dedicated, hard working, and skillful with the camera.

Frank was present at the canonization of the first American born saint in 1975 at Vatican City. He was part of the White House press corps during the Nixon administration where his colleagues praised his work. Because of his exceptional talent, Frank was chosen 2 years in a row to judge the White House press photographers work—an unprecedented feat.

However, Frank's most memorable trait is his sense of humor. Long hours are not a stranger to people in the news business, but Frank always kept the crew laughing to make the time seem shorter. Most people do not stay in a profession for 30 years unless they truly enjoy their work. Frank Barranco truly enjoys his work.

## ROMULUS JUNIOR HIGH SCHOOL BAND RECEIVES HIGH HONORS

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. FORD of Michigan. Mr. Speaker, I would like to call your attention to the recent accomplishments of the Romulus Junior High School Symphonic Band. Romulus Junior High School is located in the 15th District of Michigan, which I represent.

The symphonic band performed at the State Band Festival on May 4 and received first division superior ratings from each of the four judges at the festival. The symphonic band was in the class "A" junior high school band classification.

Earlier, on March 16, the Romulus group received all first division ratings at the district band festival. This qualified the young musicians for the State Festival.

The Romulus Junior High School Band, under the leadership of band director, Richard Kruse, was one of only three class "A" bands to earn all first division ratings at the State Festival in Michigan this year. Individual judges' grades included 19 "A"s and one "B+," an all time Romulus school system record. Judge Richard Blatti of Ohio State University commented "on an excellent performance and on a fine tradition of excellence at Romulus." He also congratulated the community for "keeping such a fine director here for so many years." Judge Warren Newell of Otsego commented, "This is a super band. Few junior high bands play as you do. A truly musical group. My pleasure."

The Romulus Chamber of Commerce had honored Director Richard Kruse earlier with a gala "Person of the Night" at the Romulus Marriott on March 1. Over 160 people representing the Romulus Board of Education, central office administration, building administrators, teachers, parents, former students, friends, chamber members, city officials and State Representative James Kosteva presented an overwhelming program of community support and recognition to the Romulus Band program.

The Romulus Junior High School Symphonic Band has achieved first division ratings over the past 12 years because of the concern, sacrifice, and outstanding support from the Romulus Board of Education. These members are: Daniel R. Bales, president; Edward Wilkerson, vice president; Howard Kesner, secretary; Sandra Langley, treasurer; Kenneth Berlinn, trustee; Mary King, trustee; and Pat Patterson, trustee.

The band has also received the help and special support provided by Superintendent Dr. William Bedell. Additional encouragement and expertise has been forthcoming from Dr. Terrel LeCesne, assistant superintendent for administrative services; Joel Carr, assistant superintendent for finance and operations; Art McPharlin, assistant to superintendent; Jesse Meriweather, principal; Mel Kimborough, assistant principal; and the junior high school teaching staff.

Mr. Speaker, I want to take this opportunity to express my congratulations to the Romulus community and this fine band. The members of the symphonic band who performed at the State Festival and who have made us all so proud are:

Flute: Julie Yonts, Dawn Howell, Laura Brown, Cassandra Donaldson, Becky Testa, Cassandra Jackson, Tammy Pollard, Kim Mientkiewicz, Tammy Ritter and Pal Lecroix.

Clarinet: Gretchen Spencer, Stephanie Clemons, Latanya Massey, Jessica Marz, Misty Fabrizio, Colleen Coleman, Brian Steffani, Laura Olson, Jennifer Villereal, Kristi Hardrick and Susan Sherbrook.

Oboe: Michelle Slawinski.

Bassoon: Stephanie Vit.

Alto Clarinet: Chrissy Scibert and Sonia Dillard.

Bass Clarinet: Erica Wesley and Sara Poletti.

Alto Sax: Jaime Luczak, Jason Chmura, Kim Swanson, Amanda Harden and Michelle Dick.

Tenor Sax: Gerald Luster.

Baritone Sax: Sean Foch.

Coronet: Rogjett Peterson, Tracy Blizman, Allen Chiu, Christine Moe, Tonya Frye, Kirsti Cole, Jaime McCraw, Hope Debord, Shannon Stewart, Star Haury, Travis Hall and Joy Wagner.

French Horn: Liesa Gardner, Christine Blair, Kristen Gagnon, Adreanna Laws and Larry Poletti.

Trombone: Raphael Crawford, Jon Webb, Kalani Mitchell and Richard Baldwin.

Baritone: Bobby Parker, Carl Blanton, Tanya Damron, and Jennifer Stouse.

Tuba: Natasha Carson, Jeremy Richardson, Wendy Kelsey and Kelly Copepland.

Percussion: John Pitel, John Harris, Anthony Reed, Jennifer Mckinney, Erica Gambril and David Wilkerson.

## A SALUTE TO A JOB WELL DONE

### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SANTORUM. Mr. Speaker, I rise to draw attention to the grand success of the playground improvement project which took place in the Borough of Dormont, within my congressional district, on June 5–9, 1991.

The Borough of Dormont is a small municipality located immediately south of Pittsburgh, PA. Because the borough's tax base has declined, the Dormont Parks Improvement Commission was well aware that it would need to call upon the spirit of voluntarism, not public moneys, in order to provide better playground facilities for the town's children.

As a result, the Commission created the playground improvement project, an entity comprised of concerned citizens determined to improve the quality of Dormont Park facilities without burdening the borough's resources. Under the dedicated leadership of Carolyn Lyle and Mary Ann Shiring, and with the assistance of dozens of volunteers, this group guided the construction of a 25-year-long superplayground, designed by architects with input from local children. Thanks to superb planning, the actual building was completed in 5 days, with time left over for a closing celebration on the final evening. I was greatly privileged to participate in the construction work, along with members of my staff.

I believe the Dormont playground improvement project is worthy of special attention because it illustrates so clearly the ability of caring citizens to come together on a volunteer basis for the good of their community. For this reason, on behalf of the U.S. Congress, I wish to thank every person who took part in this project. They have made a visible difference not only in the borough's facilities, but in its spirit.

## RECOGNIZE THE MUSICAL AND PHILANTHROPIC ACCOMPLISHMENTS OF LOU RAWLS

### HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. HAYES of Illinois. Mr. Speaker, I want to take this opportunity to pay tribute to a unique American vocalist, performer, and philanthropist whose roots trace back to my congressional district.

Lou Rawls was born and reared in what is now the First Congressional District of Illinois, which is the oldest majority black congressional district in the United States. Harboring a sincere conviction for worthwhile contributions to mankind and society, Lou Rawls once stated, "in order to enjoy life, you have to put something into life." As we all probe his musical and philanthropic accomplishments, it is uncontested that Lou Rawls not only placed energies on his musical career, but unselfishly gave of his time and resources to catapult the lives of young Americans from poverty stricken areas. Unquestionably, Lou Rawls' music and philanthropic motives illuminate his concerns for humanity, while encouraging and inspiring the beneficiaries of his lyrics and community service.

Lou Rawls began his singing career at a local church choir at the age of 7. After graduating from Dunbar Technical High School, Rawls joined a touring gospel group, the Pilgrim Travelers, which profoundly influenced his performance style. Lou Rawls later served as a background vocalist for the late Sam Cooke, but his performing career blossomed in 1959 at Pandora's Box Coffee Shop in Los Angeles. In a poetic fashion, he recreated the mood of poverty, despair, and occasional joy and elation of the world African American people knew in the United States through the fifties and sixties. Such tunes as "World of Troubles," "Dead End Street Monologue," and "Tobacco Road" caught on to audiences across this Nation.

Lou Rawls' jazz performances have not been confined to American stages. Since 1980 he has presented a series of worldwide concerts for American military bases including Korea, Japan, and the Philippines. In 1967 when the envelope for a Grammy Best Rhythm and Blues Vocal Performance was opened, his single "Dead End Street" proved to be the winner. Also, his jazz craftsmanship exhibited in "Natural Man" claimed another Grammy in 1971 for Best Rhythm and Blues Performance.

Lou Rawls' dedication to the United Negro College Fund deserves as much recognition as does his music. Through "Lou Rawls Parade of Stars" telethon, qualified and needy youngsters are helped to attend this Nation's private, historically black colleges and universities. Mr. Speaker, Lou Rawls once stated, "I never got a college education, but I sure know the value of one." I believe that these words echo his commitment to the education of African-American youth and reinforce the United Negro College Fund's "A Mind is a Terrible Thing to Waste" motto.

The city of Chicago renamed S. Wentworth Avenue "Lou Rawls Drive," and is preparing to feature Lou Rawls in its July 21, 1991 park concert titled "Bring it Back Home." I ask that all of my colleagues in the Congress join me in paying tribute to this great American.

## CONGRATULATING DR. L. EDWARD ELLIOTT

### HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CONDIT. Mr. Speaker, later this month the American Optometric Association will hold its 94th Annual Congress in Dallas, Tex. I am pleased to report that on Tuesday, June 25, 1991, Dr. L. Edward Elliott of Modesto, CA., will be sworn in as the association's 70th president. I would like to take this moment to congratulate Dr. Elliott on achieving this high honor, and to commend him for his professional and civic leadership.

Dr. Elliott is a native of Turlock, CA., and is a graduate of the University of California at Berkeley and the university's School of Optometry. He is a past president of the California Optometric Association and the San Joaquin Optometric Society. He has served on the AOA's board of trustees since 1894 and has held a number of association liaison posts.

In addition to his professional involvement, Dr. Elliott has been active in civic affairs. He is a Lion's Club trustee and has served on the Stanislaus County Master Plan for Special Education Committee, the Stanislaus County Health Advisory Committee and the Modesto City Schools Health Advisory Committee.

The AOA is the professional society for this Nation's 28,000 optometrists. In his role as president, Dr. Elliott will lead the association as it works to improve vision care in the United States.

Dr. Elliott has distinguished himself as an outstanding leader. I'm confident that he will have a successful term as president of the AOA. I join his many friends and professional colleagues in wishing him well.

## TRIBUTE TO RABBI DR. SIDNEY SOLOMON

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. ACKERMAN. Mr. Speaker, I would like to call the House's attention to the 25th anniversary of the ordination of Rabbi Dr. Sidney Solomon, a man who has spent a quarter of a century as a vibrant and important member of not only the New York Jewish community but also the world community at large. Ordained as a Rabbi at the Jewish Theological Seminary in 1966, Rabbi Solomon has compiled and continues to compile a distinguished record as an ambassador for American Jewry abroad, as a local and National leader furthering humanitarian and religious causes at home, and as a civic leader helping to bridge religious gaps and increase interfaith cooperation within New York City.

Dr. Solomon wasted little time establishing himself as an effective and constructive leader upon his ordainment; indeed, while serving as a captain in the Air Force from 1966 to 1968, Rabbi Solomon coordinated Jewish chaplaincy activities throughout Alaska for all branches of the military. Rabbi Solomon's efforts while in the military mirrored what he would accomplish in the next 3 decades as a civilian. Rabbi Solomon has proven himself to be a theological jack-of-all-trades. On the one hand, Rabbi Solomon has been a vigorous and persistent worker on the local level. Whether as an executive director of the United Synagogue of America, a position Rabbi Solomon held from 1979 to 1983 and one which involved his directing the administrative and programmatic services for the 135 congregations within the New York region, or as the Rabbi for the Jewish Center of Kew Gardens Hills in Queens

County, NY, an institution which, under his direction the past 8 years, has seen its membership grow by 188 familes, Sidney Solomon has proven himself to be a highly effective administrator.

Yet Rabbi Solomon is more than just a competent administrator; rather, he is a man of vision who has served both as a spokesman for American Jewry and as a citywide leader. Rabbi Solomon's position as chairman of the UJA Operation Moses, a daring mission that saw 24,000 Ethiopian Jews airlifted to safety in Israel, was the highlight of a career that saw the Rabbi serve as a spokesman for Soviet Jewry and, through the United Jewish Appeal, as a spokesman for Jewish people throughout the world. Rabbi Solomon, trained as a scientist and a graduate of the University of Pennsylvania 30 years ago with a degree in civil engineering, has been an active civic leader as well. When many predicted a New York City fraught with paralysis and polarization in response to the unrest that occurred in 1987 after the racial attack in Howard Beach, NY, Rabbi Solomon was moving to head off this outcome by organizing the Queens Interfaith Prayer Vigil for Community Harmony and Reconciliation. Furthermore, Rabbi Solomon has served as a member of the Martin Luther King Jr. Memorial Commission of Queens, and as a member of the Queens Interfaith Hunger Network.

Mr. Speaker, I salute Rabbi Sidney Solomon. A religious, civic, and National figure, Sidney Solomon is a man whose silver anniversary as a Rabbi merits recognition from this Congress. Dr. Solomon is a credit both to his family of six and to my district, and I believe his outstanding accomplishments merit National recognition. I call on all my colleagues in the House of Representatives to join me in honoring Rabbi Dr. Sidney Solomon for his lifetime of remarkable achievements.

## BALTIC FREEDOM DAY

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. HOYER. Mr. Speaker, on June 14 of this year, we celebrate Baltic Freedom Day, the anniversary of the terrible deportations of 1941 when thousands of Estonians, Latvians, and Lithuanians were shipped by Stalin to Siberian exile, and for many, to their deaths. On the night of June 14, 1941 alone, more than 60,000 persons were loaded into cattle cars and shipped to labor camps in Siberia.

For years since, Baltic Freedom Day could only be openly celebrated in the West. Under the yoke of communism, the people of Estonia, Latvia, and Lithuania could only share Baltic Freedom Day with us in their hearts. Five years ago, at least a dozen Baltic political prisoners celebrated Baltic Freedom Day in Soviet prison camps or internal exile.

This year however, the Baltic people have new hope. Changes in the Soviet Union have given them the opportunity to challenge the hand of force and the powers of repression. Their own bravery, the persistant efforts of their countrymen and countrywomen outside the homeland, the steadfast nonrecognition policy of the United States, and, to give credit where due, the liberalized policies of President Gorbachev have made it possible for the Baltic peoples to look forward to regaining their freedom and rejoining the European community of free nations.

As I have mentioned on this floor in the past, the Soviet parliament has already overwhelmingly rejected the treacherous treaty between Stalin and Hitler that erased the independence of the three Baltic States. In 1990, the people of the Baltic States freely and democratically elected leaders who have either declared the restoration of independence, as in the case of Lithuania, or in the case of Latvia and Estonia, pledged to work for independence.

But reaction does not recede willingly. This year has seen a cruel backlash against the Baltic struggle for freedom. Peaceful political activity has been met with brutal force. In January, tanks and armed soldiers moved against peaceful demonstrators in Vilnius, Lithuania, killing at least fourteen. A week later, rogue black beret police in Riga, Latvia went on a shooting spree and killed five persons. With a delegation of other Members, I visited Riga and Vilnius, as well as Tallinn, the following month. The pain, the sorrow and the tension were still palpable.

I would note also that one of my companions on that delegation was our distinguished colleague, Dennis Hertel, cochairman of the Congressional Ad Hoc Committee for the Baltics and Ukraine, and the sponsor of this year's Baltic Freedom Day resolution.

The outrages and violence, incidentally, are continuing, only with less notice. Last month, at least 2 persons were killed and 24 injured as black beret gangs attacked defenseless customs officers at border posts between Lithuania and Latvia. Attacks also occurred against Estonian border posts. Meanwhile the Moscow Procuracy, theoretically the highest investigatory body in the Soviet Union, released a report claiming that the Lithuanian people themselves were at fault for the Vilnius killings in January.

Mr. Speaker, on May 7, 1991, the President of Lithuania, and the Prime Ministers of Estonia and Latvia testified at a Helsinki Commission hearing on the hopes that their people place in our support for their struggle. We must not let them down. My colleagues and I who visited the Baltic States in February 1991, have introduced legislation that would help strengthen the Balts in their peaceful efforts toward freedom. House Joint Resolution 179 calls upon the United States to establish a permanent presence in the Baltic States, to send U.S. humanitarian aid and other economic assistance directly to the Baltic States, and to recognize the parliaments of Estonia, Latvia, and Lithuania as the legitimate, democratically elected representatives of their people. In addition, House Joint Resolution 179 calls upon the United States Government to propose and support the granting of observer status to the Baltic States within the Conference on Security and Cooperation in Europe, the Helsinki Process, that today is inspiring the rebirth of democracy throughout Europe. I am pleased to note that this resolution now has 95 cosponsors, and hopefully it will soon be passed.

Mr. Speaker, in the past, Baltic Freedom Day commemorated a tragedy. It is still appropriate to remember the tragedies of the past. But let us use this opportunity, not only to remember the lost freedoms of the past, but to work for the Baltic freedom of the future, the very near future.

## JAMES P. DOODY OF EASTCHESTER: A RECORD OF SERVICE AND CITIZENSHIP

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mrs. LOWEY of New York. Mr. Speaker. Today I rise to honor a good friend and leader in the Westchester community, the Honorable James P. Doody of Eastchester, NY. Jim Doody's dedicated public service as supervisor of the town of Eastchester and throughout his legal career exemplifies the commitment to citizenship which is so important to the governing of our Nation.

Mr. Doody has always worked hard, and he has never forgotten the dictum that "of those to whom much is given, much is expected." His bachelor's degree from Fordham University and his law degree from the prestigious Columbia University Law School prepared him for a career of public service rooted in a deep desire to serve his community and his Nation. In recognition of his service and his commitment to important ideals, Jim Doody was recently honored by the Westchester Irish committee. That honor reflects his dedication to the vibrant Irish community of Westchester and to the principles for which it stands. It is a tribute that Jim Doody fully deserves.

While pursuing his career in law, Jim Doody has found time to be a devoted parent. He has been very active in local and national Parent-Teacher Associations, and has always been a vocal and effective advocate for educational excellence and opportunity. He is a member of charitable and religious organizations, including the Rotary Club and the Knights of Columbus. And his dedication to community improvement made him an outstanding community president of the Bronxville Manor Civic Association.

Mr. Doody's desire to serve motivated him to seek public office. His interest in the youth of America and his service to the Parent-Teacher Association made him a valuable trustee and President of the Board of Education of the Tuckahoe Union Free School District. And his record of loyalty and devotion to community inspired the citizens of Eastchester to elect him to the position of town supervisor, an office in which he has served with distinction since 1984. In that capacity, Jim Doody has stood up time and time again for his community and for principle.

It has been my privilege to work with Jim Doody on many projects over the years. In each endeavor, he has been an articulate and effective participant in working toward important goals. Without a doubt, he is making a difference for the people he serves. The peo-

ple of Eastchester are fortunate to have benefitted from his leadership.

## INTRODUCTION OF BALANCED BUDGET AMENDMENT

### HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. STENHOLM. Mr. Speaker, I am very pleased to come to the House floor today on behalf of 256 of my colleagues to introduce the balanced budget amendment to the Constitution. The large number of cosponsors for this amendment represents a record level of bipartisan cosponsorship for any balanced budget amendment.

This amendment is essentially the same amendment that this body nearly passed last summer. It is very similar to the amendment introduced by Senator SIMON in the other body which has already been approved by the Judiciary Committee last month.

Mr. Speaker, we have a serious deficit problem. When I introduced the balanced budget amendment last Congress, the national debt was $2.8 trillion. When this body considered my amendment last summer, the debt had increased to $3.1 trillion. The national debt now stands at $3.4 trillion. Outlays will exceed revenues by at least $318 billion this year, making this the 22d consective year in which we have had a budget deficit. It will cost us $190 billion this year just to pay the interest on this debt.

This amendment will not solve our deficit problem by itself. That is not what it was intended to do. This amendment will give us a necessary tool to balance the budget—the very same tool which Thomas Jefferson recommended to us more than 200 years ago. It will give us a constitutional reason to find the guts to make the tought choices necessary to balance the budget. Too often, we have avoided making tough choices and taken the easy way out by borrowing more money. By raising the threshold of difficulty for deficit spending, this amendment would force the President and Congress to set priorities.

The public is frustrated with a budget process that can't stop record deficits, year after year. That is why public support for the amendment reached a stunning 5-to-1 margin last fall. Frustration with the budget process has been growing within this body as well. That is why this amendment has been cosponsored by 15 of my colleagues who have not cosponsored any balanced budget amendment and by 29 new Members of this body.

History has proven that statutes and procedural requirements have failed. We have voted over 500 times to waive the Budget Act in the 12½ years I have been here. We passed a statute in 1978 when our debt was $776 billion. We tried again in 1979 when the debt was $828 billion and in 1982 when the debt was $1.1 trillion. The debt was $1.8 trillion when we passed Gramm-Rudman in 1985, and had increased to $2.3 trillion when we passed Gramm-Rudman II in 1987.

Amending the Constitution is a very serious step that should never be taken lightly. I certainly do not. But neither can deficit spending be taken lightly any longer. Our deficit spending has become an intractable, institutional problem. A change of constitutional dimensions is needed now. Deficits will not go away until the Government changes its attitude toward spending. This amendment will take us one giant step closer to such a goal.

## NATIONAL VETERANS SERVICE OFFICE PROGRAM

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to assist our Nation's veterans in obtaining the benefits to which they are rightfully entitled. My bill would establish a grant program to assist State governments in providing veterans with advice and assitance concerning State and Federal veterans programs and benefits.

As members of this body know all too well, congressional offices shoulder an awesome responsibility in assisting constituents in their day-to-day dealings with the agencies of the Federal Government. Such constituent services have become a vital function of every congressional office and have greatly improved the popular perception of government in general. At the same time, considerable expertise is required to advise veterans on the complexitites of Veterans' Administration programs and to offer counsel in preparing or appealing claims. One is left with the impression that there are literally hundreds, if not thousands, of veterans in every congressional district who are altogether unaware of services and benefits they may have earned based upon their military service.

In discussions with veterans' officials in my home district, it was stated time and time again that benefits are continually denied as a result of poorly prepared claims. Outreach efforts by the Veterans' Administration to alert veterans to changes in regulations or new programs are simply too limited to satisfy the present need. With the recent increase in the number of veterans as a result of Operation Desert Storm, existing outreach efforts will be increasingly less able to meet the present needs for counseling and assistance.

My home State of California is one of but a handful of States to offer veterans, through a network of county veterans' service offices, advice and assistance concerning veterans' programs. County offices around the State are open to advise veterans of benefits for which they may be eligible and to assist in preparing or appealing claims. Serving as an advocacy agency, county veterans' service offices offer hope to veterans in approaching the formidable bureaucracy of the Veterans' Administration.

Despite recent reductions in State funds, the results of California's program have been dramatic: Veterans long disenchanted with the Veterans' Administration have found new hope in seeking medical care and other services they have rightfully earned. Moreover, county offices work closely with local veterans service organizations to provide a broad range of services, including job information and counseling, outside of those sponsored by the Veterans' Administration.

Mr. Speaker, it is time that we expand upon the example of my home State and provide veterans with an easily accessible counseling network to assist them in dealing with the ever-changing laws and regulations affecting their lives. Accordingly, I am today introducing legislation which would provide a 3-year authorization for matching Federal funds to assist States in providing these needed services. Under my plan, matching funds would begin with an 80 to 20 percent Federal-State contribution, decreasing to a 50 to 50 percent match after 3 years. The higher Federal contribution in the early years would encourage those States presently lacking veterans' service programs to initiate such services while assisting other States in strengthening existing programs.

To be eligible for matching funds under the program, State governments will be required to submit a grant request to the Veterans' Administration. Requests must include a detailed description of services to be offered and plans for coordinating efforts with local veterans' service organizations. The actual delivery of services to veterans under the program will be managed at the local level where it will be tailored to local needs and resources.

Mr. Speaker, we, as a nation, owe a special debt of gratitude to the men and women who have served in our defense. The many veterans' programs enacted by Congress underscore this unique commitment. It is time that we act to ensure that veterans receive the benefits to which they are entitled by law and which they so justly deserve. I urge my colleagues to join me in cosponsoring this important legislation.

For the convenience of my colleagues, the text of the bill is included here:

H.R. 2650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"*247. Assistance to States in providing veterans information and assistance services*

"(a) The Secretary shall establish a program to provide assistance to State governments in providing funding for programs of veterans' services established by a State (or by units of local self-government of the State) for the purpose of advising and assisting veterans to matters concerning veterans' benefits.

"(b)(1) Assistance under this section shall be provided by grants made under submission to the Secretary of an application for such a grant. Any such application shall describe the State's existing program of veterans' services (or describe the State's proposal for a program of veterans' services) for which the grant assistance is requested, shall specify the amount of grant assistance requested, and shall be in such form and contain such additional information as the Secretary may require. The application shall also include a plan for coordination of the State veterans' services assistance program with the activities and programs of local veterans' service organizations.

"(2) The State plan included in the application must show to the satisfaction of the Secretary—

"(A) that the actual delivery of services to veterans under the program will be managed at the local level;

"(B) that local authorities will determine the details of the advice and assistance to be provided to veterans under the State program; and

"(C) that local authorities will assume a portion of the costs of the administration of the program.

"(c) A condition of approval of a grant under this section shall be that—

"(1) during the first fiscal year for which funds are available for grants under this section, the State to which the grant is made shall match the grant by an amount equal to one-fourth of the grant;

"(2) during the second fiscal year for which funds are available for grants under this section, the State to which the grant is made shall match the grant by an amount equal to one-half of the grant; and

"(3) during the third and subsequent fiscal years for which funds are available for grants under this section, the State to which the grant is made shall match the grant by an amount equal to the amount of the grant.

"(d) The Secretary shall prescribe regulations to be used in evaluating applications for grants under this section and to be used in the administration of the program established by this section.

"(e) There is authorized to be appropriated to the Department for grants under this section the sum of $12,500,000 for fiscal year 1992, $10,000,000 for fiscal year 1993, and $7,500,000 for fiscal year 1994.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"247. Assistance to States in providing veterans information and assistance services.".

## GERBER PRODUCTS CO.: A WORLD LEADER BUILT ON "HEART, FEELING AND SUBSTANCE"

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. VANDER JAGT. Mr. Speaker, "Every mother knows Gerber. She knows it well and she believes in its quality."

And soon that will be as true in Vienna, Austria as it is today in Vienna, MD, or Vienna, SD, or Vienna, WI.

With a commanding 72 percent of the domestic baby food market—and a corporate image and identity which must be the envy of companies many times its size—the Gerber Co., based in Fremont, MI, of the Ninth Congressional District, which I have the honor to represent, might rest on its laurels. But that isn't what Gerber has ever been about.

From the time when Dan Gerber rose to the occasion of providing his family with a "better way to strain peas" to today's efforts to provide nutritional meals for newborns to toddlers, Gerber continues to lead, to innovate, to reach out to new markets.

And the newest and biggest market yet becomes available next year as the European Common Market opens itself to international business, and more American companies are able to take advantage of the openings presented by the falling of barriers in Eastern Europe.

Under the leadership of chairman, president and CEO, Alfred A. Piergallini, the Gerber name, which is the source of such pride to the folks of Michigan—and the foundation on which young families have based their nutritional needs in the United States for more than 50 years—is fast becoming a household name around the world.

As the Nation's economy recovers from the doldrums we have experienced, and as our own State of Michigan seeks to expand its markets for everything from automobiles to chemicals, it is encouraging to watch the aggressive, yet responsible growth at Gerber and to take pride in a company and a community so dedicated to the values which have carried it through since that 1928 request to Dan Gerber from his frustrated wife.

I offer for my colleagues' review an article on Gerber's successes of the past, and its plans for an even brighter future, which appeared in North Force magazine's recent edition:

GERBER

At Gerber Products Company, a little complacency would be understandable. After all, the company is the long-reigning dominant force in the U.S. baby food industry, currently commanding a 72 percent market share. It enjoyed record sales in fiscal 1990 of $1.136 billion, a gain of ten percent over the previous year, and achieved earnings of $94.5 million, also a record.

It is diversified, but has forayed only into areas where it can leverage its traditional strengths. It is one of Michigan's largest multinational corporations and boasts one of the world's most familar and trusted corporate symbols. With 12,000 employees worldwide and 1,200 employees at its plant and corporate headquarters in Fremont, Gerber is one of outstate Michigan's largest employers.

Any notion of complacency is dispelled immediately, however, by the first five words of Gerber's 1990 annual report: "Leading is action—not position."

Indeed, Gerber Products' current management team is hardly content to dwell on past successes; it has set an ambitious course for continued growth.

"I want to transform Gerber Products Company from a solid performer to an aggressive competitor," said Gerber Chairman, President and CEO Alfred A. Piergallini. "This is done by setting demanding goals for ourselves and our respective operations; the kind of goals that forces an organization to innovate."

Piergallini is relatively new to Gerber, having joined the company as COE and president in April, 1989, but the spirit of innovation is not. Gerber's very roots are embedded in the efforts of one man, Dan Gerber, who steered his company, the former Fremont Canning Co., into the manufacturing of baby food in 1928 after his wife asked him to find a better way to strain peas for their infant child.

Gerber Products Co. has been finding "better ways" to do things ever since.

Technological continuum. Lately that commitment has emerged most visibly in the company's process technology, its approach to human resource management and its product development and marketing strategies.

Technologically, Gerber Products Division, which manufactures Gerber baby food products, has made impressive strides in producing products faster, with less waste, more quality assurance and at less cost.

"We're looking at manufacturing improvement in two ways." said Bill Rottman, vice president for manufacturing and logistics. "One is utilization of computers for better technology. Secondly, we are developing our people to work not only at a higher technical level, but also to work more productively with each other. We're incorporating more employee involvement in quality control and productivity."

Ever-improving automation has been a way of life on Gerber production lines for decades. Rottman noted that when he joined the company loading cases off the end of the line in 1957, the run was about 350 jars a minute. Today, Rottman oversees high-speed, dedicated lines capable of producing 1,500 jars a minute. Computerization, he says, is just another step in the technological continuum and one that Gerber first took long before many others.

"We have been using statistical process control (SPC) in our fill control for 15 years," said Rottman. "In that respect, we were probably a leader in using computer technology but we didn't realize it."

Project teams. As much of a challenge as integrating the new technology has been furnishing workers with the skills and motivation to make best use of it. This has involved ongoing training for Gerber employees, but not only in operational skills. The company has taken the initiative to establish a more participatory environment throughout the corporation and has created vehicles for employees at every level to become more personally involved in decision making.

"We decided several years ago that we had reached the limit of improving ourselves with the existing system at the time, which relied on professional and manager skills," Rottman told *North Force* Magazine. "We switched that philosophy to include more participation from everybody as a partner in the operation. We focused on specific goals in productivity, quality and efficiency, identified the people involved in those operations and brought their skill level up to the point where they could participate effectively with the rest of the people on the team. We've been doing that for the last four or five years, and it has taken a lot of education and training.

At any given time, Gerber Products Division has from eight to 14 interdisciplinary "project teams" in place at its manufacturing plants in Fremont, Asheville, North Carolina and Fort Smith, Arkansas. He added that some of these even include Gerber's suppliers and its customers.

Fremont vs. Chicago. That Gerber has so easily embraced the concept of "bottom-up" management as opposed to a more autocratic "top-down" structure may be a factor of its environment. In Fremont (population: 3,800) Gerber executives shop at the same markets, bowl on the same lanes and attend the same high school football games as the hourly workers. The small-town atmosphere of Fremont has imbued the corporation with a sense of family that has stood the firm well throughout its 62-year history.

There have been points during the growth of Gerber Products Co. when moving the corporate headquarters from Fremont was considered. In the late 1950s, for instance, when the company was interested in expanding its international presence and needed to build a new corporate base, a consultant was hired to study locations.

"The consultant suggested that Chicago would be a good fit because of transportation and other reasons but Mr. Gerber said "Thanks very much but I think we'll build it right over there, as he pointed out the window," said Robert L. Johnston, vice chairman of Gerber Products Co. "He was very dedicated to this community."

Johnston, a Los Angeles native who has been with Gerber for 35 years, admits that it's unusual for a $1 billion multinational firm to find happiness in a rural Michigan town of 3,800 but there are plenty of good reasons for Gerber to be where it is.

"The reason the baby food plant has stayed here is purely strategic. With the products we make, we don't want long term runs for transportation," he said. Most of the fresh fruits and vegetables processed in the Fremont plant are grown within a 100-mile radius of the plant. All of the peas Gerber uses in its products distributed throughout the world, some 7.3 million pounds, are grown in Michigan.

Over the course of a year, the Fremont plant will also process 60 million pounds of apples, 8.4 million pounds of peaches and 8.8 million pounds of pears, as well as significant tonnages of carrots, squash, green beans, blueberries, cherries, plums and wheat.

"As far as why the corporate office has remained in Fremont, there have been some trade-offs but generally we can function quite well here," said Johnston. "The work force here is of very high quality. It is a dedicated group of people. They used to blow the whistle when they needed people to come in to help process peas. People would give up whatever they were doing and come in to help out. That's pretty hard to walk away from."

There have been disadvantages, said Johnston, in recruiting executive level management. Although Gerber has traditionally promoted most of its management from within, he said, the company is now filling more positions from outside to stimulate a flow of new ideas and attitudes.

"Sure, there are some who wish it could be Chicago but there are also many who are very glad to be here in a small-town environment, who love the quality of life and who take full advantage of it," Johnston said.

New global opportunities. Although many of the values and characteristics of small-town life are reflected in Gerber's corporate image, a leisurely pace is not one of them. Piergallini's progressive market strategy has the firm poised to capitalize on opportunities emerging under the new global economic order.

"Obviously everybody's very interested in Europe because in 1992 the barriers are coming down," said Johnston. "With trade barriers coming down, you won't have to have a plant in France, one in Italy, one in Spain and one in Germany you will be able to do business for all of Europe from one central plant, if you can find the right alliance."

At present, most of the Gerger products distributed in Europe are manufactured in the U.S. Interestingly, there are different recipes for different cultural tastes, said Johnston.

Gerber has established beachheads in newly accessible Eastern European markets as well. New export trade to Poland totalled over $3 million in fiscal 1990 and new business is being developed in Czechoslovakia and Hungary.

In the Middle East, new ventures are being studied in Turkey, Greece and Saudi Arabia. Pacific Rim markets targeted by Gerber include Thailand, Indonesia and Malaysia. An already strong presence in Latin America is being strengthened by growing joint venture operations in Costa Rica, Puerto Rico and Mexico.

The Canada-U.S. Free Trade Agreement has benefited Gerber by allowing the company to consolidate more of its manufacturing capacity for Canadian distribution in the U.S. where production costs are lower.

"Superbranding." Domestically, Piergallini has championed superbranding" as a major component of the firm's overall marketing strategy. This concept involves making maximum use of Gerber brand recognition in marketing the company's wide array of products which include children's clothing and food products for toddlers.

Said Johnston, "Superbranding makes it easier for us to do business with vendors because there is critical mass behind the product. They like to do business with us because we establish these products as Gerber's and every mother knows Gerber. She knows it well and she believes in its quality."

Given its dominance of the U.S. baby food market, the question arises as to where Gerber finds room for any more significant growth for its mainstay product line. The answer, according to Johnston, lies in a target market broadened at either end. Gerber is now marketing infant formula for newborns under a licensing agreement with Bristol-Myers and is also promoting a new line of foods for older children.

"Gerber is the only baby food company that can actually start from birth, if necessary, and take a child through the age of three to five," said Johnston. "Our products can provide a nutritional alternative to table food or fast food."

Acquisition of new product lines will continue to be a part of Gerber's growth, Johnston said, but acquisitions from now on will be evaluated on the basis of how well they "fit" the company, not just on their profitability or glamor. In recent years, Gerber has been in more of a divestive mode, shedding a trucking firm, a line of sleepwear, a network of day-care centers and a line of humidifiers and vaporizers as it redefined its corporate objectives.

"Could we have gotten to be bigger? Yes, with a lot less candor and integrity we could have done it. Many other 62-year old companies have grown to be a lot larger than Gerber," Johnston told *North Force* Magazine. "But I think our company is where it needs to be right now and where we want it to be. Gerber is looking ahead to growth but it is going to be done with a lot of heart and a lot of feeling and substance. That's our heritage."

## AMERICAN DOLLARS FOR THE SOVIET UNION

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. ANDERSON. Mr. Speaker, I stand to voice my opposition to any United States monetary aid to the Soviet Union. Mikhail Gorbachev informs us that perestroika has now entered its critical phase, and I quote, "is entitled to expect large-scale support to assure its success." Allow me to say this unequivocally: The Soviet Union is entitled to nothing, especially not hard-earned American tax dollars.

For years, Mr. Gorbachev has deftly walked the fence between reformist and reactionary factions in his country. But as the Soviet economic crisis deepens, half-hearted reforms will no longer suffice. In an attempt to prop up the failing Soviet economy, Mr. Gorbachev is expected to request a 5-year, $250 billion aid package from the group of seven Western economic powers during their July summit.

Advocates of granting aid to the Soviet Union insist that Gorbachev is the key to stable relations between the two superpowers and that this aid will assist us in encouraging him to adopt economic reforms. Pundits also warn us that a country with over 10,000 nuclear warheads cannot be allowed to collapse. While it may be in our geopolitical interest to see President Gorbachev remain in power, I believe we should not base our entire Soviet policy on the political survival of any one individual.

Mr. Gorbachev has orchestrated great changes in the Soviet Union, but he did so as an astute political realist rather than a free-market reformer. There is no compelling evidence that Gorbachev desires further economic reform. Granting aid will only prolong resistance to the inevitable forces of change. The Soviet people clamor for democracy and an economic system able to fulfill not only their needs but their dreams. Let us not thwart them by propping up an inefficient and repressive system.

Because of our strict budgetary restraints, we have had to make some very difficult choices in defining our national priorities. It is clearly wrong to cart off our taxpayers' money so that the Soviets can avoid such choices. Mr. Gorbachev knows what it will take to revitalize the Soviet economy, and it's not Western aid. Under Gorbachev, Soviet military spending has increased, the budding democracies of the Baltics have been violently repressed, and the Soviet people suffer acute shortages of the most fundamental goods and services. No amount of aid will be enough until the strangulating Socialist policies are dramatically changed.

Mikhail Gorbachev is in a desperate position and he knows it. His thinly veiled threats and efforts to extort unconditional aid clearly illustrate his resistance to the measures necessary to rekindle the Soviet economy. Communism has failed. Let us allow Mr. Gorbachev to decide if he will truly reform the Soviet Union or go down with a ship that even a flood of American dollars won't save.

## TRIBUTE TO BARBARA CAVAS

### HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. DAVIS. Mr. Speaker, I rise today to extend my sincere thanks and best wishes to Barbara Cavas who is retiring as chief clerk of the Committee on Merchant Marine and Fisheries. Barbara joined the committee in 1981, bringing extensive congressional experience with her, and for the past 10 years has provided our committee with stability and continuity. Barbara consistently handled the myriad of

day-to-day details necessary to the successful functioning of our committee. Under her watchful eye, hearings and markups were run smoothly and efficiently. Barbara possesses that rare combination of skills which allows her to get a job done, and done well, while still maintaining a sense of balance. As a result, she has trained an extremely capable and effective staff. This is a legacy that will serve our committee well in future years.

Barbara also had the task of ensuring that all of us Members, the counsels, and professional staff carried out our official duties. She provided all of us, on both sides of the aisle, with the support necessary to accomplish our tasks. I would like to express the gratitude of all of us who benefited from her willing assistance.

In private life Barbara enjoys gardening, travel, and, most of all, her three grandchildren. I am certain she and her husband, Peter, are looking forward to the opportunity to devote more time to these activities.

Today, the Merchant Marine and Fisheries Committee will gather to pay tribute to Barbara. We are deeply grateful to her for her many years of dedicated service. We wish her good health, good luck, and great happiness in her well-deserved retirement. I would like her to know that she will be missed by all who have had the opportunity to work with her.

## SALUTE TO CHAIRPERSON CHERYL SCHNEIDER OF HAZELTINE'S GOLF COMMITTEE FOR SUCCESSFUL U.S. OPEN GOLF CHAMPIONSHIP

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. RAMSTAD. Mr. Speaker, major events, like the U.S. Open Golf Championship don't just happen. They are the product of tireless planning and countless hours of hard work by dedicated people.

Mr. Speaker, I rise to salute one of those dedicated people, Cheryl Schneider, chairperson of Hazeltine's Golf Committee, the host golf club of the 1991 U.S. Open.

Cheryl's commitment to both excellence and golf has produced a tournament without parallel. Her 3 years of selfless service as chairperson has created a tournament that golf fans the world over can enjoy whether they're at the course or sitting glued to their television sets.

Why has Cheryl Schneider given so generously of her time in attending meetings, checking details, entertaining representatives from future U.S. Open courses, doing everything it takes to create a successful U.S. Open? The answer is a simple one, which Cheryl Schneider says best in her own words: "We have a love affair with golf. We care deeply about the game of golf."

Mr. Speaker, I salute the dedication, leadership and hard work of Cheryl Schneider. I also salute each of the other 3,500 hard-working volunteers who have worked to make the 1991 U.S. Open an unprecedented success. I believe I speak for the entire Congress and golf fans everywhere when I offer them our thanks and congratulations.

## CONGRATULATIONS TO CONGRESS' LATEST GRADUATE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. STARK. Mr. Speaker, On June 8, 1991, one of our colleagues, Congressman BEN NIGHTHORSE CAMPBELL, received his high school diploma. BEN had completed the academic requirements for a General Equivalency Diploma [GED] and a bachelor of arts from San Jose State University and did graduate work at San Jose and at Meiji University in Japan. But he did not have a high school diploma. BEN had dropped out of high school in 1951 to join the Air Force.

After all these years and many accomplishments, BEN still felt it was difficult to encourage young people to stay in school and get their diploma when he had not done so. I applaud BEN's decision to go back to his high school and graduate. I think this action does what BEN hoped it would—inspire others. In a way more effective than any words BEN could speak, this step attests to his belief that education is a life long activity. It is never too late to go back to school and complete what you started.

I would like to congratulate BEN. He has earned lots of admiration throughout his life and I believe getting his diploma ranks right up there with his other achievements. I hope many young and not so young people will think about following his example.

## CELEBRATION OF LIES

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. GILMAN. Mr. Speaker, in Tuesday's June 11, 1991 Washington Post there was an article written by Lodi Gyari, the Dalai Lama's special envoy and president of the International Campaign for Tibet. He asks us to deny most-favored-nation status [MFN] to the People's Republic of China [PRC] "or at least strictly" condition it. I want to call my colleagues attention to the article as they consider extending MFN status to the People's Republic of China.

Sometimes it is easy for us to forget the victories we achieved over totalitarian nations by using economic instruments such as denying MFN. The results of our action has not isolated anyone but has brought the offending nations closer to the rest of the civilized world. As a result of such economic pressure, South Africa, Nicaragua, and the eastern block are all acting more appropriately toward their neighbors.

It appears that the leaders of most Communist systems around the world are beginning to understand that their time is limited. Albania is becoming a bit more realistic, North Korea is getting nervous, even Vietnam to some small degree is reaching out. However, in the PAC it seems that they still believe they can have their cake and eat it too. And they are right. Unspeakable repression goes on there as industrialized nations continue to do business with the People's Republic of China, bankrolling its inefficient centralized economy.

I urge my colleagues to think seriously about extending MFN to the People's Republic of China. In the long run our Nation's and the international community's long-term security will benefit if we take strong action against the repressive regime in Beijing.

Accordingly, I invite my colleagues to read Mr. Gyari's article and request that it's full text be printed at this point in the RECORD:

[From the Washington Post, June 11, 1991]

CELEBRATION OF LIES

(By Lodi G. Gyari)

China is often its own worst enemy. It spent months planning lavish celebrations in Lhasa to mark the 40th anniversary of its rule of Tibet, but the ceremonies only antagonized and humiliated an already bitter Tibetan population. Western countries boycotted the event. The celebration may be a blessing in disguise, for the world is now more focused on the deplorable situation in Tibet and is laboring to determine the best method of assisting Tibet in its struggle for freedom and democracy.

To prepare for the anniversary, Beijing imposed a 22-hour-a-day curfew to ward off demonstrations, and completely banned the foreign press. China drastically increased military presence and undertook strict security measures to protect top Communist Party officials coming from Beijing. Holding celebrations in such an atmosphere is a political oxymoron, the reality of which is apparently lost on Beijing.

That China would highlight its misrule of Tibet as its most-favored-nation trading status comes up for review has baffled seasoned Tibet and China watchers. Are they really so brazen as to celebrate what can only be classified as wanton destruction of Tibetan civilization? Or are they just reaffirming their military might and their dogmatic resolve as if their repressive rule is the only future for Tibet?

Because China's claim to Tibet is self-created and self-serving, and because Tibetans have always kept the stakes of the struggle high by doggedly rejecting China's claim, Beijing has allowed few discordant voices to surface. There was one high-level party member who spoke out against Tibet's colonization. Nearly a decade before his death, which triggered the Tiananmen uprising, Hu Yaobang visited Tibet and declared China's rule over it a travesty. He called for 85 percent of the Chinese to return to China, realizing that Tibet's economy, much less its culture, could not be managed by Chinese settlers.

If there is any aspect of China's occupation of Tibet that Tibetans could celebrate, it is the appraisal and vision of Hu Yaobang. Unfortunately, Hu's recommendations were not implemented, and he was later purged, partly because of his Tibet visit. To date, Beijing's reformers have never been able to effectively rescue Tibet policy from the hard-liners. Today, Chinese students and leaders in exile are taking a fresh look at their country's effect on Tibet, and many support self-determination for Tibet. But nearly all of them are still battling with the legacy of intense Communist indoctrination.

Beijing's hard-liners are not about to get out of the business of repressing the Chinese or the Tibetan people. So far the United States has all but abdicated its significant and unique potential to help China peacefully democratize and, at a bare minimum, to help Tibet maintain its separate identity. It is one of today's greatest ironies that many of Beijing's leaders were the ones who imported and imposed a Western ideology on their country, and now rely on the West for their survival. They took Marxism down an extreme and brutal path at home, exported it to Tibet, and virtually annihilated an ancient civilization. They are being propped up by the foreign exchange flow into China, which they use in part to subsidize the military occupation of Tibet.

Beijing's propaganda about the celebrations reached an unprecedented volume and concentrated on bold claims of rapid economic development of the country. But when the Chinese boast of building thousands of miles of roads, Tibetans see the roads used principally for military purposes and to extract natural resources. When they boast of the number of schools built, Tibetans watch their children learning Chinese language and ideology. When they tout the number of hydroelectric stations built, Tibetans see apartments of Chinese immigrants brightly lit up and Tibetan homes dark.

These are not easy issues. Tibetans may be receiving some benefits from Chinese colonialism, but the question remains—at what cost?

Mao Zedong said that "power comes from the barrel of a gun," and the Chinese seem intent on continually proving that point in Tibet. But as in Poland during the 1980s, repession in Tibet now only seems to create more martyrs, strengthen Tibetan resistance and bring international scrutiny. The hardliners in Beijing are unable to come up with any meaningful option for solving the problems in Tibet. While Chinese thinking stagnates, the world community's continues to evolve. Following the Dalai Lama's successful visit to Washington and his meeting with President Bush, Washington policy makers are doing some rethinking, and Beijing's sacred cow status is beginning to slip.

It is time for the West to pressure China to fundamentally change its policy in Tibet. Our main goal is the same as every other oppessed people: survival. We first need to stop Beijing's economic inducements for Chinese to move to Tibet. Jobs, housing, medical care and education are now often provided to Tibetans, if at all, only after the Chinese settlers have been taken care of. We must find ways to hold Beijing accountable for blatant human rights abuses—beatings and shootings of demonstators, arbitary arrests, imprisonment and torture. We further need the help of the West to end the envionmental exploitation of our lands.

Ultimately a peaceful solution to Tibet must come from open dialogue and direct negotiations. In the past, the Chinese have tried to reduce the issue of Tibet to the return and position of the Dalai Lama. The solution of Tibet does not lie with the Dalai Lama's return. He has always said that his own status is virtually irrelevant; it is the rights of the 6 million Tibetans and the survival of Tibetan civilization that are the issue.

The West has a crucial role to play in helping the people of China and Tibet regain their humanity. Denying or at least strictly conditioning MFN will weaken the hard-liners and give much needed hope to those fighting for freedom and democracy. We believe that the Chinese and the Tibetan people can live in harmony, as they once did. With the breakup of the Communist empire and the advent of the Asian democracy movement, we are not talking about if Tibet will regain its freedom, but when and how.

## TRIBUTE TO DR. FERDINAND R. McNABB

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly outstanding individual in mid-Michigan, Dr. Ferdinand McNabb of Ithaca, MI. Dr. McNabb is going to be inducted posthumously into the Harness Racing Hall of Fame later this month. I am sure that you will concur with me it is fitting for Dr. McNabb to receive this honor.

Dr. McNabb was a renowned veterinarian in the Ithaca area. His love for horses prompted him to raise horses for harness racing. In 1952, Dr. McNabb's horse, Hillsoto, was the national harness racing champion.

His successes in harness racing are not limited to himself. He was very instrumental in bringing the interest of harness racing to mid-Michigan. Many people in the Ithaca area got involved in harness racing because of Dr. McNabb.

Dr. McNabb had a vision for Ithaca. He wanted to bring harness racing to the area as a major economic industry. He believed the horses could have a major role in making the economy of Ithaca and the surrounding area thrive. He was visionary and an entrepreneur who acted to make his dreams a reality. When he passed away he left the city of Ithaca land for a fairground and $50,000.

Mr. Speaker, I know you will join me in commending Dr. McNabb. He will be honored later this month because of his dedication to harness racing and for his devotion to his community.

## TOWN OF BEL AIR CELEBRATES FLAG DAY

### HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mrs. BENTLEY. Mr. Speaker, tomorrow is Flag Day in our country. Last Saturday, June 8, 1991, I was privileged to attend the town of Bel Air's Flag Day ceremony in honor of the June 14 holiday. The event is held each year in front of the Bel Air Town Hall on the Saturday morning before Flag Day, and has been chaired for the past several years by William A. Humbert.

This year, more than in any year since the Vietnam war, Flag Day truly will take on special meaning as a result of the U.S. victory in Operation Desert Storm. Because of the war, Americans increasingly have looked to the flag as a symbol of the courage and strength displayed by those who helped confirm our country's role as a world leader.

The small-town spirit displayed by those who attended the affair epitomizes the essence of Flag Day. In attendance were members of American Legion Post 39, chapter 30 of the Disabled American Veterans, area Boy Scouts, as well as local public officials. Father Sam Young, of St. Margaret's Church in Bel Air, led the assembly in a prayer.

Bel Air High School's Band, led by Wes Lockhart, stirred the audience with such works as the Star Spangled Banner, Emblem of Unity, March America, You're a Grand Old Flag, and Battle Hymn of the Republic. The Counterpoints singers, under the direction of Ed Herbold, performed their patriotic renditions of America You Have Given Me Riches, My Country 'Tis of Thee, God Bless America, and America the Beautiful.

Col. Jan A. Van Prooyen, who served as the chief of the Army's Nuclear Chemical Division in Europe from August 1990 until this May, delivered a thoughtful keynote address. He discussed the significance of our flag in light of the recent Persian Gulf conflict and past military conflicts.

Colonel Van Prooyen's words are a reminder of the symbolic importance of the most easily identifiable emblem of our great Nation:

ADDRESS BY COL. JAN. A. VAN PROOYEN

I'm happy to be here because it's a great day to be an American and an especially great day to be an American soldier. I believe that our military success in removing Iraqi forces from Kuwait revived the American spirit, the American pride, and America's confidence in itself. For many reasons, that spirit, that pride, that confidence had not been visible in recent years. But it has been evident and openly displayed in recent months—before, during, and certainly following Operation Desert Storm. That national spirit will likely reach a climax this weekend as our soldiers, sailors, marines, airmen and coast guardsmen, march through Washington, DC and New York City led by Gen. Norman Schwarzkopf. I earnestly hope that the euphoria and sense of patriotism sweeping the country can be kept alive. The world urgently needs America's leadership. That leadership can only be provided if Americans maintain their pride, spirit, and their confidence in their country and its leaders.

It is very fitting that we celebrate Flag Day today—on June 14, 1777 Congress adopted the first official flag to symbolize the United States of America. June 14th is also our Army's birthday. For our Army its's number 216 and counting. For Old Glory it is 214 years of flying high. And how appropriate it is that these two birthdays are celebrated on the same day. For throughout our long and proud history, the Army and the flag have constantly been together. Soldiers have long protected the flag from danger and destruction. Likewise, the flag has inspired soldiers and our Army to accomplish feats that might have seemed impossible. History gives ample testimony to that relationship of mutual support.

In war, our servicemen and service women have carried the flag to far away places. They've carried it to places like San Juan Hill, Flanders, Corregidor, Khe Sahn, and Kuwait City. Whether in the steaming jungles of the South Pacific, the stormy beaches of Europe, or the torrid desert of Southwest Asia, the American soldiers, sailors, airman or marine has risen to the challenge. That's why we gather here today . . . . that's why we gather here today.

What is it about our flag? What does it mean to us, Why do soldiers protect it on the field of battle? Why do we Americans swell with pride and patriotism when we watch old glory ripple gently in the breeze?

The answer is contained in our hearts and in our spirit. The bright colors and striking design of the American flag stand—our land . . . . our people . . . . our Government . . . . our ideals . . . . and our very heritage.

Indeed, the flag is the embodiment of our country. It is General Washington, and the cold, starving soldiers at Valley Forge. It is President Lincoln at Gettysburg hoping to bind the Nation's wounds. It is the unknown soldier resting peacefully in Arlington National Cemetery knowing that he did not die in vain.

When we began our fight for freedom, at Lexington, Massachusetts on April 19, 1775, America was simply a group of disorganized colonies.

What we did have was just a group of farmers, merchants, craftsmen, and others banded loosely together in local militias. Hardly a force that would instill fear in the British Army.

That group of unorganized colonials kindled a fire that started * * * but * * * through the land declaring freedom and justice for all men and women.

When Wahington first saw the flag being flown above his Army he was struck by its beauty and symbolism. He is reported to have said:

"We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and then the white stripes should go down to posterity representing liberty."

As we celebrate our grand old flag's birthday today, let us remember that past. It's filled with a heritage of achievement and honor that we all can be proud of. Our army and our flag are an undeniable part of that heritage.

The beauty and the meaning of our flag still exist today. They exist because—as Operation Desert Storm has surely demonstrated—Americans are still willing to serve their Nation. That beauty and that meaning still exist because our citizens are firm in their commitment to our Constitution and they exist because Americans believe in freedom, democracy, and human dignity. They exist because people like you love their country.

This day, let us remember how much the flag means to this Nation. It has truly been the fuel for the fire of freedom and an inspiration for Americans * * * our history. The flames of that fire continue to burn today. And if we remain strong, the winds of adversity will never extinguish them.

One of my favorite verses is the last stanza of the Star Spangled Banner. For me, it simply and eloquently expresses the meaning of this very special day. I'd like to conclude with that verse.

Blest with victory and peace may the heav'n rescued land
Praise the power that hath made and preserv'd us a nation.
Then conquer we must, when our cause it is just,
And this be our motto—"In God is Our Trust!"
And the Star-Spangled Banner in triumph shall wave o'er the land of the free and the home of the brave!

Thank you very much.

## INTRODUCTION OF THE MINERAL POLICY REVIEW COMMISSION ACT OF 1991

### HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. MARLENEE. Mr. Speaker, I rise today on behalf of myself and numerous other Members of this body to introduce the Mineral Policy Review Commission Act of 1991.

Early in the development of our Nation we saw the lure of mineral exploration and development play a crucial role in the development of our Nation. That lure was predominantly in the Northwest, in States like Montana, California, Idaho, Nevada, and Alaska. In Montana we are proud of our mining industry and the part it played in the westward movement of so many of our Nation's early settlers.

So important was mining to our emerging Nation that in 1872, Congress sensed its need to protect the public interest and passed the general mining law that is still in use today.

Currently the 1872 mining law is under tremendous criticism. Those critics claim that just because the mining law is nearly 120 years old, that it is outdated. Some would even say that we need to throw it out and begin with a totally new law. Well I don't agree with them.

The mining law has worked for almost 120 years and has provided tremendous benefits for our Nation. Those who advocate change do not have the slightest clue what effect these changes would ultimately bring.

Although some environmental groups and their supporters continue to state it, I do not agree with their contention that the mining law of 1872 is "based on outdated notions of property ownership * * *". Indeed, the right to private property is as cherished in the Constitution as the rights of free speech, religious expression, and personal ownership of firearms.

Nonfuel mineral production in Montana in 1990 was valued at $573.8 million. This ranks Montana 20th nationally in terms of nonfuel mineral production. There are currently more than 70,000 active unpatented mining claims in Montana. In 1989, mining exploration resulted in direct expenditures of more than $26 million on some 600 active exploration projects. Mining provides employment for approximately 4,000 people in Montana with an annual payroll of $140 million. As you can see mining is extremely important to the economy of Montana. Broad, sweeping changes to the existing mining law could have very serious impacts on the economies of Montana and many other States. One of my main concerns with major changes to the law is that we simply don't know what the real impact will be. There are a lot of discrepancies in the information that has been put out concerning the impact of some of the proposed changes.

Some would have you believe that a $100 holding fee on all mining claims will produce $97.5 million to the U.S. Treasury. No so. I am told over half of the claims filed today would be dropped rather than pay a $100 holding fee.

I am very concerned as to what effect we will have on the small miners and entrepreneurs if we enact wholesale changes to the law.

This is the reason I am introducing my bill today. I believe rather than rushing in and completely reforming the mining law it would be to our benefit to conduct a comprehensive study of all laws, policies, and practices relating to the exploration, disposition, and development of our mineral resources. Let's find out what problems do occur and which of those can be corrected administratively and which require a change of law.

My bill creates a commission to do this study. The commission will be made up of those individuals, both inside the Government and from the private sector, who have the broadest expertise in our mining laws and policies. When the commission's report is received, Congress can then determine which changes might be most appropriate for the mining law.

My bill provides a reasonable alternative to broad mining law reform. This is not a delaying tactic. This is a reasoned approach to move the discussion forward for updating the mining law. This process will bring private interests and government together to determine which parts of the existing law are most appropriate to update, and how to most effectively amend the law.

I hope and pray that my colleagues here in the House who truly believe in equal justice for all and fair treatment will join me in support of this legislation.

## AID TO EL SALVADOR

### HON. MIKE KOPETSKI

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. KOPETSKI. Mr. Speaker, today I rise to discuss an issue of great importance that was not a part of the debate over H.R. 2508, the foreign assistance authorization for fiscal years 1992 and 1993. I am referring to aid to El Salvador. To encourage continued United Nations mediated negotiations, the House leadership has decided to postpone a decision on Salvadoran aid until later this year.

This week, Salvadoran President Cristiani is in Washington. It is vitally important that Cristiani know that the Congress and the American people continue to watch the negotiations. More importantly, President Cristiani, America continues to follow developments in El Salvador. Certainly, the U.N. mediated negotiations have made progress in the United States must ensure that all agreements are implemented and not allowed to exist as hollow pledges aimed at securing additional U.S. assistance.

Mr. Speaker, I am concerned that the extreme right of El Salvador is conducting a campaign of violence and terror that threatens democratic participation in El Salvador and the difficult task of the U.N. negotiator. Let me share with you two recent alarming examples that I believe the United States must denounce.

First, the brutal murder of Isaac Matinez, a trade union leader and candidate for the democratic convergence in the March 1991

elections. Isaac Martinez disappeared on May 13 and his body was discovered the following day in a trash dump in the village San Jacinto. His body showed various signs of torture, reportedly cigarette burns and machete wounds. Perhaps most telling Martinez' thumbs were tied behind his back, a technique traditionally used by Government security forces in El Salvador.

Second, as was reported in the May 25, 1991 Washington Post, a leaflet was distributed to restaurant and shop owners in San Salvador. This leaflet, a copy of which I would like to enter into the RECORD, is a telling sign of climate that many face in El Salvador. Agreements reached through the United Nation negotiations will be useless if ordinary Salvadorans fear that participation in the democratic process will bring harm to themselves and their family members. The leaflet, distributed by a group calling itself the Salvadoran Anticommunist Front states, "We demand that you refrain from providing services to foreigners or nationals," from the United Nations, International Red Cross, or Doctors Without Borders. Failure to comply, according to the leaflet would result in sanctions, " * * * against your business, your person or your family."

Mr. Speaker, I am greatly disturbed by these incidents. Last evening, I along with Congressman JOHN W. COX, JR. hand-delivered a letter to the United States Ambassador to El Salvador William G. Walker, requesting that he investigate these incidents. Congressman Cox and I also delivered a copy of this letter to President Cristiani. Thirty-Four Members of Congress joined us in requesting that Ambassador Walker investigate these incidents.

I encourage all Members of Congress to read this letter, a copy of which is submitted for the RECORD. Additionally, I urge all Members to join me in continuing to follow the developments at the negotiating table and in El Salvador.

[Translation of flyer distributed to shopkeepers in San Salvador]

SALVADORAN ANTI-COMMUNIST FRONT

As of this day, we demand that you refrain from providing services to foreigners or nationals who belong to the following organizations:

The United Nations.

UN Observer Group for Central America.

Doctors of the World.

Doctors Without Borders.

International Committee for the Red Cross.

UN High Committee on Refugees.

If you disobey, you will be collaborating with foreigners who conspire with communism in order to take control of our national territory and you will deserve the punishment that the Front decides against your business, your person and your family.

HOUSE OF REPRESENTATIVES,
*Washington, DC, June 12, 1991.*

Ambassador WILLIAM G. WALKER,
*American Embassy,*
*El Salvador, San Salvador,*
*APO Miami.*

DEAR AMBASSADOR WALKER: As you know, the Congress continues to follow the United Nations mediated Salvadoran peace negotiations, hopeful that they may bring a negotiated political solution to the 11 year old civil war in El Salvador. Today, we are writing to request that you conduct an official inquiry into two incidents that, in our opinion, threaten democratic participation by all citizens in El Salvador.

First, we are concerned about the brutal and suspicious death of Isaac Martinez. Mr. Martinez was a trade union leader and candidate of the Democratic Convergence in the March 1991 elections. Mr. Martinez's body was found in a trash dump in the village of San Jacinto on May 14, 1991. His body showed various signs of torture, reportedly including cigarette burns and machete wounds. Martinez' thumbs were also tied behind his back, a technique traditionally used by the government security forces in El Salvador.

Second, as reported in the May 25, 1991 *Washington Post*, a leaflet was distributed to restaurant and shop owners in San Salvador. The leaflet, distributed by a group calling itself the Salvadoran Anticommunist Front stated, "We demand that you refrain from providing services to foreigners or nationals," from the United Nations, International Red Cross or Doctors Without Borders. The leaflet went on to state that failure to comply would result in sanctions, ". . . against your business, your person or your family."

We believe that these two incidents must be thoroughly investigated and denounced by the United States. While progress may be taking place at the negotiating table, the ongoing human rights abuses in El Salvador must not be brushed under the table or tolerated in any way. The United States must continue to speak out for human rights in El Salvador and support the U.N. mediator in his difficult task. Any negotiated agreements will be weakened if Salvadorans fear that becoming involved in the political process will bring harm to themselves and their families. We fear that these incidents are ominous signs that the extreme right is attempting to sabotage the ongoing negotiations.

Ambassador Walker, we appreciate your consideration of this request and look forward to a timely reply. In closing, we appreciate this opportunity to work together to bring peace to El Salvador.

Sincerely,

Mike Kopetski, George E. Brown, Jr., David E. Bonior, Ronald V. Dellums, Jose E. Serrano, Harley O. Staggers, Jr., Glenn Poshard, James A. Traficant, Jr., John W. Cox, Jr., Matthew F. McHugh, Nancy Pelosi, Neil Abercrombie, Barney Frank, Donald M. Payne, Constance A. Morella, James L. Oberstar.

John M. Spratt, Jr., Rick Boucher, Richard E. Neal, Ron Wyden, Marty Russo, Mel Levine, Les AuCoin, John Bryant, Jack Reed, Barbara B. Kennelly, Rick Santorum, Edolphus Towns, James H. Scheuer, Cardis Collins, Terry L. Bruce, Peter DeFazio, Lane Evans, Joseph P. Kennedy, Jolene Unsoeld, John Joseph Moakley.

*Members of Congress.*

## FIGHT AGAINST AIDS

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. MURTHA. Mr. Speaker, today, the New England Journal of Medicine, the premier medical journal in the Nation, reported that the U.S. Army has successfully completed its first round of testing on a vaccine for the HIV virus, the virus which causes AIDS. The Walter Reed Army Institute of Research reports that volunteers with early signs of AIDS who received the vaccine did not experience a progression of their illness.

This isn't a cure for AIDS yet. But it's a significant step, and it could lead to further advances in our fight against this deadly disease. Since 1988, the Army has requested $54 million for AIDS research, but Congress has put an additional $100 million in the research program. Since I first learned of the potential of this research from our former colleague Jack Marsh, who at that time was Secretary of the Army, I've thought this was an outstanding program. I've pushed for it in the Defense Appropriations Subcommittee, and I'm pleased to report this breakthrough today. I want to salute the Army researchers who have been working diligently on this vaccine, and wish them even more success as we continue our fight against AIDS.

## BULLS BRING JOY AND A CHAMPIONSHIP TO ALL OF CHICAGOLAND

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. PORTER. Mr. Speaker, the celebration that started in Chicago last night following the Bulls' championship victory continues this morning, as the citizens of the entire Chicagoland area savor the feelings of pride and exultation that come with the NBA title. Chicago fans haven't had an occasion to cheer like this since the 1985 Bears won the Super Bowl, and Michael Jordan and company have given us plenty to cheer about this time.

Air Jordan led the Bulls to their first NBA title in the team's 25-year history with his 30 points, accompanied by Scottie Pippen with a game-leading 32. John Paxson's 20 points were especially important, since he knocked down many of them in the final minutes of the game to ensure the Bulls' win.

The Bulls' championship season is not only satisfying for the obvious reason that everyone likes their home team to win. It is also significant because the Bulls set out to prove, especially in the series they swept from the Detroit Pistons, that Chicago's style of aggressive, sportsmanlike play could prevail over the bad boys bruising tactics. This was something that hung over the Bulls and their fans after being eliminated repeatedly by Detroit in the semifinals, but this year we were not to be denied.

It is also satisfying because, as Michael Jordan said last night, it should "remove the stigma of being a one-man team." This was truly a team victory. Jordan, who throughout the playoffs demonstrated his leadership and willingness to share scoring opportunities, said that "my teammates have stepped up, and the stigma is removed." Anyone who saw the television coverage of Michael Jordan holding the championship trophy with tearful eyes could not fail to be moved by the emotion of that

moment. It obviously meant so much to him, his team, and every Bulls' fan.

There should be no doubt that the Bulls are a balanced, seasoned team of champions who will be a force to be reckoned with for many seasons to come. Here's to the NBA champions—long may they reign.

## AMERICAN FLAG FIDELITY BILL

### HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. STAGGERS. Mr. Speaker, I rise today along with 20 of my colleagues—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, and Mr. SPENCE—who support the concept that the American flag is a sacred symbol of our country that should be produced by American workers, in America.

This is not a new concept, I have introduced this legislation previously when I found that an increasing number of American flags were being produced in foreign countries and imported into our country. There is a substantial increase in the number of foreign-made American flags coming to our shores, in 1989–90, approximately 475,000 imported flags arrived on our shores. In the first 3 months of this year alone, more than 7 million foreign-made American flags, have been imported.

I became involved in this issue when I discovered that some foreign companies have produced American flags as well as labels that say "made in the U.S.A.," this scam then advised distributors in this country that they could simply attach the label once the flags and labels arrived here in the United States.

As a result of the heat which this legislation produced, the Department of Commerce now keeps some accounting of the number of American flags produced abroad and imported into the United States. The number of foreign-made American flags is rising rapidly. However, it is time to ensure that a sacred American symbol be produced in our country, by our workers. I urge you protect the integrity of the American flag by supporting our legislation.

Remember, if you support our bill, you will not be left to wonder in the future if the flag you face when you pledge allegiance is an American flag. It will be. If you don't, you better check the label.

## CALL FOR HEARINGS ON H.R. 1413

### HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. JENKINS. Mr. Speaker, H.R. 1413 reflects the growing awareness and concern by the public, the administration, commentators, and Congress that our Nation's tax revenue estimation process is so seriously flawed that it may be doing critical harm to our Nation's economy.

Not only does this vital subject impact the economic basis upon which our Congress enacts legislation, it therefore directly and indirectly impacts the financial well-being of every taxpayer.

H.R. 1413 calls for the repeal of the tax expenditure provisions within the Budget Act of 1974. No repeal can occur, of course, without the appropriate congressional hearings. At such hearings, and interested and knowledgeable parties will have the opportunity to present their views by written and/or oral testimony.

These hearings are of momentous importance. Businesses, the professions, academia, governmental authorities and individuals are urged to offer their testimony so that our Nation may profit from their expertise and experience. It is my strong view that such hearings are imperative and should be scheduled as soon as possible.

Mr. Speaker, I urge my colleagues to cosponsor H.R. 1413 introduced by Congressman SCHULZE and myself.

## ARRIVAL OF THE 100TH DAY AND NO CRIME BILL

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. RAMSTAD. Mr. Speaker, today, is a sad day for the 102d Congress. Ninety-nine days ago, as we celebrated the end of the war in the gulf, President Bush said it's time to get going on the domestic front.

He said that if our outstanding men and women in the Persian Gulf could win a ground war in 100 hours then surely the Congress can get a crime bill to this desk in 100 days.

I'm sorry to report, Mr. Speaker, that the 100 days will be up tomorrow, and no crime bill has been sent to 1600 Pennsylvania Avenue. In fact, in this House, the President's package still has not been referred to a single subcommittee.

Mr. Speaker, let there be no mistake. The American people must know that the leadership from the other side of the aisle is responsible for this inaction. Not only have they refused to discuss the President's comprehensive crime bill, they have yet to draft their own alternative crime bill.

This illustrates the majority's lack of leadership on the crime issue. In fact, there is apparently some confusion in the Democratic leadership over the issue of whether the President's bill has been referred to any subcommittees. This referral, of course, is needed so that hearings can be held on the legislation.

Just yesterday, Mr. Speaker, I asked the chairman of the Subcommittee on Crime and Criminal Justice why the chairman of the Full Judiciary Committee hadn't referred the bill. I was relieved to hear his response that the bill had been referred. This information was news to all the Republicans on the subcommittee. Unfortunately, one gets a different answer if one asks the staff of the full committee. To this hour, they tell me, the bill has not been referred.

Mr. Speaker, to clear up this confusion, I have a simple solution: Refer the bill to the subcommittees and let's get to work.

The need for swift passage of a crime package is clear when we look at the amount of crime that happens on our streets every 100 days. It's estimated that during that period there are 6,500 homicides; 40,500 rapes; 332,000 robberies; and 1,400,000 assults. Can the need for this legislation be more clear?

Mr. Speaker, the President's legislation is not a panacea, but with it's passage we will reduce crime. Let's not wait another 100 days, let's get to work now. We can't afford to wait any longer.

## TRIBUTE TO DR. JACK C. HUGHSTON

### HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. RAY. Mr. Speaker, Dr. Jack C. Hughston of Columbus, GA, from the Third District of Georgia, was recently honored by the Medical Association of Georgia for his outstanding achievements in sports medicine.

He was awarded the Hardman Cup Award at the Association's 137th annual meeting. The Hardman Cup is named after Dr. Lamartine Griffin Hardman, the Governor of Georgia from 1926–30, and is presented to cite an outstanding contribution in surgery or medicine.

Dr. Hughston is a founder of clinics geared for crippled children in Columbus and Cordele, and he has founded an orthopaedic clinic and a sports medicine hospital in Columbus. Dr. Hughston is past chairman of the first "Committee on Sports Medicine" of the American Academy of Orthopaedic Surgeons.

I congratulate Dr. Hughston for this award, and I wish him the best of luck as he continues to search for improved treatments in sports medicine.

[From the Columbus (GA) Ledger-Enquirer, June 6, 1991]

HUGHSTON HONORED FOR WORK IN THE SPORTS MEDICINE FIELD

Dr. Jack C. Hughston of Columbus was honored recently by the Medical Association of Georgia for his outstanding achievements in sports medicine.

Hughston, founder of clinics for crippled children in Columbus and Cordele, Ga., and of Hughston Orthopaedic Clinic and Hughston Sports Medicine Hospital in Columbus, received the Hardman Cup Award in Savannah during the 137th annual meeting of the association.

The award presentation cited Hughston's contributions to sports medicine, including chairmanship of the first Committee on Sports Medicine of the American Academy of Orthopaedic Surgeons, and his urging of improved equipment and rule revisions to make sports safer.

The Hardman Cup is named after Dr. Lamartine Griffin Hardman, a former Georgia governor (1926–30), and is only presented to cite an outstanding contribution in surgery or medicine.

## A FOND FAREWELL TO BARBARA CAVAS

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. YOUNG of Alaska. Mr. Speaker, tonight the Merchant Marine and Fisheries Committee is paying tribute to Ms. Barbara Cavas, our chief clerk. After a long and successful career in the House, Barbara has decided to give up bill forms, reports, and markups and trade them in for travel, gardening, and grandchildren. We will all miss her.

Barbara has worked for a number of our colleagues in the House, including our former colleagues, Homer Thornberry and Joe Kilgore of Texas, the second largest State. For the last 10 years, she worked for my chairman, the Honorable WALTER JONES, as chief clerk on the committee, having transferred to that job from Mr. JONES' personal staff. She has run a tight ship on the committee, ensuring that hearings and markups flow smoothly, that members' questions are answered, and that the committee staff does its best work. I've described our committee's staff as the best on the Hill, and that is in no small way due to Barbara's diligence.

Mr. Speaker, we often forget that so much of what we do in this body is the result of a lot of dedicated effort by hard working, professional staff. Barbara is one of those staffers, and the committee will not be the same without her.

## DREW MICHAEL JOHNSON NATIONAL POSTER CHILD FOR MDA

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BAKER. Mr. Speaker, it is my special pleasure to announce that Drew Michael Johnson, a resident of Zachary, LA, has been selected as the national poster child for the Muscular Dystrophy Association.

We are all especially proud of Drew who is 6 years old, and determined to make the most of his life. Drew was diagnosed as having Duchenne muscular dystrophy at the age of 2. He is able to walk most of the time but has to use a wheelchair on occasion. Drew's interests include swimming, T-ball soccer, playing in his treehouse, going to MDA summer camp, and playing with his dog Whitney Houston and his cat CC, two of his best friends.

Drew is the son of Sam and Teri Johnson, who are very supportive of MDA and its work. They participate in MDA-sponsored parent support group, and they try to keep a hopeful attitude for themselves and for Drew.

Drew will make his national debut on TV during the 1991 Jerry Lewis Telethon broadcast on Labor Day. Viewers may catch the telethon on WVLA, KLFY, KNOE, WNOL, KTBS. His schedule also includes MDA fundraisers and meetings, working with Jerry Lewis, and a visit with President Bush. We all look forward with proud and eager anticipation to seeing Drew on TV.

As Jerry Lewis said, "Drew represents our hope for tomorrow in helping the more than a million Americans with neuromuscular diseases." I, along with my fellow Louisianians wish Drew nothing but the best in the future. We are proud to have him as the national poster child for MDA.

## THE PROBLEM OF HOMELESS VETERANS

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. KENNEDY. Mr. Speaker, I am introducing legislation which I feel takes important strides to address a most serious problem facing our country, and that is, the problem of homeless veterans.

Sadly 225,000 Americans who served our country sleep each night in doorways or on grates, struggle each day to find food or clothes, and suffer other day-to-day indignities of life on the streets. These veterans represent 30–50 percent of the adult male homeless population in this country. Yet, America and the veterans service system have failed to fully address their needs. Although the Department of Veterans Affairs have a few excellent programs for homeless veterans, their resources are limited and most homeless veterans have fallen through the cracks in the system. The legislation that I am introducing gives homeless veterans somewhere to turn. The comprehensive service program for homeless veterans bill is an improved version from the previous Congress. It is a leaner bill; one that draws on the diverse resources found in the community.

The comprehensive service program for homeless veterans addresses three fundamental needs. First there is $12 million to establish 25 drop-in service centers to provide health and mental health care, job training and placement assistance, benefits counseling, legal assistance, meals and hygiene facilities. Second, the bill provides $9 million to establish transportation and outreach services through the use of 20 mobile support teams. Third, the bill provides $15 million to provide 50 transitional group homes in order to ease the homeless veteran back into mainstream society with intensive rehabilitation and counseling.

At least 35 percent of the services provided under this bill will be contracted to nonprofit community agencies. These agencies will be required to match Federal money by at least 25 percent in order to stretch limited Federal dollars and to secure a commitment by the agencies for quality services.

Homeless veterans are not looking for a hand-out, they are looking for a helping hand. Although many struggle with complex problems such as mental illness and substance abuse, solutions to their problems are within our reach. I urge my colleagues to lend their support to this legislation and send a signal to homeless veterans that we have not forgotten them. The text of the legislation follows this statement.

H.R. 2648

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Comprehensive Service Programs for Homeless Veterans Act of 1991".

**SEC. 2. DROP-IN SERVICE CENTERS.**

(a) ESTABLISHMENT.—(1) The Secretary of Veterans Affairs shall provide, directly or by contract, for the establishment of not less than 25 outreach service centers for homeless veterans in areas where there is a significant number of homeless veterans. Each such center—

(A) shall be in an appropriate location convenient to places where such veterans congregate;

(B) shall provide the services specified in subsection (c) on an unscheduled basis; and

(C) may be used as the center for homeless veterans outreach staff from nonprofit organizations, the Department of Veterans Affairs, the Department of Labor, and other appropriate agencies or organizations.

(2) The Secretary may not enter into a contract under this section or section 4 with any contractor unless—

(A) the contractor agrees to provide at least an amount equal to 25 percent of the amount needed to provide materials and services under the contract concerned, with such amount being provided with public or private funding or in-kind with volunteer or other personnel; and

(B) the Secretary has determined that the contractor has the capacity to carry out such agreement.

(b) STAFFING.—(1) The Secretary shall ensure that not less than seven full-time equivalent employees are assigned to each such center. Such employees shall be in addition to individuals employed by the Department on the date of the enactment of this Act and may include personnel provided through contract with community service providers that have a demonstrated expertise in working with homeless veterans.

(2) Employees assigned or detailed to each such center shall include (on a full- or part-time basis) medical and psychiatric care professionals and case managers.

(c) SERVICES.—Each center established under subsection (a) shall provide case management, health care, mental health and employment counseling services, social services, hygiene facilities (including showers and laundry facilities), benefits assistance, legal assistance, transportation assistance, meals, and such other services as the Secretary determines necessary to meet the needs of the veterans served by the center.

(d) CONTRACTING.—(1) At least 35 percent of the centers established under this section shall be established through contracts entered into by the Secretary with nonprofit private providers.

(2) The Secretary shall provide—

(A) that all applications by such providers are made to the Department of Veterans Affairs office located in Washington, D.C.; and

(B) that all awards under this section are made through such office.

(3) No contract may be awarded under this section unless appropriated funds are available to the extent necessary for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $12,000,000 for each of the fiscal years 1992, 1993, and 1994.

**SEC. 3. MOBILE SUPPORT TEAMS.**

(a) IN GENERAL.—The Secretary shall provide, directly or by contract, not less than 20 mobile support teams to provide services through medically equipped vans in areas with a high percentage of homeless veterans and in rural areas without adequate access to medical services of the Department of Veterans Affairs.

(b) SERVICES.—Such teams shall provide clinical care, case management, monitoring services, meals, benefit assistance, and needed transportation services for homeless veterans.

(c) CONTRACTING.—(1) At least 35 percent of the teams provided under this section shall be provided through contracts entered into by the Secretary with nonprofit private providers.

(2) The Secretary shall provide—

(A) that all applications by such providers are made to the Department of Veterans Affairs office located in Washington, D.C.; and

(B) that all awards under this section are made through such office.

(3) No contract may be awarded under this section unless appropriated funds are available to the extent necessary for such purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $9,000,000 for each of the fiscal years 1992, 1993, and 1994.

**SEC. 4. TRANSITIONAL HOUSING.**

(a) IN GENERAL.—(1) The Secretary shall provide for not less than 50 transitional group homes whose only residents are homeless veterans. In providing for such group homes, the Secretary shall, to the maximum extent practicable, establish, or provide for the establishment of, such homes within areas that are primarily residential.

(2) To provide such housing, the Secretary may—

(A) lease or purchase property or contract with nonprofit organizations with a demonstrated expertise in working with homeless veterans; and

(B) use residential housing located on the grounds of a medical center of the Department directly or by lease to such nonprofit organizations.

(b) IMPLEMENTATION.—In carrying out such program, the Secretary shall provide—

(1) that the manager of the housing is a veteran and resides therein;

(2) that residents of such housing have access to job training services, substance abuse rehabilitation, health care, mental health services, case management, benefits assistance, and transportation;

(3) that such residents—

(A) are employed at least 18 hours a week or are involved in job training; and

(B) if necessary, maintain involvement with a counseling program that may include a substance abuse rehabilitation program;

(4) that—

(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited; and

(B) any resident of the housing who violates such prohibition will be expelled from the housing;

(5) that the veterans residing in the housing made available under this section pay rent to the extent of their ability to pay; and

(6) that such housing is in compliance with State and local housing codes and regulations.

(c) CONTRACTING.—(1) At least 35 percent of the group homes provided under this section shall be provided through contracts entered into by the Secretary with nonprofit private providers.

(2) The Secretary shall provide—

(A) that all applications by such providers are made to the Department of Veterans Affairs office located in Washington, D.C.; and

(B) that all awards under this section are made through such office.

(3) No contract may be awarded under this section unless appropriated funds are available to the extent necessary for such purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $15,000,000 for each of the fiscal years 1992, 1993, and 1994.

**SEC. 5. EVALUATIONS AND REPORTS.**

(a) EVALUATIONS.—The Secretary shall, during fiscal year 1992, carry out an evaluation of the programs carried out under sections 2, 3, and 4.

(b) REPORTS.—Within 60 days after the end of fiscal year 1992, the Secretary shall transmit to the Congress a report containing the findings and conclusions made by the Secretary as a result of the evaluation carried out under subsection (a).

**SEC. 6. ADDITIONAL AUTHORITY.**

(a) DONATIONS.—The Secretary may accept services and equipment (including motor vehicles) donated for the purposes of carrying out sections 2, 3, and 4.

(b) CONTRACTING.—The Secretary may enter into agreements with nonprofit organizations by which the Department of Veterans Affairs would pay for services performed, under the direction of such an organization, by residents of the housing funded under section 4 or by homeless veterans who utilize the service centers established under section 2.

**SEC. 7. DEFINITIONS.**

In this Act:

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "veteran" has the same meaning given such term by section 101(2) of title 38, United States Code.

## HUMAN RIGHTS ABUSES IN NORTHERN IRELAND

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. MAVROULES. Mr. Speaker, I rise today to express my concerns about the alleged human rights abuses in Northern Ireland. The June Amnesty International report on the United Kingdom has documented a number of unlawful assaults and abuses afflicted on the Irish people, involving ill-treatment of suspects, unfair trials, killings of unarmed suspects without warning, and misuse of national security as justification for arrests. Three hundred and thirty-nine people, mostly Irish Catholics, have been killed by security forces since 1969.

As my colleagues are aware, Northern Ireland has been subject to communal violence and sporadic unrest dating back to the 1920s. From 1969 to 1989, over 2,800 people were killed in this violence. These proud people have lived with this unrest for 70 years—is it also necessary that the Irish now live in danger and fear of the security forces as well? The purpose of these forces is to reduce violence and to ensure the stability of the government. But as Thomas Jefferson once noted, echoing John Locke, government exists to protect the rights of the people. For the people of Northern Ireland, these rights have been all but extinguished.

Mr. Speaker, it is my hope that my colleagues will join me in further examining the plight of the Irish. This strong, remarkable people, with a commitment to freedom and an exceptional record of public service in our own country, deserve our attention. I look forward to working with my colleagues in reviewing these recent allegations.

## SALUTE TO OMAHA NATIVE WILLIAM BIGGS

### HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. HOAGLAND. Mr. Speaker, I would like to salute William L. Biggs as he completes his tenure as international president of Lions Club International. I am proud that he is a citizen of the Second Congressional District of Nebraska.

His service during 1990–91 as international president has been a fitting testament to a lifetime of service to Lions Clubs International and numerous other community groups. During the past 2 years, since stepping in on short notice to succeed the late Mathew Seishi Ogawa, his leadership has contributed greatly to strengthening the commitment of Lions worldwide to community service. Thanks to his visionary leadership and selfless dedication, the 1,370,000 members in 40,000 Lions Clubs around the world are responding to his call to answer the need of humanity.

I would particularly like to commend Bill's championship as international president on efforts to expand the Lions-Quest positive youth development program, for which Lions was a 1989 recipient of the President's Award for Private Sector Initiatives. As a result of his strong support and sponsorship of the Lions-Quest programs, over 2 million youngsters a year in 22 countries are developing the skills necessary to resist drug use and to become healthy, responsible citizens.

Bill is also to be congratulated for the inauguration of the new Sight First Program to eliminate preventable and curable blindness. Over 65 years ago, the indomitable Helen Keller personally challenged Lions to become "knights of the blind in the crusade against darkness." Ever since then, Lions worldwide have improved the quality of countless lives through many diverse services to the sight impaired. The goal of Sight First—to conquer blindness—is a daunting one, but Lion's success in this area gives us all hope and encouragement.

"Unity of Purpose" and "We Serve" ideals have been watchwords of Bill's outstanding year as president. Moreover, he represents the best example of his message. His lifetime of service to make this world a better place for this, and all succeeding generations, has resulted in a lasting positive mark on Lionism and the millions of human beings, young and

old, who have been touched by the compassionate outreach of a Lions member.

We can all be proud of Bill's record of accomplishment and service. His determination to carry out the responsibilities of Lions Club International president are an inspiration to us all. I wish him and his wife, Dr. Bette, congratulations and all the best for the future.

## HAPPY 40TH ANNIVERSARY TO PHIL AND BETTY BINZEL

### HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. McEWEN. Mr. Speaker, as we deal with the problems of the world, it is appropriate on occasion to take a minute to acknowledge the achievements of our leading citizens. On Sunday, June 16, 1991, Dr. and Mrs. Philip E. Binzel of Washington Court House, OH, will celebrate their 40th wedding anniversary.

Phil Binzel is a native of Bowling Green, KY, with two ties to Congress. His uncle, Louis E. Miller, served in the 78th Congress, and his mother, a teacher, had a student named WILLIAM H. NATCHER, who has represented Bowling Green in the House of Representatives since 1953.

Elizabeth Ann Hasslacher Binzel was raised in Scarsdale, NY, the daughter of an engineer who, among other things, worked with the Bell Laboratory rocket team during World War II. She met Phil when she accompanied her college roommate, Phil's sister, home to Bowling Green during a school vacation.

They were married in 1951 while Phil was in medical school. Dr. Binzel served his internship and residency in Cincinnati before settling in Washington Court House in 1955, where he has been a general practitioner for 36 years. He has also taken a very active interest in government, and served on the city council.

Perhaps it is fitting that their anniversary is on Father's Day. During their 40 years of marriage, Betty and Phil have raised six children. The success of their marriage is reflected in the fact that they instilled in each of their children the importance of an education, and provided them with the support and encouragement to choose their own path in life. Today, Mary Binzel Black is a teacher living in Santa Maria, CA; Ed Binzel is an executive with Rally's Inc. in Louisville, KY; Kathy Binzel Bringardner is a nurse in Gettysburg, PA; Bill Binzel is in Washington, DC, and is an attorney for a Banking Subcommittee of the House of Representatives; Rick Binzel is a professor at the Massachusetts Institute of Technology in Boston; and Nancy Binzel Littke, who served in my office is working for a transport company outside of Pittsburgh, PA.

Although they are scattered throughout the country, the family will be reunited for the first time in many years this weekend in Washington Court House to celebrate the anniversary. The presence of the eight grandchildren, J.T., Elizabeth, Shelley, Karen, Patrick, Allison, Eric, and Steven, should insure a lively reunion.

To Betty and Phil, I send my congratulations and best wishes for a very happy 40th anniversary, and for many more to come.

## J.D. AND MARY SUMNER PRESENT 50TH WEDDING ANNIVERSARY

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CLEMENT. Mr. Speaker, I rise to pay tribute to two dear friends who today clebrate their 50th wedding anniversary—J.D. and Mary Sumner.

On June 14, 1941, J.D. Sumner, a talented and aspiring young musician, married the lovely Mary Agness Vanadore in Wimauma, FL.

During the past half century J.D. and Mary have managed the family business, forming an unique partnership based on a strong love and traditional family values. Mr. Speaker, I often remark that I believe that many of the problems in our country today stem from a lack of family values. I wish every family in our Nation held the values that J.D. and Mary Sumner display and could know these warm, wonderful people who are true role models for young people today.

J.D. Sumner is probably the most well known gospel music singer in history. But he has not achieved such enormous success in his industry alone. Throughout the years Mary Sumner has been an integral part of J.D.'s career, managing the family business.

The success of J.D. Sumner in the gospel music industry is legendary. He has written more than 500 gospel songs with more than 400 of them being recorded. The Grammy Award winner is a lifetime member of the Gospel Music Association and is listed in the Guiness Book of World Records as having the lowest bass voice. J.D. established the prestigious National Quartet Convention and helped begin the Gospel Music Association and the Dove Awards.

J.D. will be the first to tell you that he could never have achieved these great accomplishments without the help of his family and the support of his loved ones.

I want to pay tribute today in the U.S. House of Representatives to J.D. and Mary Sumner and their family—daughters Shirley Enoch of Nashville and Francis Dunn of Memphis, their two grandchildren and one great grandchild.

I ask my colleagues to join me in recognizing the achievements of this family, to join me in a salute to the American family unit they personify and to join me in wishing J.D. and Mary Sumner a happy and wonderful golden wedding anniversary.

## NEEDED: SOUND HEALTH POLICY, NOT HYSTERIA, ON AIDS

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most discouraging examples of bad politics overruling good science was the recent refusal by President Bush to support his Secretary of Health and Human Services, Dr. Louis Sullivan, in the latter's effort to bring rationality to our immigration policy involving people with AIDS and the HIV virus. Because AIDS and the HIV virus are not transmitted through casual contact, Congress in last year's immigration bill repealed an earlier amendment that mandated that these conditions be used to exclude people from visiting or immigrating to the United States. Instead, Congress wisely decided to leave the decision as to what illnesses should be the basis for a medically dictated exclusion from the United States to Dr. Sullivan and the health professionals working under him.

In pursuit of this mandate, Dr. Sullivan proposed perfectly sensibly that there be no exclusion on medical grounds for people with AIDS. Many of us agree that it would be reasonable to use the law's ban on people coming to this country who have become public charges with regard to any serious illness that had a high likelihood of leaving people dependant on public support. The exclusion of public charges has been a part of immigration law for a long time and if it is applied in a nondiscriminatory manner, it expresses a reasonable public policy. But to single out AIDS for an exclusion while other illnesses that can reduce people to the status of public charge are not covered perpetuates ignorance and bigotry.

Excluding people with the HIV virus from coming to the United States is not only unjustified; it is a throwback to earlier days when we did not have a national policy which understood AIDS well. And this bodes ill for our efforts to combat this disease.

In the Boston Globe for Saturday, June 8, Max Essex, chairman of the Harvard AIDS Institute and of the VIII International Conference on AIDS which is scheduled to be held at Harvard in June 1992, eloquently explains why the Bush administration has made a very bad mistake in allowing politics to overrule health care policy in this instance. This very conference—a critical element in the fight against AIDS—is in jeopardy because of President Bush's unwillingness to stand behind his Secretary of Health and Human Services. I hope that the arguments made by Dr. Essex and other experts will prevail in persuading the President that science ought to prevail in this instance.

[From the Boston Globe, June 8, 1990]

NEEDED: SOUND HEALTH POLICY, NOT HYSTERIA, ON AIDS

(By Max Essex)

Ten years ago this month the Centers for Disease Control received the first reports of the illness which was later identified as AIDS. In the decade since, the epidemic has burgeoned, with an estimated 1.5 million

HIV-infected people in the US and 8-10 million worldwide. At the same time, strides have been made in understanding the disease, the virus which causes it (HIV), and how it is transmitted. These scientific advances have been nothing short of stunning in scope and importance.

But even the most far-reaching discoveries of medical science are useless unless coupled with enlightened public policy. It is unfortunate that despite 10 years and more than 100,000 American deaths from AIDS, our national leaders seem to have learned little.

This was made clear last week when members of the Bush administration moved to block travel and immigration to the US by people infected with HIV.

This is a particularly disheartening act on the part of the administration, for both Louis Sullivan, secretary of health and human services, and James Mason, assistant secretary for health, had recommended removing HIV from the government's list of casually contagious diseases which trigger travel and immigration restrictions. It is appalling that the administration ignored the expertise of its own public health specialists, issuing an interim list which contains HIV.

This action has been taken despite the fact that, as public health experts worldwide agree, restricting entry of HIV-infected people does nothing to protect the American people.

The Centers for Disease Control came to this conclusion after conducting a nationwide survey of public health officials, and Mason has declared that unrestricted travel by HIV-infected individuals imposes no significant additional risk of infection to the US population.

Rather than protecting the American people, these travel restrictions convey an inaccurate message about the way in which HIV is transmitted, giving credence to the mistaken and destructive notions that the threat of AIDS comes from abroad, or that the disease can be spread by casual contact. By contributing to misinformation, the very restrictions which are supposedly meant to defend the American public pose a threat to their health.

These restrictions also send another damaging message to the American public and to the world—the message that it is acceptable to discriminate against people with HIV. This is simply bad public policy, which encourages the prejudice and ignorance that have consistently impeded attempts to eradicate AIDS. Across the world, those infected with the AIDS virus must add discrimination to the burden they carry, often losing jobs, homes, and health-care benefits if their status becomes known. To encourage and sustain this cruel and groundless prejudice is a brutal and unconscionable act which should be repudiated by all Americans.

Within our borders, it has taken years for us to begin to understand that people with AIDS are not "other" than ourselves. Ryan White is a national hero now, but it was only a few years ago that he was refused the right to go to school and shunned by his fellow townspeople. Do we really want our government to impose similar treatment on others who are just as deserving of our respect and support?

Outside the United States, the highest rates of infection are in countries with black and hispanic populations. Given past performance, we must assume that the new rules banning entry into the US will be arbitrarily enforced on racial grounds. How will we explain such apparent bigotry to the rest of the world at a time of increasing international cooperation?

Instead of feeding prejudice and misinformation, the administration should respect the advice of medical experts and the directives of Congress, as expressed in the Immigration Act of 1990, and allow this decision to be made by the public health officials who are most qualified to do so. In this way, they could actually protect the public health rather than further endangering it.

In the first years of the AIDS epidemic, when we had the opportunity to prevent its lightening-like spread, the government played politics with health policy. The tragic results of this benighted behavior on the part of our elected officials will be with us for decades to come. Instead of learning from this disaster, however, members of the Bush administration again would put political considerations ahead of sound public health policy.

Everyone who wants to see AIDS defeated should use the 60-day period of public comment to oppose the reintroduction of entry restrictions for people with HIV. We must fight for a sane and rational public health policy, not the public health hysteria espoused by this administration.

## JUNE IS TURKEY LOVERS' MONTH

### HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. PENNY. Mr. Speaker, the turkey industry in Minnesota is very important to the State's economy and to the turkey industry nationwide. To recognize this industry, I would like to join Minnesota Gov. Arne Carlson in proclaiming June 1991 as "Turkey Month" in Minnesota. This effort is in conjunction with the National Turkey Federation's campaign to celebrate "June is Turkey Lovers' Month."

According to 1990 USDA figures, over 46 million turkeys were raised during the year in Minnesota, the second largest turkey producing State in the country. Minnesota's production represents 16 percent of the total U.S. turkey production. In addition, Minnesota's turkey industry generates an on-farm value of production of over $298 million for approximately 500 farms and 275 growers. The State's turkey industry employs over 57,000 people in the State.

Not only is Minnesota a national leader in producing turkeys, but Minnesotans are industry leaders as well. More Minnesota turkey producers have served as presidents of the National Turkey Federation than any other State. Those presidents include: John Wickliffe, 1989; Vance Larson, 1986; John Holden, 1985; Glen Harder, 1977; Lloyd Peterson, 1970; Glen Thurnbeck, 1960; and Graydon McCulley, 1949.

The per capita consumption of turkey is rising rapidly in the State and in the Nation as health conscious consumers become aware of turkey's naturally healthy benefits, and use it as an ingredient, not just a meal. In fact, in 1990 over 41 percent of American households reported serving turkey on a regular basis, up from 25 percent just 5 years ago. In addition, restaurant servings of turkey are up 11 percent since 1988, more than all other meat servings.

I am proud of the accomplishments of the Minnesota Turkey Research and Promotion Council and appreciate the many benefits this growing industry is providing the State and the Nation. Hats off to Minnesota's, and the Nation's, turkey farmers.

## INTRODUCTION OF THE EMPLOYEE BENEFITS SIMPLIFICATION ACT OF 1991

### HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CHANDLER. Mr. Speaker, in recent months, Congress has appropriately increased its attention to the crisis this country faces in providing its citizens with adequate and affordable health care. Unfortunately, Congress has, at the same time, largely ignored a growing problem of equally significant social consequence; that being reduced retirement security for American workers. In fact, it is fair to say that Congress has actually contributed to this problem by enacting, with amazing regularity, complex and, ultimately, costly legislation that threatens the integrity of our private pension system. The result of this legislative paradox is fewer pension plans which, in turn, means reduced pension coverage for the American worker.

Last year, in response to this alarming trend, Senator PRYOR and I introduced the Employee Benefits Simplification Act. No action was taken on our bill and, unfortunately, the trend has only continued, with pension plan terminations outpacing the growth of new plans. For that reason, I am pleased today to join with Representatives ARCHER, MATSUI, JOHNSON of Connecticut, and GUARINI in introducing a revised version of this legislation, and in urging its speedy consideration.

Since the Employee Retirement Income Security Act [ERISA] was enacted in 1974, various revenue acts have amended retirement plan provisions of the Internal Revenue Code. Specifically, since 1980, an average of one statute per year has been enacted to change the laws governing private pension plans. In virtually every instance, the driving force behind this legislation was Congress' now-common tendency to raise Federal revenue at the expense of the private pension system and, ultimately, the retirement security of the American worker himself.

The effect of this legislation on workers' pension coverage is clearly being felt. Internal Revenue Service [IRS] determination letter statistics for fiscal year 1990 show that gross terminations of defined benefit [DB] pension plans reached their highest level in history for the second year in a row.

Nearly 1.8 million American workers were adversely affected by the cancellation of over 16,000 plans last year. This is in addition to the nearly 16,000 plans terminated last year. Both the figures for 1989 and 1990 are more than double the average annual rate of termination applications received by the IRS since ERISA became fully effective in 1976. And the termination figures for defined contribution [DC] pension plans are equally alarming.

Unfortunately, the numbers for new pension plan creations are not nearly as impressive. In 1989, the IRS reported initial determination letter applications, an indicator of DB plan creation, at 5,461, the lowest number in history. The new plan figures for 1990 are just as dismal.

Mr. Speaker, the Employee Benefits Simplification Act of 1991 seeks to reverse the disturbing trends reflected in these statistics. It does so through a number of provisions aimed at reducing the complex regulation and administration that currently burdens the sponsors of private pension plans. These include safe harbors for section 401(k) deferred compensation plans that will eliminate needless and expensive testing; simplified distribution rules that allow employees to rollover any portion of a distribution; new rules for leased employees; and, clarification of the manner in which benefit limit rules apply to State and local government.

Also retained from last year's bill are provisions that will standardize most of the rules governing plans for self-employed individuals, so-called Keogh plans. This will provide consistency of treatment for small businesses. The bill further encourages small employer pension plans by allowing expanded participation in salary reduction arrangements for simplified employee pension plans [SEPs]. Fairer treatment is accorded handicapped employees by a provision permitting plans to continue contributions on behalf of all disabled participants without violating contribution limits under current law.

In addition to these provisions retained from last year's bill, this legislation also includes several new provisions which address problems relating to regulations recently proposed by the Treasury Department. While I recognize that the issuance of these regulations is mandated under current law, I fear that implementation in their current form will actually do more harm than good.

Mr. Speaker, in crafting this legislation, my primary priority has been to simplify pension rules while retaining the flexibility necessary to encourage employers to offer and maintain retirement plans for their employees. While the Employee Benefits Simplification Act addresses a complex and confusing area of the law that is greatly in need of reform, the goal of the legislation is much simpler—increased retirement security for American workers.

I urge my colleagues to join this effort to strengthen our private pension system by cosponsoring the Employee Benefits Simplification Act of 1991.

## "THE KIDS' SUPERINTENDENT"—ALWAYS INSTRUMENTAL IN EDUCATION: DR. GEORGE BELL RETIRES

### HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. PURSELL. Mr. Speaker, I bring to your attention today the retirement of my good friend, Dr. George R. Bell, Superintendent of the Northville Public Schools.

Since beginning his career in education 40 years ago, George Bell has been firmly committed to the proposition that schools exist to serve kids. He has served as a school administrator of unparalleled integrity and credibility, earning the respect and admiration of students, parents, and all levels of staff. Through George's visionary leadership and ability to face constant change with an air of confidence and a sense of humor, he has provided unprecedented years of success to education in Michigan.

As the Kids' Superintendent George Bell has provided a communicative style instills one to believe in and work hard for a standard of excellence. Conducting successful bond and millage elections, receiving the continuous support of voters, George Bell has consistently provided improved learning opportunities for kids.

While providing a conducive environment for children to learn in our public schools in Michigan, George and his wife Ruth also share a love of outdoor sports, as well as talents in music. His early career position in education was as Director of Bands and Orchestras in Wayne, Michigan. Since those early years, George has progressed through school administration positions, and Ruth now directs early childhood education programs.

Northville and Michigan students will miss Superintendent George Bell, and his colleagues will find his tireless efforts and enthusiasm impossible to match. Mr. Speaker, I send my best wishes to George Bell and his family and hope that retirement will continue to bless their lives with love and happiness.

## A TRIBUTE TO THE HEBREW DAY INSTITUTE

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mrs. MORELLA. Mr. Speaker, I want to share with my colleagues a tribute to the Hebrew Day Institute of Rockville, MD, in commemoration of their CHAI or 18th anniversary this year. The Hebrew Day Institute was founded in 1973 by a small group of parents committed to excellence in Jewish and secular education. Beginning with only 15 students, HDI celebrates its anniversary with 250 students in Nursery school and kindergarten through sixth grade and 54 teachers and staff. HDI's diverse student body includes students from Israel, Iran, and the Soviet Union.

The institute provides a unique educational experience which enables students to learn traditional secular studies and also provides a Hebrew/Judaic program including the study of the Hebrew Language, the Torah, and prayers and their interpretation. The focus on the needs of individual students, combined with a program which promotes pride and joy in the Jewish Heritage, has truly distinguished HDI over the last 18 years.

HDI's strength has centered around its ability to develop Jewish scholarship and a sense of tolerance and caring for other people. It is clear that students from the Hebrew Day Institute will be our future Jewish leaders. I applaud the efforts of the Hebrew Day Institute and wish them congratulations and best wishes on their anniversary.

## CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. LEVINE of California. Mr. Speaker, all of us who have been working over the years to secure the right of Soviet Jews and other persecuted minorities to emigrate freely from the Soviet Union enthusiastically welcomed glasnost and economic reform in that country. The dramatic emigration of hundreds of thousands of Soviet Jews to Israel is nothing short of exhilarating.

However, with the atmosphere in the Soviet Union of volatile and violent political instability, economic collapse, the resurgence of the Soviet right, and a proliferation of anti-Semitic scapegoating, the need to assist Soviet refugees has become extremely urgent.

Already we are beginning to see disturbing signs in Soviet emigration policy. There are longer delays in processing and arbitrary denials by the OVIRS of exit visas to Soviet refugees already accepted to the United States. There is a re-emergence of visa refusals on the basis of traditional impediments such as alleged access to state secrets or eligibility for military service.

One victim of these regressive policies is Mr. Moses Iskin. Mr. Iskin has been trying to emigrate from the Soviet Union to join his family in the United States since 1979. He has been refused an exit visa because it is believed that he had access to secret information in his job as a top physicist in the defense industry working at the Admirality Plant as the head of the physical laboratory. In 1972, the work of the laboratory changed and is no longer considered secret. Mr. Iskin has not been exposed to secret information for over 15 years. At least four of Mr. Iskin's coworkers have already been permitted to emigrate.

Mr. Iskin applied to the General Director of the Admirality Plant four times, the Ministry of Shipbuilding three times, the Visa Department of the U.S.S.R. and the Commission on Human Rights of the Leningrad Soviet each one time. He has also appealed to the President of the Soviet Union. On his last appeal to emigrate, Mr. Iskin was told that he would have to wait until 1993 before applying again.

To make matters worse, Mr. Iskin suffered a heart attack and spent several weeks in the hospital in 1977. This past May he underwent heart surgery and has since not been able to resume work. As a consequence of his continuing refusals and separation from his children, Mr. Iskin is under a great deal of stress and his case has become extremely urgent.

On behalf of the congressional call to conscience vigil for Soviet Jews, I strongly urge the Soviet authorities to reconsider this humanitarian case and permit Mr. Iskin to emigrate as expeditiously as possible so he may

be reunited with his children in the United States.

## TRIBUTE TO DON MOORE, VENICE, FL

### HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. GOSS. Mr. Speaker, I am proud today to pay tribute to a feisty, straight-shooting, and incredibly committed journalist in Venice, FL. Don Moore, an editor of a local newspaper in my Southwest Florida district, has proven that David can meet Goliath and actually come out on top, even when Goliath is an entrenched Federal bureaucracy.

As a candidate for Congress in 1988, I came across Don Moore on the campaign trail. At the time, he had only one issue in mind to discuss: He wanted to know what I would do for a Venice veteran who had been injured during secret World War II chemical gas tests. At the time, it didn't seem like there was much we could do—the Department of Veterans Affairs had denied this man's claims and seemed uninterested in changing their policy.

But Don Moore refused to give up—and he pressed the issue. Upon further digging, my staff and I found a much bigger story than we'd originally thought. Turns out there were some 1,700 naval trainees involved in these classified tests during World War II—people who had clearly been exposed to some very serious health risks.

Mr. Speaker, that was more than 2½ years ago. Today, after countless hours of hard work, a private relief bill, two hearings in the House Judiciary Committee's Subcommittee on Administrative Law—and after more than 60 articles by Don Moore, the immoveable has actually moved. The VA has just announced that it will be changing its policies—and it will finally be recognizing the victims of these gruesome tests.

Of course now that the decision has been announced, all the national media have jumped on this "human interest" story. But Mr. Speaker, Don Moore has shown the difference between just reporting a story and actually going out on a limb for something important that you believe in. I am very proud to say that none of this could have ever happened were it not for Don Moore—and the hundreds of veterans and their families who stand to benefit from this case owe him a real debt of gratitude.

## KIDS WHO CARE

### HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BARTON of Texas. Mr. Speaker, in my district there is a group of extraordinary young people who are using their talents to expand their cultural horizons and promote a positive message to kids of all ages. They are members of "Kids Who Care," a Fort Worth-based touring company, comprised of people ages 7 to 17, designed to reach out into the local and international community by providing live theater to new audiences and by training gifted advanced and beginning performers. Their performance of "The Me You Cannot See" includes a strong antidrug and profamily message.

During the summer, students from across the city are joined by foreign students from Italy, Germany, Hungary, and Indonesia through Sister Cities International. Three weeks of intensive training and rehearsal are followed by a 1 week performance tour of the Dallas-Fort Worth metroplex and a Showcase performance at the Scott Theater in Fort Worth. Professional performers join "Kids Who Care" on-stage for the Showcase.

"Kids Who Care" enhances our ability for future international, educational and artistic exchanges, trains future performers and audiences, and provides positive self-esteem and leadership training for its members. "Kids Who Care" sends a clear message that kids are important and dreams can become tangible realities.

This group of talented young people will be performing at the Kennedy Center as part of the Texas Festival on June 15 on the Grand Foyer stage at 3:10 p.m. I would encourage my colleagues to see this fine group.

## ILIMA INTERMEDIATE, KEOLU ELEMENTARY AND WAIALUA ELEMENTARY SCHOOLS

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mrs. MINK. Mr. Speaker, I rise today to pay special tribute to the outstanding efforts of three schools in the Second Congressional District in Hawaii who have gone the extra mile in combating the terrible threat of drugs. Ilima Intermediate in Ewa Beach, Keolu Elementary in Kailua, and Waialua Elementary in Waialua were each selected by the U.S. Secretary of Education, the Honorable Lamar Alexander, as winners in the Drug-Free School Recognition Program and were among only 56 schools in the Nation to receive this great honor.

To be considered for the program, each school had to have a drug prevention program in place for 2 or more years and show success in monitoring the decrease of drug and alcohol use, enforcing a no-use policy, training staff, providing positive role models, teaching a no-use drug prevention curriculum and actively involving students, parents and the community in the drug-free school effort.

The winners in the recognition program were selected by a steering committee appointed by the Secretary of Education which consisted of drug and alcohol prevention experts, parents, educators and law enforcement officials following a review of the schools and onsite visits to see the Drug-Free Programs in action.

For the small State of Hawaii, which faces the same awful problem of drug use among children that has plagued so many communities across the country, the distinction of having not just one, but three of its schools recognized for their commitment to fighting drugs is quite a remarkable achievement. I would especially like to congratulate the principals of each school for their hard work and dedication to this important effort. From Ilima Intermediate, I commend Principal Merle Iwasama. From Keolu Elementary, recognition goes to Principal Christine Urban, and from Waialua Elementary, congratulations to Sharon Nakagawa.

Each of these administrators has taken on the responsibility of providing their students with the resources for a quality education as well as promoting a healthy and drug-free environment where learning can take place.

I must also give particular recognition to the many students who have helped to make the Drug-Free Program work at Ilima, Keolu and Waialua. Without the commitment of these outstanding boys and girls, the programs could never have been so successful. It is my great hope that the steps that each child has taken in ridding their schools of the horrible menace of drugs will set them on a healthy and productive path for the rest of their lives.

I am very proud, Mr. Speaker, to pay tribute to these three schools which are fine examples to the rest of the Nation of the dedication of Hawaii's teachers and students to the future of learning in this country. I truly hope this is the start of making all of our schools drug-free.

Congratulations to each and every student, parent, teacher and staff member of Ilima Intermediate, Keolu Elementary, and Waialua Elementary Schools on a job well done.

## TEXAS FESTIVAL ARTISTS AT THE KENNEDY CENTER

### HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SARPALIUS. Mr. Speaker, from June 11 to June 22, there will be a Texas Festival at the Kennedy Center. I must congratulate the planners at the Kennedy Center for their good taste in recognizing the intrinsic worth of Texas culture and in showcasing aspects of Texas life in music, dance, film, and theater. I would also like to recognize several artists who hail from my district, the 13th District of Texas.

Joe Ely, a very popular and successful singer/songwriter/musician, was born in Amarillo, TX, although he eventually grew up in Lubbock, TX. He has carved out his own niche in music. His songs, though basically rock and roll, contain elements of his background singing in West Texas honky-tonks that give him a unique appeal, as well as critical acclaim.

The Playboys II, a reorganization of members of the original Bob Wills Texas Playboys, also will be performing. One of the Playboys II members is Eldon Shamblin, who joined Bob Wills' band in the late 1930's and was later referred to by Rolling Stone magazine as "the World's best rhythm guitarist." Shamblin is from Amarillo, TX, and joins the band in

bringing to Washington classics from one of most famous country and western bands ever.

I commend this festival to all those persons not fortunate to be Texans.

## PROGRESS IN INTERNATIONAL COOPERATION: THE 7:10 GREECE-TURKEY FOREIGN ASSISTANCE RATIO

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. MAVROULES. Mr. Speaker, by maintaining the 7:10 ratio of aid to Greece and Turkey in the fiscal years 1992–93 foreign assistance authorization, the House has signaled that the strife of regional powers continues to weigh heavily on the U.S. foreign policy agenda. Moreover, the stability of Mediterranean nations is essential to American support of these allies. As the gulf war victory has demonstrated, U.S. capabilities to sustain the security and freedom of emerging states are stronger than ever. But the United States obligations to younger nations such as Kuwait and Saudi Arabia do not undermine the necessity for the United States to continue to be a steadfast friend to matured and established nations such as Greece and Cyprus. Most importantly, these two countries have continually been loyal U.S. allies.

Yet again, Greece has proven her willingness to support the self-determination and security of sister nations through her cooperation with the United States during the gulf war. Much of Greece's support was sustained through her participation as a NATO ally. Greece's strategic position as a midway power between American bases in Europe and those positioned for Operation Desert Shield and Operation Desert Storm provided central facilities for United States military efforts.

Greece took part both by contributing her own military facilities and by allowing for easier execution of United States operations. Two Greek frigates were involved in the multinational naval force in addition to numerous merchant ships which provided protective equipment, and Greek minesweepers assisted in the Mediterranean defense mechanism. Furthermore, extensive air and maritime surveillance operations as well as air and naval facilities helped ensure the security of the entire allied effort. Without the ready diplomatic clearances and landing and flyover rights provided by the Mitsotakis government, the multinational forces would have been severely handicapped. Meanwhile Greek hospitals stood by to treat casualties.

Above all, Greek allegiance extends beyond this short-term engagement. Greece has been a loyal and constant advocate of national self-determination and freedom. What more appropriate country to uphold these values than the very nation in which they originated? In light of the considerable support of Greece during the gulf war and her consistent endeavors to maintain international freedoms, it is more important than ever that the United States strongly promote Greek efforts to improve her own state.

An original motivation of the earmarked assistance ratio was to assure that the sovereignty of Cyprus was restored. The traditional and ethnic ties between Greek populated Cyprus and the mainland underscores the interests of each to reach a peaceful agreement with the Turkish occupied side of the island. Turkey and Greece, both adherents to the NATO doctrine to settle disputes by peaceful means, must work harder than ever to show that such ideas remain viable in the modern global world. In addition, the precedent of successful U.N. actions that was set by its involvement in the gulf war remains significant to the future of Cyprus. In his meetings with United Nation Secretary-General Javier Perez de Cuellar, President Vassiliou of Cyprus will test this rejuvenated and valuable United Nation role in effectively solving regional conflicts.

President Vassiliou of Cyprus met with President Bush last month to discuss reunification of the island. For this reason, the maintenance of the 7:10 ratio becomes a more imminent step to secure the future of a unified Cyprus. Without the pressure of earmarked military aid, Turkey may continue to neglect to address the issue of Cypriot independence. By breaking the 7:10 ratio, the security of the Mediterranean region would be greatly impeded. Moreover, the constraints of the assistance ratio to Turkey represents the type of peaceful economic coercion which is beginning to dominate the new world order.

Indeed, it becomes appropriate to draw a parallel between the struggle of Kuwait to ensure her security and that of Cyprus. The restoration of a democratic and safe nation is central in both cases. The revival of the roles of the United Nations and the NATO alliance provide an opportunity for regional disputes to seize the leading place on the international foreign policy agenda. Without the cooperation and commitment of nations to resolve regional disputes, global stability is jeopardized.

The United States Congress should also illustrate its willingness for allied cooperation and peaceful solutions by helping to resolve the conflicts of Greece and Turkey. Moreover, Cyprus should not be left as a helpless pawn of international manipulations because it remains the right of every country to be free and secure. The maintenance of the 7:10 ratio is the first step.

## SUSQUEHANNA RIVER BASIN FLOOD WARNING SYSTEM

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. GEKAS. Mr. Speaker, I would like to commend my colleagues on the Appropriations Committee for their inclusion of $687,000 for funding of the Susquehanna River Basin Flood Warning System under the National Weather Service in the fiscal year 1992 appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies. My thanks also to the House of Representatives which today approved this funding in its passage of the appropriations bill.

Funding for the Susquehanna River Basin Flood Warning System is a necessary element toward protecting the health and safety of the residents of central Pennsylvania, including my 17th Congressional District, a district of 6 counties which are all bounded by the Susquehanna River.

After years of deadly flooding in the Susquehanna River basin, most notoriously the massive Hurricane Agnes flood of 1972, it was determined that an updated flood warning system was critically needed it weather forecasters and emergency personnel were to be able to appropriately determine and react to flood stages. Beginning in 1985 this Member of Congress, in conjunction with Congressman JOSEPH MCDADE from Pennsylvania as well as other Pennsylvania delegation members, has been able to get the Congress to appropriate over $9.1 million for the startup, development, and operation and maintenance of a modern and highly effective flood-warning system for the entire Susquehanna River basin. The system includes manual and automated gage equipment to measure rainfall and stream levels, and computers, telephone hookups and new weather transmitters to analyze the information.

There should be no doubt in any mind that this state-of-the-art flood forecasting system is absolutely essential to central Pennsylvania. A study several years ago by the National Weather Service of 16 States in the Northeast showed that Pennsylvania ranked first in total flood damages and total number of flood related deaths during the period of 1955 thorugh 1985—the period before the flood warning system was in place. The National Weather Service's own cost/benefit update cites an annual flood damage savings of $13.2 million and a 20-year savings of $264 million. Certainly, this represents an extremely significant economic reason for the system.

It has been incumbent upon this Congressman from central Pennsylvania, indeed on the entire Congress, to reserve this deadly statistic. In fact, with the implementation of this flood warning system I believe that such a reversal has occured.

Let me again express my thanks to all those who have helped get funding for the flood warning system, especially to Congressman MCDADE and our late Senator John Heinz. Hopefully, as with all insurances, we will never see the system tested to its fullest; but, those who live along the Susquehanna River basin can rest easy knowing that the system is there, is working, and is doing the job for which it was intended.

## WASHINGTON, DC, VA REGIONAL OFFICE EMPLOYEES PROVIDING IMPROVED SERVICE TO VETERANS

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. EVANS. Mr. Speaker, last month, I had the opportunity to visit the Washington, DC,

VA regional office. During this visit, I learned regional office employees, by using a team-like centralized approach for initial claims processing, are now providing a significantly quicker response to claims for VA benefits.

Prior to regional office reorganization, begun in October, 1989, the first step in claims processing, either establishing a claims folder for a claimant or arranging for transfer of a previously established claims folder to the Washington regional office, was decentralized and known as Correspondence Activity. Before reorganization and using a team-like approach, approximately 2,500 items, each representing a veteran or beneficiary waiting for a response, were pending in the Washington regional office. Some items had been pending for more than 30 days.

Today, as a result of using a centralized approach known as Stage 1, employees process all work as a team, are trained to work in all relevant areas and process all items within 2 workdays of receipt. This is a remarkable improvement in the service provided to VA benefit claimants.

During my visit to the regional office, I had the opportunity to personally thank several stage 1 employees for providing better service to veterans. All Washington regional office stage 1 employees have contributed to improved service for veterans and are deserving of public recognition for their collective accomplishments. To all Washington regional office employees, and particularly stage 1 employees Larry Berman, Rita O'Neal, Charles Cook, Michelle Hill, Tonona Tyson, George Byrd, Rosa Harrison, Rodney Smith, Karen Toland, and Wayne Haggens, thank you and keep up the good work for America's veterans.

## TRIBUTE TO NORMAN LOUDENSLAGER

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to my dear friend, Norman Loudenslager, on the occasion of his retirement from the International Association of Machinists and Aerospace Workers.

Mr. Loudenslager has served with distinction as a member of the International Association of Machinists and Aerospace Workers for over 40 years. His outstanding leadership propelled him through the ranks, first as steward, chief steward, trustee, secretary-treasurer, and job evaluation representative of Local Lodge 1717, and then as steward, vice president, and president of Local Lodge 648. After serving as vice president and secretary-treasurer of District Lodge 1, Norman was elected business-representative in 1969, and currently serves as directing business representative.

Throughout the years, Mr. Loudenslager has maintained an active interest in politics. He is a member of the Planning Committee, Democratic leader of the 25th Ward, and State Coordinator of the Machinists Non-Partisan Political League. In addition, Mr. Loudenslager has served as a delegate to the 1972, 1976, 1980, 1984, and 1988 Democratic National Conventions, and is currently the treasurer of the Democratic County Executive Committee of Philadelphia.

His reputation as an active humanitarian has been recognized in his being named the 1980 "Man of the Year" by the Philadelphia Athletic League [PAL] and as a recipient of the prestigious Spirit of Life Award from the City of Hope.

I recall telling Norman over breakfast at Kellis Restaurant in Philadelphia that I was considering the possibility of running for the U.S. House of Representatives in 1982. While other friends thought a campaign against the incumbent Republican was possible, but a long shot, I did not have to convince Norman that I could win. Norman's assurance that I was the one to beat my opponent inspired me to run. I am personally grateful to Norman for his encouragement and support.

In addition, Mr. Loudenslager should be praised for his fair and equal treatment of all public officials. Unlike other labor union leaders, he does not dictate a litmus test for special Democratic friends.

Indeed, Mr. Speaker, mere words are not sufficient to praise Norman Loudenslager for his work and dedication. I join his wife, children, and grandchildren as well as the working families of Philadelphia in thanking and commending him for his many years of outstanding service.

And thank you, Mr. Speaker, for this opportunity to bring to the attention of this People's House some of the many accomplishments of Norman Loudenslager, a true man of the people.

## CRIME AND RANDOM VIOLENCE

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BROWN. Mr. Speaker, the war on crime receives a lot of attention here in Congress. On almost a daily basis, one of our colleagues stands here on the floor of the House and urges us to take action against crime, to pass laws which will make our citizens safer and help keep our young people away from drugs.

We talk about "big" solutions to this overwhelming problem, and propose grand schemes which sound good to the voters back home. Seldom, however, do we talk about the individual tragedies and the personal upheavals brought about by crime and violence in our society.

Recently, a 16-year-old student from my district brought the personal tragedy of crime directly to my attention.

She described what crime and random violence is doing to our community with such starting clarity and honesty, that I would like to share her words with you. I believe she speaks not only for her entire school, and for her entire community, but for all of us who feel frightened, frustrated and angered by crime and violence.

Her name is Chantal Schulz, and she is a student at Rubidoux High School in Riverside, CA. Last March, a friend and classmate of hers, Phillip Aaron Kevelier, was shot and killed while he was making a call from a public phone booth. The police have described this tragedy as a case of being in the "wrong place at the wrong time." The police suspect that gang members were involved in the drive-by shooting, which accidently struck Phillip in the chest.

I would like to quote from a letter which Chantal wrote and distributed. She writes:

> What is going on, why is it that the adults that run this country are not doing anything to stop this? I have just heard on the news that an enlisted man, on leave, had returned home after 6 months service, only to be shot down outside his home by a drive-by shooting. * * * The politicians don't seem to feel it is politically in their favor to stop it. The war in another country, is another thing.
>
> We stop people in other countries from being murdered. We cannot allow innocent people over there to be shot down! We send over our troops, our money, and even risk upsetting our relations with other people. We even try to interfere with other countries when they try to put down trouble in their own country. We win the war in the desert, even give it a name, "Desert Storm." * * *
>
> We won that one, but what about the storm needed here at home? Do they feel, these adults, if we win the wars overseas, we win the next election? Publicity if given to "wars," well we have one right here. We have children being killed in this country. I have now seen death. * * *

Mr. Speaker, Chantal Schulz is right. Our soldiers in Saudi Arabia were safer than our children are playing on their own streets. Our Nation demonstrated, without question, that when we have the will to put down oppression and violence, we succeed. Chantal Schulz is right to ask, "Where is the will to fight the war raging on the streets of America?"

Mr. Speaker, I have taken Chantal Schulz's words as a personal challenge. A challenge to work even harder to put a stop to the crime and violence which are destroying our communities and stealing the very youth from our children. A challenge to come up with real solutions to the problems of drug use, proverty, and violence.

I urge my colleagues to take Chantal's words to heart as well. For the future of our country, we cannot afford to ignore her warning.

## THE TRUTH-IN-SAVINGS ACT OF 1990

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. TORRES. Mr. Speaker, today I am introducing legislation that was passed unanimously by the Subcommittee on Consumer Affairs and Coinage, of which I am Chairman. The Truth-In-Savings Act of 1990, is modeled on previous legislation that has been approved by both the House and Senate several times.

The Truth-In-Savings Act include several important provisions designed to ensure that consumers are provided with clear and understandable information about the fees, yields, terms and conditions that are advertised for deposit accounts by financial institutions. In

particular, section 7(a) of the bill will ensure that the yield information disclosed by depository institutions actually allows consumers to comparison shop. It requires banks and other depository institutions to pay the stated interest rate on the full amount on deposit each day. Although the bill does not prescribe any particular balance calculation method, whatever method used must ensure that consumers receive the interest they are promised on the full balance in the consumers account each day.

The bill would also require that each advertisement, announcement or solicitation by a depository institution that mentions a specific rate of interest payable on an account include: the annual percentage yield [APY] in greater prominence than any other stated rate and the period it is in effect; any minimum balance and time requirements to earn the advertised rate of interest; any initial deposit requirements; annual rates of simple interest; a statement that regular fees or other conditions could reduce the yield; and a statement that a penalty is required for early withdrawal.

Finally, the Truth-In-Savings Act of 1990 requires institutions to make a fee schedule available to persons on request and to potential customers before an account is opened. Individual and class actions could be brought under the bill only by account holders, and not by the general public.

I am fully aware that this piece of legislation does not completely address all of the problems consumers are currently facing regarding financial institutions. For example, I understand there are concerns that the bill does not apply to mutual funds. Although I would very much like to incorporate all financial mediums (agents) in the bill, to broaden the scope of the legislation would create jurisdictional problems which could fatally delay its passage.

I firmly believe that enactment of this legislation is already long overdue. I urge my colleagues to support swift passage of this bill.

## UNITED KINGDOM HUMAN RIGHTS VIOLATIONS

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. FOGLIETTA. Mr. Speaker, I rise today to commend Amnesty International for its recent report addressing human rights violations in Northern Ireland by the United Kingdom. Its documented citings have moved me to convey my concerns to my fellow members, and urge them to unite in protest against such blatant violations of Democracy.

The extent of abuse by the United Kingdom security forces in Northern Ireland is well documented; however, of even greater concern is the extent of abuse within England, and the implications for the English justice system. Two cases, in particular, come to mind: The Guildord Four and the Birmingham Six. In both, a group of Irish men were imprisoned for alleged bombings. After spending the best years of their lives in prison, both groups have finally been released. It has been determined that they were imprisoned unjustly and were coerced by British security forces to confess to crimes they had never committed.

A similar battle is raging in the United States with the case of Mr. Joseph Doherty, a citizen of the United Kingdom and the Republic of Ireland. Doherty has been held in U.S. prisons for almost 8 years without being charged or convicted of any crime in the United States. More importantly, in this time, Doherty has never been granted a hearing to determine if his request for political asylum should be granted. I have voiced my opposition to such blatant violations of human rights by signing on to the *Amicus Curiae* brief which has been filed with the U.S. Supreme Court.

I strongly oppose the attempt by any government to deny the rights of an individual to a free and fair trial. As a proponent of Democracy, the United States has an obligation to condemn violations by other nations, and ensure that they do not occur in our own. The U.S. has an even greater obligation when these instances are committed by such a close ally. Once again, I ask my fellow Members of Congress to express their opposition to any further human rights violations in the United Kingdom, and to support the just cause of Mr. Joseph Doherty.

## REMARKS BY GEN. JACK N. MERRITT, USA (Ret.)

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SKELTON. Mr. Speaker, recently I spoke on the floor about the ill-advised force structure cuts in the American military. I continue to be convinced these cuts are ill-advised. Desert Storm should be a lesson of the uncertainty in this world and the need for a strong national security. I congratulate Gen. Jack N. Merritt, USA (retired), president of the Association of the U.S. Army [AUSA], for his recent editorial in the AUSA News that is parallel to my recent speech. The following is the editorial from General Merritt from the June 1991 publication.

WHEN JOHNNY COMES MARCHING HOME

(By Gen. Jack N. Merritt, USA, retired)

The war—the incredibly short, successful war—is over. Soldiers are coming home to joyous receptions which properly recognize their accomplishments over the past nine months. The United States armed forces demonstrated clearly in the Gulf that the investments of the last decade produced much more than the aberrant $200 hammer and $700 toilet seat. In fact, it is clear that we did what we set out to do; that is, build a modern, trained military force founded upon the idea of excellence.

And, it is equally clear that the decisions to invest in our military forces were wise ones. While our immediate concerns for most of the past decade have been the Soviet Union and the Warsaw Pact, we have also known that there were other potential challenges awaiting. So, just as forces were beginning to call for dismantlement of our defenses with the demise of the Warsaw Pact, Iraq invaded Kuwait.

But now the war is over and somehow it has become, in the minds of many, "the war to end all wars."

As our troops come home to gala receptions in cities large and small, Congress is considering a defense budget that calls for rapid dismantlement of the military force we have taken a decade to build. The problems lie not only with overall reductions, but also with the speed with which they are to be executed.

For the Army, the rapid reductions mean that officers and noncommissioned officers, who have clearly demonstrated performance that meets this Army's exacting standards, are going to be eliminated either by raising retention standards or by the more direct solution of elimination boards.

It isn't the Army leadership which is at fault—they must obey the law. But, the Congress and the Administration, not willing go breach the budget agreements arrived at before the war, are willing to let our soldiers and families pay the price.

And, by the way, there is likely to be a long-term impact on the readiness of the Army by reducing too rapidly—an effect we have seen after Korea and Vietnam.

The need for a robust and ready military has not disappeared. If you survey the world today, it is hardly a model of peace and stability. In fact, an immediate by-product of the total collapse of the Soviet Union and the bi-polar world is the instability we are seeking.

We may not be able to predict the next crisis; but, as the historian Toynbee once said, "History is one damned thing after another," and surely another crisis will present itself.

Now, there is no doubt we are going to reduce the armed forces, although it is a little recognized fact that defense budgets have been decreasing for the last six years. But the question is how we reduce them.

Do we have due regard for the splendid human beings and their families who have, so recently, demonstrated their dedication and competence? And, shouldn't we preserve the capabilities of our military over the near term as we shape a smaller force?

As the Congress considers the 1992 Budget, there is no evidence that anyone involved was witness to Desert Storm.

The first to pay for this blindness will be our soldiers and families—and, when the next crisis challenges the peace and well-being of the world, we may all be sorry.

## RETIREMENT OF HENRIETTE AVRAM

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. FAZIO. Mr. Speaker, as chairman of the Subcommittee on Legislative Appropriations, one of the pleasures of the task is to get to know the many dedicated individuals who make the legislative branch of Government run.

During the past 10 years as chairman of the subcommittee, I have been impressed by the number of highly talented individuals who work among us. I speak today about one of these individuals.

I have just learned from the Librarian of Congress, James H. Billington, that one of the Library of Congress' most respected officers has announced her intention to retire at the end of 1991 after 26 years of service at the Li-

brary of Congress. Henriette Avram, the Associate Librarian for Collections at the Library of Congress, is known worldwide as the person who made the exchange of automated bibliographic information a reality. Mrs. Avram has been director of the largest department in the Library of Congress—over 1,700 positions in 34 divisions—since 1983. She has been at the helm of the department that acquires materials for the Library's collections and catalogs and preserves them. The cataloging information provided by the Library of Congress to other libraries in the U.S. and abroad in machine readable form saves librarians in the United States over $370 million in cataloging costs annually.

Mrs. Avram came to the Library of Congress following work as a programmer and systems analyst at the National Security Agency, the American Research Bureau, and the Control Data Corporation. Her first assignment on the analysis of cataloging information led to the development of a national and international standard for the electronic exchange of bibliographic records. This standard, known domestically as MARC [Machine Readable Cataloging], led to Mrs. Avram being affectionately called Mrs. MARC.

Mrs. Avram has advanced library cooperation by her efforts to help develop library networks across the country and has served as Chair of the Library's Network Advisory Committee since its inception.

Mrs. Avram serves on the board of directors for EDUCOM, the Association for Library Collections and Technical Services, and the Commission on Preservation and Access. In addition to her active involvement with the American Library Association and other professional organizations in the United States, she has worked extensively with the International Federation of Library Associations, including serving as its vice-president and a member of its executive board.

In the course of her distinguished career, Mrs. Avram has been recognized with virtually every honor that can be bestowed on a librarian, including the American Library Association's most distinguished awards: the 1971 Margaret Mann Citation in Cataloging and Classification, the Melvil Dewey Award in 1981 for creative professional achievement of a high order, the 1988 Joseph W. Lippincott Award for distinguished service to the profession of librarianship, and the John Humphry/Forest Press Award of 1990 in recognition of significant contributions to international librarianship. In 1987 the International Federation of Library Associations and Institutions named her to its select group of Honorary Fellows. The Special Libraries Association recognized her achievements in the field of special librarianship with its Professional Award in 1990; similarly she received the Association of College and Research Library's Academic/Research Librarian of the Year Award in 1979. Other honors have included the Library's Superior Service Award in 1968, the 1974 Federal Women's Award, the Library and Information Technology Association Award for Achievement in 1980, and recognition as one of three senior government managers who received the 1989 Executive Excellence Award for Distinguished Executive Service.

I am sure my colleagues join me in thanking Mrs. Avram for her distinguished contributions to the Library of Congress and to the world of librarianship and wishing her the very best.

## J. RAYMOND JONES: A REVOLUTIONARY POLITICIAN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. RANGEL. Mr. Speaker, it is with deepest sympathy that I announce to my colleagues the death of a noble man. The death of J. Raymond Jones, at age 91 on June 9, 1991, is not only a personal loss to me, but also a severe loss to the city of New York, and to all those involved in politics. It is rare that so many have benefited from the political ingenuity, the commitment to service, and the vision of one man. He has been called a "true political pioneer," a "master statesman," and a "distinguished man dedicated to public service." He truly personified all of these characteristics.

In a political career spanning more than five decades, J. Raymond Jones foresaw the potential power of African Americans in city, State, and Federal politics. In the 1920's he founded the Carver Democratic Club, and worked steadily to build a formidable political organization in Harlem. In the 1940's and early 1950's, Mr. Jones advised the late Congressman Adam Clayton Powell in his early career, and supported Mr. Powell's rise to political prominence in Harlem.

Mr. Jones also served as New York City Mayor William O'Dwyer's personal secretary in the 1950's, but the "Harlem Fox's" vision was always ahead of its time. In 1961, he backed the upstart candidate Robert F. Wagner for mayor of New York City, who went on to defeat the Democratic organization's candidate. With the help of Mayor Wagner, Mr. Jones was able to win the highest position within the Manhattan Democratic County Committee—known as the Tammany Club—an organization previously run only by whites. Mr. Jones held this position from 1964 to 1967. Mr. Jones officially retired in 1967, but his influence and guidance in the city's political agenda would continue for the next 20 years.

Even in political clashes and fallouts, J. Raymond Jones managed to come out on top, and to teach us all a few things in the process. He cultivated a group of politicians that pierced every aspect of city politics including Congressman Adam Clayton Powell, former Manhattan Borough President Percy Sutton, U.S. District Court Judge Constance Baker Motley, Court of Appeals Judge Fritz Alexander, former State Senator Basil A. Patterson, former Secretary of Housing and Urban Development Robert Weaver, Federal Customs Court Judge James Watson, New York State Criminal Court Administrative Judge Edward Dudley, State Appellate Division Judge Harold Stevens, State Civil Court Judge Herbert Evans, New York Fire Commissioner Robert Lowery, New York City Mayor David Dinkins, and myself. We were all in many ways proteges of Raymond Jones. Mr. Jones, in his autobiography the "Harlem Fox," described the methods he used to develop his proteges.

> I started my proteges in positions of low responsibility such as Election District Captains, and then, when they had shown an understanding of how the political system worked and a willingness to contribute to the party, they would be sponsored for offices such as State Assemblyman, City Councilman, State Senator, judges of all ranks, and so on. The objective behind this was to develop in the individual a sense of responsibility to the party and its constituency, and with it to provide public exposure. In this manner the aspiring politician or officeholder enlarged his [or her] constituency and enhanced his [or her] reputation not only among Black voters, but also among the white electorate.

This approach showed Mr. Jones' unselfish commitment, and tradition of training younger politicians. It is a philosophy that helped safeguard the next generation and maintained high standards of excellence. From J. Raymond Jones we learned the ropes of politics as we learned to make practical our ideals. In another excerpt from his autobiography, Mr. Jones shared his vision of coalition politics. It is as applicable today as it was at the time he wrote it.

> In these days we are faced with a conservative reaction, the sort of backlash about which President Lyndon Johnson always warned me. This development calls for careful planning and subtle maneuvers by Black and other minority leaders. It will not do to overemphasize race. Rather, sophisticated and persuasive strategies, though difficult, must be found to make all constituents see that only through collaborative action will common problems be resolved. It is not an easy task, yet there is no other viable alternative. My approach in New York over the years to strategize, securing influential jobs and offices at all levels, is an approach that I believe could be emulated with great profit for all.

Mr. Jones is survived by his daughter, Ms. Dorothy Bryan in upstate New York, and a legacy of those whom he helped shape for public office. To miss J. Raymond Jones, as we all will, is really not enough. To read about him, as political strategists both black and white will inevitably do, may not capture the depth and essence of the man's contributions. The true testimony to the Virgin Islands born "Harlem Fox" will be in the continuation of his vision. He set the stage so that true representative politics in the big city could be just that. He taught communities how to organize themselves, and to hold their politicians accountable. He taught other politicians to be fearless of challenges, to be honest, blunt, and diligent in their community service.

## INTRODUCTION OF LEGISLATION TO ESTABLISH A COMMISSION TO COMMEMORATE THE 250TH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

### HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise today to introduce legislation that would establish a commission to promote and commemorate on April 13, 1993, the 250th anniversary of the birth of Thomas Jefferson. It is indeed an honor to remember and to recognize one of the most significant figures in American history.

Thomas Jefferson was one of our most distinguished Founding Fathers. He was a delegate to the Second Continental Congress in Philadelphia and the author of the Declaration of Independence. Mr. Jefferson was a man of principle. He considered himself a philosopher and had the highest regard for democratic ideals.

Thomas Jefferson was blessed with many talents. He was an innovator, a farmer, and a writer. He was also accomplished in music and became a prominent patron of the arts.

Thomas Jefferson was one of Virginia's finest leaders. He served as a delegate to the Virginia House of Burgesses and later became Governor. While serving his State, Mr. Jefferson authored the famous Virginia Statute for Religious Freedom. At this time, Mr. Jefferson also displayed his ability as a master architect. He was the builder of Monticello and the designer of numerous State buildings such as the Virginia State Capitol.

Thomas Jefferson became one of America's exceptional leaders. He exemplified his extraordinary skills as a statesman serving as Ambassador to France during a critical time in our Nation's history. He was a Congressman, our Nation's first Secretary of State, and our second Vice President.

In 1801, Thomas Jefferson became President of the United States. During his Presidency, Mr. Jefferson's accomplishments included the Louisiana Purchase, which doubled the size of our country.

Finally, Thomas Jefferson understood the importance of learning. He was a proponent of public education, and he considered his final important accomplishment the founding of the University of Virginia.

Our Nation has been fortunate to have such brilliant leaders. The legislation introduced today will focus attention and thought to Thomas Jefferson's legacy of excellence. A commission created to promote and coordinate activities related to Mr. Jefferson's life will advance the important goals of ceremony with those of scholarship and education.

With this legislation, historic locations will be honored, special individuals and organizations will be recognized, and at least one international symposium will be sponsored. The bill also will encourage the participation of civic, patriotic, and historic organizations as well as State and local governments.

I urge my colleagues to support this legislation. By studying the life of Thomas Jefferson, one is learning not only about an individual, but the birth of a nation.

## BALTIC FREEDOM DAY

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CARDIN. Mr. Speaker, today I rise in recognition of Baltic Freedom Day. This day—June 14—marks the 50th anniversary of the beginning of mass deportations of citizens from Estonia, Latvia, and Lithuania. On the night of June 14, 1941, more than 60,000 people were taken from their homes, separated from their families, and transported in cattle cars to the Siberian camps where many of them perished.

It is a matter of great sadness and urgency that as we stand here today, 50 years later, the horror stories continue. Earlier this year, Soviet troops were sent in tanks to Lithuania and Latvia, killing and maiming hundreds of civilians. The brave people of these countries have conducted a tireless struggle for peace and freedom, only to face the continuing Soviet repression. The buildings that the Soviets seized in January have not been returned, and recently, the Soviet Black Berets have violently seized and destroyed at least 12 Lithuanian and Latvian customs posts, injuring and killing unarmed customs officials.

On behalf of the approximately 1 million Lithuanians, 90,000 Latvians, and 26,000 Estonians throughout the United States, I call on all Americans to remember the atrocities that still continue in the Baltics. Let us not permit another Baltic Freedom Day to pass without helping the people of those countries celebrate their return to the family of free democratic nations.

## FREEDOM IN YUGOSLAVIA

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CRANE. Mr. Speaker, I would like to take this opportunity to share with you two documents relating to the atrocities of the Communist authorities of Serbia perpetrated against prodemocracy Serbs.

I urge my colleagues to read the following "Resolution of the Committee for Political Freedom in Yugoslavia" and "Declaration of the Executive Committee of the Serbian Renewal Movement" as prepared by Serbian prodemocracy representatives in Yugoslavia and the United States. I believe Members of Congress will find these documents extremely enlightening.

RESOLUTION OF THE COMMITTEE FOR POLITICAL FREEDOM IN YUGOSLAVIA

Whereas, on March 9, 1991, an attempt was made in Belgrade, Serbia, to conduct a peaceful political rally under the auspices of the Serbian National Renewal Movement;

Whereas, the leader of the Serbian National Renewal Movement, Vuk Draskovik, was first lured to the Presidency of the Government under the pretext of holding political discussions and then arrested by secret police officers;

Whereas, the Vice-President of the party, Professor Jovan Marjanovic, the renowned writer Borisav Mihajlovic-Mihiz, and scores of others were arrested by the secret police as part of a broad and unconstitutional sweep of opposition activists;

Whereas the mandate given by the Serbian people in the December 1990 elections was plainly for a system based on law and respect for human rights and not for a return to the arbitrariness, brutality and terror of the past;

Be it, therefore, resolved by the Committee for Defense of Political Freedom in Yugoslavia:

(1) That the promise solemnly made to the Serbian people that they shall no longer be beaten must be kept not only in Kosovo but even more faithfully and unconditionally in their capital of Belgrade;

(2) That the unjustified and unprovoked use of force against citizens of Serbia exercising their fundamental right of peaceful assembly calls into question the legitimacy of the authorities which ordered it and is herewith unequivocally condemned;

(3) That the Government of Serbia is urged to appoint a Committee of Inquiry composed of representatives from the government, the opposition, and neutral bodies for the task of determining the identity and assessing the responsibility of those who ordered and carried out the Belgrade Massacre;

(4) That those deemed responsible be swiftly prosecuted and adequately punished according to the law;

(5) That the Government of Serbia is called upon immediately to release all those who were illegally detained for exercising their constitutional and internationally recognized human rights and to publicly and unequivocally commit themselves to scrupulously respect those rights and to refrain from further harassment of peaceful opposition activity in the future; and

(6) That Professor Mihailo Markovic, Dr. Jovan Raskovic, Dr. Radovan Karadzic and other prominent intellectuals and public figures are called upon to take a stand in regard to these events, to disassociate themselves from the unpardonable use of force against their unarmed fellow citizens in the exercise of their right to peaceful assembly, and to join the Committee in demanding from the present Government of Serbia thorough and impartial inquiry followed by full accountability under the law for those found responsible.

Dr. MILOSH B. KOSTICH.

DECLARATION OF THE EXECUTIVE COMMITTEE OF THE SERBIAN RENEWAL MOVEMENT

The large-scale police and military repression of hundreds of thousands of peaceful participants assembled in Belgrade, Yugoslavia, on March 9, 1991 who are members of the Serbian National Renewal Movement clearly demonstrates that the people of Serbia reject the neo-bolshevik dictatorship. Clearly the current regime had to employ the most excessive and violent measures in order to ensure its own political survival.

The vicious unleashing of a special police force against the assembled citizens of Belgrade and from other parts of the country has left a tragic balance of two dead and several hundred wounded. The responsibility for the Belgrade Massacre lies squarely with the Milosevic Government which ordered it and the federal government of Yugoslavia which dispatched its armed units to carry it out.

After being lured to a government building, supposedly to discuss the political issues raised by the opposition, the leader of the Serbian Renewal Movement, writer Vuk Draskovic, was arrested by secret police operatives in the presence of government ministers.

Other prominent opposition figures, such as Movement's Vice-President Professor Jovan Marjanovic, writer Borisav Mihailovic-Mihiz, and about 15 others, were physically beaten and then arrested.

It is clear that by the unleashing of massive violence on unarmed participants in the largest demonstration that has taken place in Belgrade in over 50 years, the Communist authorities of Serbia have shed whatever traces of legitimacy they may have gained as a result of the highly contested and suspiciously one-sided elections they held in December of 1990. By the forceful methods it employed to disperse a peaceful assembly of concerned citizens, Milosevic's regime has unambiguously identified itself, to the extent that it enjoys any legitimacy, as the heir to the repressive traditions of the forty year dictatorship of Josip Broz Tito. It has also thus disqualified itself to speak in the name of the Serbian people and their exemplary democratic traditions or to represent them in any significant way.

Divided by the frontiers artificially drawn by Communist conquerors after World War II between five different republics of Yugoslavia, the Serbian people now find themselves trapped between the hammer of Bolshevism in Serbia personified by Slobodan Milosevic and the anvil of increasingly aggressive neo-fascism in Croatia, led by Tito's former general, Granjo Tudjam.

Overshadowing discussions over the future of Yugoslavia is the fundamental issue of securing the fruits of liberty and democracy for its most numerous ethnic group, the Serbs, who fought for those values alongside the Western Allies and the United States in both world wars.

We, therefore, urge the United States Government to immediately undertake through diplomatic channels to make it clear to Slobodan Milosevic that his authorities must immediately release all the unlawfully detained members of the opposition Serbian Renewal Movement and others who were jailed for political reasons, refrain from limiting peaceful political activity or harassing those who take part in it, and undertake to respect the democratic process and the fundamental rights of all citizens of Serbia. We urge members of Congress to pass an appropriate resolution showing solidarity and support for the people of Serbia who are fighting for democracy. Finally, we urge the media to draw the obvious conclusion from Saturday's tragic events and to cease the persistent victims of the regime's manipulation and repression, with the neo-bolshevik government of Slobodan Milosevic.

KOSTA BULATOVIC, V.P.
RADMILO RONCEVIC, V.P.

## LAWRENCE LIVERMORE NATIONAL LAB READY TO TAKE ON NEW CHALLENGES

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. STARK. Mr. Speaker, I often suggested to the Department of Energy, and to my fellow colleagues, that we must transition Lawrence Livermore National Laboratory [LLNL] away from its emphasis on nuclear weapons work toward critical civilian research programs. The DOE has acknowledged our declining need for nuclear weapons production and now even some of DOE's most accomplished physicists are saying the design of our nuclear warheads has reached a pinnacle. We can modernize them no further.

Still, we cannot afford to loose the resources we've invested so heavily in for so many decades. We cannot afford to disband these experts. I propose as a logical progression for this great national asset, that our experts use their extraordinary knowledge and unsurpassed skills to more fully take on our Nation's economic, health, environmental, and technological challenges.

Each of LLNL's achievements in nondefense areas strengthens my conviction that this is the optimal direction for the lab. Its success in this area would be certain.

LLNL's impressive advancements in the areas of magnetic fusion energy [MFE] and inertial confinement fusion [ICF] are great examples of the lab's ability to serve our national interests in civilian-directed research areas.

As a long-time supporter of these two programs, I was pleased that the Energy and Water Developent Act for fiscal year 1992 recommended, and the House approved, funding for the MFE at the amount requested by the DOE and ICF above DOE's budget request.

I realize that the ICF program has a dual role as a defense and an energy program. Still, the potential it shares with the MFE program to provide inexpensive electrical power without significant pollution is invaluable. This can go a long way toward dealing with environmental problems like global warming and acid rain.

Another example of how successful Lawrence Livermore Laboratory can be in the civilian research arena, is its recent development of a technique that will likely be successful in capping the oil-well fires in Kuwait.

I believe that with continued funding of its fusion research efforts, Lawrence Livermore Laboratory may also hold the key to reducing the environmental damage caused by our use of fossil fuel resources.

Finally, I'd like to share with you an article from earlier this month which again confirmed my belief that Lawrence Livermore National Laboratory can successfully overcome some of our biggest environmental hurdles. Having initiated legislation to tax the use of chloroflurocarbons [CFC's] and discourage their use, because of their destructive effect on the ozone, I was delighted, but not surprised to learn that LLNL is researching an aerogel material that could repalce CFC-based foams, without threatening the ozone.

[From the New York Times, May 8, 1991]

NEW MATERIALS TO KEEP THE REFRIGERATOR COOL

(By John Holusha)

Researchers are experimenting with a new class of ultralight materials called aerogels that could one day replace polyurethane foams. These foams provide insulation and help hold up refrigerators and freezers, but are considered harmful to the environment.

Today's refrigerators consist of a metal outside cabinet and a plastic interior. In between is the polyurethane foam, which does more than help keep the contents cool.

"The thin steel outer shell provides nothing but some protection against mechanical damage and an esthetically appealing surface to hang the paint on," said Carlo Schwinn, the manager of process engineering at White Consolidated Industries, at a recent conference in New York. "All of the beef is in the foam sandwich between the inner and outer shell."

But that "beef" includes chlorofluorocarbon gases that have been linked to the decay of the protective ozone layer in the atmosphere. The foams are poured as liquids into a refrigerator cabinet and then gases are used to make the liquid bubble up and fill all the voids with foam. Over the years an appliance is used, the gases tend to leak into the atmosphere. For that reason, most of the world has agreed to stop the production of chlorofluorocarbons by the year 2000.

In the interim, the refrigeration industry will most likely use a less damaging version of the chemicals, known as hydrochlorofluorocarbons, as refrigerants and as foaming agents. But some of the most likely candidates have drawbacks. Some are flammable and others are aggressive solvents that might attack the plastic inner cabinet. They also have a degrading effect on the ozone, although much less than cholorofluorocarbons, or CFC's, and will almost certainly be phased out as well.

A BETTER INSULATOR

That may be where aerogels come in. They have no ozone-depleting potential, are nonflammable and have twice the insulating value of CFC-based foams. And they are rigid enough to support a refrigerator cabinet; some aerogels can support 1,600 times their own weight.

They are also the world's lightest solids, consisting of 90 percent empty space; they are only four times as dense as dry air. Some are nearly transparent and look like "frozen smoke," said Sangeeta D. Ramamurthi, a scientist at Battelle Memorial Institute in Ohio, where the materials are being developed. Research into aerogels is also under way at the Lawrence Livermore National Laboratory in California.

Until now the gels have been scientific curiosities, and were used largely to detect high-energy particles, emitted from atomic accelerators. High-energy particles racing through the gel give off a bluish light similar to the blue glow seen in pools of water storing nuclear power plant fuel.

Dr. Ramamurthi said the gels she is experimenting with are based on ceramic materials. They have insulation properties, as measured in "R" values, of 8 to 15 compared with 7.6 for CFC foams when they are new and 3.6 once the gas has leaked out. R values are a measure of a material's insulating ability, with higher numbers representing reduced heat transmission.

The transparent silica gel is prepared by mixing a silicon-alcohol compound with methyl alcohol, water and a small amount of ammonia hydroxide. All are clear liquids in the unreacted state. When mixed, they form a thick, viscous mass, not unlike Jell-O. It takes about 2 minutes for the gel to form.

In the reaction, silicon atoms break the chemical bonds of the compound and form a spidery network of silicon dioxide molecules connected to each other throughout the gel. Inside are millions of tiny pores formed by the silicon dioxide in the water and alcohol mixture.

The trick is to find a way to drive off the liquid without destroying the fine network

of solid material that has been formed. Simply heating the gel would cause it to collapse.

The answer is to increase the pressure on the gel so the alcohol does not boil in a conventional sense and then increase the heat to drive it off, a process known as supercritical drying.

The size of parts that can be formed by the gels is limited by the size of the pressure cookers, known as autoclaves, now available. "Right now we can do parts that are 3 inches by 3 inches," Dr. Ramamurthi said. Battelle is installing a pilot plant that can handle piece 6s by 13 inches.

SOME DRAWBACKS

Scientists acknowledge that the gels may have some drawbacks compared with polyurethane foams, despite their insulating properties. Since they have to be treated under heat and pressure, they would have to be formed as panels and then sandwiched inside refrigerator and freezer walls. That is more difficult than just pouring liquids.

The aerogels may have applications beyond appliance insultation. Since the silica gel is transparent, it could be used to replace air in the space between a home's inner and storm windows.

Other gels not as transparent as silica but which have higher R values may be the better choice where the ability to transmit light is not an advantage. Indeed, researchers at Livermore have produced opaque black gels made almost entirely of carbon atoms. They conduct electricity and may find applications in the electronics industry.

The porous nature of the materials may be used as well. Dr. Ramamurthi notes that ceramic materials can withstand far higher temperatures than the plastics often used in filtration. "Polymers can only the used to 180 to 200 degrees centigrade," she said. "These materials could go as high as 500 degrees."

There is also interest in using them in the space program. One possible use would be to capture small meteors that otherwise would be smashed to dust against a more substantial material. And their light weight makes them attractive as a construction material in space, since it would cost less to lift them into orbit.

## TRIBUTE HONORING CLARE SKIPWORTH BURGESS UPON HER RETIREMENT

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to someone very special to me, Dr. Clara Skipworth Burgess. After more than 30 years of dedication to this Nation's most valuable asset and resource, our children, Dr. Burgess, or "Skip" is celebrating her retirement later this month. Please join me in praise and warm wishes for her on this occasion.

Mr. Speaker, Clara Burgess was born in Newburgh, NY, on November 3, 1930. She was the only child of Mr. and Mrs. Luther Skipworth. After graduating with both a bachelor's and master's degree from Hunter College, she received her Ph.D. from Fordham University. She also attended Morgan State University, New York University, the Dalcroze School of Music and the New School for Social Research.

Dr. Burgess completed her impressive dissertation on "Early Childhood Education in Mainland China," which involved 4 weeks of intensive research in China as a guest of the People's Republic of China. Mr. Speaker, this is particularly extraordinary, as Dr. Burgess was with the second research team of this kind permitted on the Chinese mainland after President Nixon opened relations with China in 1974.

Dr. Burgess served on the New York City Board of Education from 1954–91. She was a kindergarten teacher at my elementary school, PS 43, in Community School District Seven, and later became principal of CES 236, in Community School District Nine, both in the South Bronx. Along the way, she devoted time to young teachers as a teacher trainer, served as supervisor and evaluator for the Headstart Program, and spent many additional hours as curriculum consultant, program evaluator, center director, dance and piano instructor, recreational counselor and teacher in charge. Her extensive involvement in extracurricular and after hours activities demonstrates her strong commitment and dedication to her students. She has also been an instructor at the City College of CUNY and at Marymount Manhattan College.

Dr. Burgess has been recognized for her exemplary achievements by many groups. She was the recipient of a Ford Foundation Fellowship and the New York State Merit Scholarship; she is a member of the Alpha Kappa Alpha Sorority, through which she received awards for local and regional service to the sorority and exemplary service to humankind, and was the AKA representative to the U.N. Non-Governmental Organizations Panel: "The International Importance of Early Childhood Education," the U.N. Decade for Women Conference in Nairobi, Kenya. She received a foreign fellowship and spent 10 weeks in Ghana, West Africa, and is listed in Marquis' Who's Who of American Women.

Mr. Speaker, Dr. Burgess is clearly an outstanding individual who has spent her life not only teaching in the classroom, but inspiring children to help others in the community. She instilled values and ideals important in the development of young minds, and was an encouraging, positive role model. I am proud to have known her for so many years. She has always impressed me with her sensitivity toward the needs of all of the members of our community. I am privileged to have been touched and influenced by her devotion and commitment to learning.

Mr. Speaker, please join me in wishing her warmest congratulations on her retirement, and thanking her for her tremendous contributions to our community.

## THE CAPTIVE NATIONS WEEK RESOLUTION, THEN AND NOW

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CRANE. Mr. Speaker, each year since 1959, Congress has declared the third week in July as Captive Nations Week to remind us of the plight of those nations that have lost their independence to Communist aggression.

In recent years, several of these countries have realized their dream of self-determination, and while I know we were all glad to witness their liberation, it is important that we not forget those nations still held captive by their Communist conquerors. Indeed, our focus on the seriousness of this issue played an important role in bringing about the independence of captive nations in the past and must continue if we wish to witness further victories.

Former Ambassador to the Bahamas and current chairman of the National Captive Nations Committee [NCNC], Lev E. Dobriansky, has worked for many years to keep the issue of captive nations a high priority for the United States. In light of the upcoming observation of the 32d Captive Nations Week, I submit the first in a three-part series, written by Ambassador Dobriansky, "The Captive Nations Week Resolution, Then and Now," to my colleagues and urge them to read and consider his conclusions.

THE CAPTIVE NATIONS WEEK RESOLUTION, THEN AND NOW

(By Lev E. Dobriansky)

The dramatic events in Eastern Europe, Central Asia and elsewhere in 1986–90 have once again focused attention on the elements of the longstanding Captive Nations Week Resolution.[1] In this period, columnists, correspondents, commentators, editorials, reporters and others, in their coverage of events, have touched at one time or another on these elements. Several comments have been directly expressed to me. As a matter of fact, their observations and analyses have already given rise to a spectrum of thought bearing on the resolution, undoubtedly with more to come as further developments unfold. The emerging spectrum ranges from the notion of no more captive nations to full vindication of the resolution and, by those who have long understood it, activist ideas for its continued implementation.

What is most revealing, and yet intriguing, in all of this supposed revival is the conspicuous lag in understanding of the resolution and the concepts used to report and explain the unravelling realities in Central Europe, within the Soviet Union and elsewhere, including Nicaragua. From a global viewpoint and concentrating on the most essential area, namely the Soviet Union, it can be held that misleading concepts still prevail, not only in media coverage but also in editorials, columns, and official and academic output. Here are a few examples among too many: "The Soviets", "Soviet people," "The Soviet nation", "The national legislature in Moscow", "national constitution", "the nationality question", "100 nationalities", "ethnic unrest" and so forth. Fortunately, the pungency and sting of certain events

[1] E.G., Richard Grenier, "Naughty Empire losing its captives", The Washington Times, March 21, 1990.

have impelled a number of correspondents to employ concepts readily found in the congressional resolution.

The aim of this article is to assess the emerging spectrum of views in the light of a fairly extensive and diverse background dealing with the resolution and its manifold implementation. Needless to say, a comprehensive volume or two could be written on the subject. Within the compass of this short analysis, the best, essentialist approach would be in the mode of then-and-now. For, as will be seen, many of the problems encountered thirty years ago still remain; a number of the myths in the earlier period continue to hold sway in several quarters; and a variety of false observations and conclusions are drawn today as they were when Congress passed the resolution and the upheaval began. Plainly, it is not my aim here to evaluate the underlying reasons for the discrepancies between objective events and subjective perceptions, for the lags in thought, policy and action. That would engender in itself a study over a broad plane of cultural habits to politics.

A BEGINNING WITHOUT END

By way of perspective, it can be easily maintained that the Captive Nations Week Resolution enjoyed a beginning without end. Details of its origin are compactly available in one of the author's books.[2] Here, it is sufficient to point out that on a first try in 1957–58 a similar resolution calling for Captive Nations Days failed to pass the Judiciary Committee in the House of Representatives.[3] That would have been the end of the beginning. Objections centered on the time element, and some members did not comprehend the resolution. Then and now, far too many of our people have persisted in misidentifying the Soviet Union with Russia. Ergo, the USSR is made up of Russians or Soviets.

For a second try on the resolution, it became evident that a concentrated educational effort was necessary. A striking basis for this already existed. With an eye on realities today in the Soviet Union, can you imagine the ludicrousness of an official plan to eliminate all Voice of America non-Russian langauge broadcasts to the Soviet Union in 1958? At the time, this was being spearheaded by the director of the United States Information Agency. As a faculty member then of the National War College, I had easy access to him, former Ambassador Allen, and endeavored to persuade him otherwise. But with a fixed predilection for "large states and nations" as the waive of the future (he served in Yugoslavia and India) the director was adamant in pressing for just English and Russian broadcasts. I argued that nothing could serve Moscow's russification policies better, but to no avail.

There was no alternative but to go public. With the assistance of Representatives Michael Feighan and Edna Kelly, I managed to obtain a full-scale hearing before the House Foreign Affairs Commitee.[4] The outcome was successful in thwarting this ill-conceived project. Although numerous earlier examples of misdirected thought and policy could have been drawn upon, because of its recency, the contents of these hearings were fully utilized in our educational effort on the resolution.

After several months of such effort, the resolution came into official being. It was in the form of a week's commemoration and at this time advanced on the Senate side. Thanks to the forward-looking leadership of Senators Javits, Douglas, Thurmond, Dodd, Dirksen and others listed in my book, the resolution unanimously passed the Senate and quickly there-after the House, due to the equal leadership of Speaker McCormack and Representatives Flood, Feighan, Bentley, Derwinski and others on the celebrated list, Senator Douglas of Illinois, for whom I had the privilege to draft his speech, spoke eloquently about the resolution and as an original sponsor carried many colleagues with him.[5] Later, in July, 1959, President Eisenhower signed the resolution into Public Law 86–90, designating the third week of July as Captive Nations Week. He was the first to proclaim the Week. Then and now, every president since July, 1959, has annually proclaimed the Week, and in major cities throughout the United States, as well as in foreign countries, it has been appropriately observed.

Shortly, as we'll see, the reaction from Moscow was swift and vicious. No sooner had the then—Vice President Nixon arrived in Moscow for the U.S. cultural exhibit, Khrushchev instantly pounced on him, denouncing the resolution with four-letter words. A glimpse of reaction examples from the captive world is enough to indicate the fundamental truths contained in the resolution. However, these reactions also produced problems for the Week's tradition and implementation. Here at home, appeasers of various types, who would bury truths at graded prices, also attacked the resolution as "provocative", "destabilizing for normal relations", "Cold War rhetoric" and so forth. Others saw it as the usual interference of Congress in foreign policy matters, as though we're not a democracy. In 1961, George Kennan conditioned his acceptance as ambassador to Yugoslavia on President Kennedy's promise not to issue the annual proclamation. The President, nevertheless, did thanks to Chicago's Mayor Daley's intervention. And still others misrepresented it all as "an emigre activity", imputing a sort of alien intrigue, despite the facts that the initiator of the resolution and those involved were and are American-born and, as the Week's tradition evolved, Americans of all heritages participated in the commemorations. Again, then and now these baseless criticisms have surfaced with characteristic symptoms of misunderstanding or calculated motivation.

Before depicting the nature and significance of the resolution, it should be noted that another intense, educational campaign was necessary to counter these specific views and allegations. Notable was a task concerning an early release of the Foreign Affairs journal, timed with the summit meeting that September. It accommodated Nikita Khrushchev's article in which the Russian dictator primarily blasted the resolution. At the request of Senator Dirksen of Illinois, I prepared questions and rebuttals on the Red Chairman's arguments. These were raised by the Senator at a tea reception for the Russian leader in the Senate Building. All the Senators received was a numbing repetition of "nyets". All this and more served our educational purposes. In short, during this feverish, post-resolution period, congressional support by knowledgeable members were superb. For example, affording ample circulation, Representative Bentley of Michigan supported a piece on Soviet Russian Strategy,[6] and Representative Flood of Pennsylvania advanced one on Moscow's vulnerabilities.[7] Later, a national Catholic periodical published an article on "The Myth of Soviet Unity"[8] a presentation preceded earlier in the decade on the predicted erosion of Moscow's inner empire, namely the Soviet Union.[9]

CONCEPTUAL FRAMEWORK VINDICATED

Now, it's easier to talk with pride and fulfillment about the resolution than it was then. Concrete events now in Central Europe, within the Soviet Union, in Asia, Africa and Central America objectively and completely vindicate its conceptual framework. The resolution withstood the Kennan fables on "the peoples of Russia" and the insular containment policy in the '50s and '60s, the unstructured detentism of the '70s, and ignorant disparagers of the evil empire concept in the '80s. Of course, some of its ingredients germinated years before 1959. Just a couple of examples: Representative Kersten of Wisconsin, who led the famous Select Committee to Investigate Communist Aggression and Takeovers, sponsored an analysis of the non-Russian nations in the U.S.S.R.[10] and the then—Senator John F. Kennedy underwrote a lecture on strategy toward that empire.[11] As we'll observe, the resolution's realistic applicability, by means of strategy, policy and operation, was not only for the then as it is for the now, but also for the definitely uncertain future.

A careful reading of the resolution will clearly show the grounds of its complete vindication by events and developments in the captive world. Originated as S.J. Res. 111, passed on July 17, 1959, and signed into Public Law 86–90, the law has remained in force to the present day precisely because of its realistic, conceptual framework and outlook. With ease and real conformation, its dominant concepts relate to these upsurging events, They are: "national independence", "the democratic process", "interdependency of peoples and nations", "imperialistic and aggressive policies of Russian communism", "a vast empire", "threat to the security of the United States and of all the free peoples of the world", "religious freedoms", "individual liberties", "powerful deterrent to war and one of the best hopes for a just and lasting peace". Then and now—even more so now and in the future—these concepts have been fully applicable, notwithstanding current hopes and notions about the end of the Cold War, the fading of the military threat from the Soviet Russian empire, and secure, sovereign national freedom in Central Europe.

---

[2] "The Vulnerable Russians", Pageant International Press, New York 1967.

[3] Captive Nations Day, letter to President Eisenhower, Congressional Record, August 3, 1958, pp.A 7229–30.

[4] "Hearings on the Voice of America", Statement, House Committee on Foreign Affairs, The Ukrainian Bulletin, Nov. 1–15, 1958, N.Y.; also Review of United States Information Agency Operations, Hearings, House Committee on Foreign Affairs, Washington, D.C. 1959.

[5] "Resolution on Captive Nations Week", Congressional Record, June 22, 1959, pp. 10359–60.

[6] "Author of Captive Nations Week Resolution Points Way to Defeat Russian Cold War Strategy and Tactics", CONGRESSIONAL RECORD, Sept. 4, 1959, pp. A7753–55.

[7] "The Vulnerabilities of Russian Communism", an address, CONGRESSIONAL RECORD, Sept. 15, 1959, pp. A8253–55.

[8] *The Sign* National Catholic Magazine, May, 1960, pp. 32–34.

[9] "The Soviet Centrifuge", *Human Events*, July 22, 1953.

[10] "Kersten Resolution: 100 Million Non-Russians in the U.S.S.R., Our Natural Allies." CONGRESSIONAL RECORD, May 9, 1951.

[11] "Western Psychological Strategy Toward the U.S.S.R." CONGRESSIONAL RECORD, August 4, 1952.

## WHY DOES OUR HEALTH CARE SYSTEM COST SO MUCH? THE PROBLEM OF PHYSICIAN REFERRALS FOR PROFIT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. STARK. Mr. Speaker, the United States has the most expensive health care system in the world. One reason it costs us so much is that many procedures provided to patients are not needed.

Studies have shown that as many as 25 percent of procedures provided to patients in this country are not needed.

Unfortunately, one of the reasons some physicians perform unnecessary procedures is that they earn a higher profit as a result. This is particularly true in the case of physicians who invest in facilities to which they can refer patients for specialty care.

For the last 3 years I have been working to ban referrals by physicians to diagnostic laboratories, imaging centers, and other health facilities which a physician owns or in which they have invested. I have done so because investment is directly linked to increased unnecessary use of expensive health care technology.

As the inspector general of the Department of Health and Human Services put it: "We have found a remarkable effect on utilization of services attributable to physician ownership."

In 1989 Congress responded by banning referrals of Medicare patients to clinical laboratories owned by physicians. Further studies are underway to determine whether referrals to other types of services owned by physicians should be banned.

I believe that all referrals by physicians with an ownership interest should be banned. Each day I receive more examples of how the profit motive interferes with proper medical judgment.

The following example from the Advanced Imaging Center of Marietta, GA, illustrates the problem. In these documents doctor owners of the center are being urged to order more scans in order to increase the annual distribution of profit to each doctor.

This is the kind of thing that is going on all over the country. The sad thing is that we are quickly getting to the point where each of us is going to have to wonder if we are getting a service because we need it or because it would fatten our physician's dividend check.

ADVANCED IMAGING CENTER,
*Marietta, GA, June 7, 1991.*

DEAR SHAREHOLDER: We are pleased to distribute your 1991 first quarter dividends on your share(s) of Advanced Imaging Center.

We are diligently striving to increase our volume. As an increase of 1 MRI scan a day would increase our distribution $50,000 and the addition of 1 MRI and 1 C.T. Scan a day would increase the distribution total by $80,000.

Thank you for your continued support.

ADVANCED IMAGING CENTER,
*Marietta, GA, October 4, 1990.*

DEAR SHAREHOLDER: I am pleased to send you the enclosed check for your third quarter dividends on your share(s) of Advanced Imaging Center.

We are continuing in our efforts to increase the volume of studies performed and therefore increase the dividends paid by us. Our calculations for the third quarter indicate that if we could have increased our MR studies by one a day dividends would have increased by 100%. Also in addition to the one MR scan if we could have added one CT scan a day for the quarter dividends would have been 150% higher.

Thank you for your continued support.

## THE 100TH ANNIVERSARY OF THE PUERTO RICAN FLAG

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. SERRANO. Mr. Speaker, I rise today to share with you and my distinguished colleagues the celebration of the 100th anniversary of the creation of the Puerto Rican flag. This flag reflects the rich history of the Puerto Rican culture.

Mr. Speaker, at the end of the 19th century, both the Caribbean islands of Cuba and Puerto Rico were under Spanish rule. During this time, a group of Puerto Ricans residing in New York City decided to form and organize the sección Puerto Rico del Partido Revolucionario Cubano which fought for the independence of Cuba and supported independence for Puerto Rico. In 1849, the Cuban flag was designed by Venezuelan Gen. Narciso López, who died in Havana the following year in an attempt to liberate Cuba.

In 1891, 100 years ago, Antonio Velez Alvarado, a member of the Sección Puerto Rico in New York, used this design in creating the Puerto Rican flag. Because of the strong feeling of compassion between Puerto Ricans and Cubans, the Puerto Rican Assembly in New York decided to adopt a flag very similar to the Cuban flag. The composition is exactly the same as the Cuban flag, with five horizontal stripes, a triangle, and a star. The Three colors of the flag link three points of the triangle representing liberty, equality, and Fraternity. The triangle is blue, and the stripes are red and white. The red stripes symbolize blood, vital to nurturing the three powers of republican government: the legislative, executive, and judicial; the blue triangle represents the republican government formed of the three branches; the two white stripes represent the rights and the liberty of the individual. The single star in the center of the flag is a symbol for the unique identity of the island of Puerto Rico.

In 1952, this flag was declared the official flag of Puerto Rico by the Commonwealth Legislative Assembly to represent the Estado Libre Asociado or Free Associated State, known as the Commonwealth of Puerto Rico.

Mr. Speaker, the 100th anniversary of this important symbol represents the strong feeling of pride associated with the Puerto Rican culture. Since its declaration as the official flag of Puerto Rico, it has been flown in demonstration of loyalty, patriotism, and love for Puerto Rico. I invite you and my distinguished colleagues to share in this celebration.

## POSTAL MONOPOLY: PAYING MORE FOR LESS

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CRANE. Mr. Speaker, on the heels of the 4-cent hike in postage this year, one should expect a more efficient postal system, right? Wrong. Studies show that it takes 22 percent more time to deliver first class mail today than it did in 1969. One has to wonder why there is a continued need for postage hikes if the system remains sluggish and inefficient. The postal monopoly prevents competition and has proven costly to the American taxpayer.

The solution to the inefficency of the U.S. Postal Service is to break the monopoly and to privatize the industry by opening the Service up to outside competition. The Government operated system is already beginning to lose its stronghold over the system with the widespread use of the fax machine and express mail services. These alternatives have proven to be more efficient and less costly in the long run.

By privatizing the Postal Service, the addage given to the USPS by James Bovard, "slower is better," can be eliminated and people will be able to stop paying "more or less." The taxpayer should not be the victim of an unorganized and inefficient bureaucracy. Therefore, I urge my colleagues to take note of the following article by Walter E. Williams, titled "Postal Monopoly: Paying More for Less," which was featured in the Richmond Times-Dispatch on May 2, 1991.

[From the Richmond Times-Dispatch, May 2, 1991]

POSTAL MONOPOLY: PAYING MORE FOR LESS"

(By Walter E. Williams)

Here's the challenge. I herein wager the U.S. Postal Service $10,000 that I can deliver a piece of mail from New York to Washington faster than they can, on my 21-speed bike. "There you go again, Williams," you say, "picking on government again."

According to "Slower is Better," written by James Bovard for the Cato Institute, the Postal Service would be mistaken to accept my challenge. Bovard says the Postal Service considers it a success to deliver mail from New York City to next-door Westchester County in two days. In fact, it takes 22 percent more time to deliver a first-class letter now than it did in 1969.

But that's only part of the story; there are some other goodies to feast upon as you cough up 4 cents more. Last November the Postal Service refused to release a $23 million study that revealed how many letters postal employees throw away or lose each year. Among findings of previous inquiries: A Rhode Island carrier was arrested after 94,000 letters were found buried in his yard. Three tons of undelivered mail was found in the home of a Boulder, Colo., mailman. A Postal Inspection Service audit found properly addressed mail dumped in the trash at 76 percent of offices visited; and between October 1989 and March 1990 almost 1,000 postal employees were arrested for stealing, delaying or destroying mail.

Dissatisfied with the government postal monopoly, many people have switched to the

excellent services of Federal Express. As a result the Postal Service began a competing service—Express Mail. In just the second quarter of 1990 Express mail failed to deliver 10 percent of all letters; on top of that, over 16 percent were delivered late. Swimming champion Mary Meager had two Olympic Gold medals vanish (stolen by a postal employee?) when her parents Express Mailed them to her. Isn't that great for $8.75? But, worse yet, $8.75 probably doesn't cover Express Mail's cost. Taxpayers are being forced to subsidize the Postal Service's competition with Federal Express.

The answers for increasing costs for increasingly shoddy services are easy. Eighty-three percent of the USPS budget is wages. Each employee costs over $43,000 a year, which is more than double that of similar workers in private industry. That's because they have a friend in Congress in the person of William Clay, D-Mo., chairman of the House Post Office and Civil Service Committee, who preaches, "Anything the postal unions want, I want."

Another part of the problem is the postal monopoly making it illegal for anyone else to deliver first-class mail. The Postal Service's argument is that if competition were allowed, private companies would skim off lucrative city mail delivery and people in the sticks wouldn't be served. Balderdash! People in rural areas receive newspapers. The people who deliver the newspapers could also deliver the mail. Right now the Postal Service contracts with private carriers for a lot of rural delivery; plus it pays them less.

We must eliminate the postal monopoly. After all, what's wrong with private delivery? The Postal Service's days are numbered anyway as fax machines and modems become less costly. Already its share of parcel post is a mere fraction of what it was.

While we await the demise of the government mail monopoly, you might want to tell Postmaster Anthony Frank whether you agree with him. In 1989 he said the Postal Service is "the most efficient and most loved American institution," adding that it is "better than 95.5 percent perfect." How do you like that for bureaucratic arrogance?

## IN SUPPORT OF REPEAL OF THE BOAT USER FEE

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. RINALDO. Mr. Speaker, with the approach of hot summer weather, I am calling on my colleagues to support the repeal of the Federal fees that recreational boaters must pay before they can enjoy our Nation's waterways.

As a cosponsor of H.R. 534, I am hopeful that Congress will act expeditiously to repeal the onerous Federal fee schedule assessed against all owners of recreational boats 16 feet or longer. The new fees, which range from $25 to $100 per year, affect an estimated 4.5 million boat owners nationwide.

In my judgment, this is a tax on boaters, plain and simple. To call it a user fee is misleading and inaccurate because the money goes to the U.S. Treasury, and boaters get absolutely no benefit from the so-called user fee they are required to pay.

The boat use fee was enacted as part of last year's massive budget agreement legislation with few Members of Congress knowing that it was included. There was very little debate or study about the impact of such a fee.

With the passage of time, we see now that serious questions remain about how effectively such fees can be collected and enforced. Currently, the Coast Guard is responsible for both collecting the boat use fee and citing violators.

This is not the best use that we can make of the Coast Guard and its limited resources. The Coast Guard's main mission is to protect our coasts and to interdict smuggling operations. In my judgment, Congress should not transform it into a tax collection agency, which is what this boat use fee accomplishes.

Do we want the Coast Guard to devote its manpower to licensing and collecting fees from 4.5 million boats nationwide, in places where the Coast Guard does not now have offices?

In addition, the $127 million the boat use fee is expected to generate for the Treasury is going to have little effect in reducing the massive Federal deficit, which is headed toward $300 billion.

This onerous fee is just another way to tax the middle-class family that tries to get away from it all in a fishing boat or with some water skiing on the weekend. The family with a 20-foot boat did not create the Federal deficit, and they shouldn't be required to pay for it with this special tax on their recreational activity.

## BALTIC FREEDOM DAY

### HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. BATEMAN. Mr. Speaker, in a historic address 40 years ago, British Prime Minister Harold Macmillian referred to the "winds of change" that were liberating the African people from the colonial empires of Europe. Today, that same turbulent force is sweeping over yet another colonial empire, one that has endured for hundreds of years within Europe itself. The Soviet Empire, built upon the Russian dominions that preceded it, is undeniably reeling from the winds of change inspired by the great events of 1989. That bold desire of freedom from totalitarianism, and the right of self-determination, brought the people of Eastern Europe to their feet in defiance of oppression. Like their neighbors to the west, the Baltic nations of Latvia, Lithuania, and Estonia, could not help but think that their time of liberation had also arrived. They too, could not help but feel the winds of change at their backs, emboldening their cause and strengthening their collective resolve.

Yet, Mr. Speaker, freedom has not yet prevailed in those troubled European nations. Indeed, the Kremlin responded with violence and martial occupation, crushing the peaceful opposition in Lithuania with tanks and black-bereted commando forces. Nearly a score of unarmed citizens were massacred. This assault was not simply waged against the people of Lithuania, but clearly against all those who cherish their independence. With the slight regard for world opinion, Moscow resorted to violence rather than humane discourse and reconciliation.

Watching the tanks roll through the streets of Vilnius, those of us who had begun to have confidence in the serious restructuring of the Soviet Union, had to be aghast at the cold rapidity of the Kremlin's violent response. However, the relationship that may exist between the political survival of Mikhail Gorbachev and any progress of domestic reform have caused some in the West to turn a blind eye to the reversal of glasnost and perestroika. The President, however, during his State of the Union Address, appalled by the Vilnius outrage, clearly spoke his conscience and unequivocably endorsed independence for the Baltic States.

Sadly, the Vilnius massacre was only the latest of several tragedies to befall the people of the Baltic States under Soviet occupation. In fact, 50 years ago today, Soviet troops began the mass deportation of Baltic citizens to the forbidding terrain of the Siberian frontier. In their places, hundreds of Russian colonists were settled through Stalin's policy of "Russification." Yet today, the margin of support for independence, expressed in the recent national referendums, was overwhelming, despite the heavy Russian population. The simple fact remains that the people of Latvia, Lithuania, and Estonia demand to be free.

Therefore, Mr. Speaker, I urge my colleagues to join me in recognizing today, June 14, 1991, as Baltic Freedom Day, in tribute to those who strive for the very rights that so many of us take for granted. America cannot afford to stand silent when others embark on the same course as did our forefathers, risking their lives, their fortunes, and their sacred honor on behalf of freedom.

## HONORARIA WITH FULL PUBLIC DISCLOSURE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 1991*

Mr. CRANE. Mr. Speaker, once again I draw your attention to the issue of congressional honoraria. Many involved in the current debate seem to question the integrity of those Members of Congress who receive additional income. Personally, I resent the implication that earning honoraria is not honorable. Moreover, retaining the ability to earn honoraria can save the taxpayers some money. Instead of receiving congressional pay raises at taxpayer expense, Congress should be allowed to earn honoraria with full public disclosure. With full public disclosure, the American voters can be the final arbitrators of whether the honoraria received is appropriate.

I urge my colleagues to read the following Washington Times article, taking note of columnist and taxpayer Alan Keyes' warning against this self-defeating sham.

[From the Washington Times]

WHAT THE MARCHING IS ALL ABOUT

(By Ben Wattenburg)

It's patriotism season, with a kicker. The parades have begun, and this year we'll have substance along with the salutes.

Normally, during this time, there are four occasions for parading: Armed Forces Day, Memorial Day, Flag Day and Independence Day.

This year, on June 8, there will be the addition of the "National Victory Celebration." The NVC, in Washington, is expected to yield "the largest military victory parade since World War II."

Moving the White House and the Lincoln Memorial, and ending up at the Pentagon, will be Patriot missiles, Apache, Blackhawk and Harrier aircraft, 11 military bands and 10,000 troops, representing every unit that took part in Desert Storm.

At the head of what has been called "the mother of all parades" will be Stormin' Norman himself, Sir Schwarzkopf.

Parades can often tell us what's going on in a nation's mind, the meaning to be devined only by learned seers. This year, I decree, the true meaning of all the footstomping and flag-flying will be (and should be) that Americans are damn proud of themselves.

I further decree that the parades should symbolize victory not only in the Gulf war, but in the Cold War. (How come we missed a celebration for that? Can you imagine Ronald Reagan not declaring a Cold War Victory parade in 1990?)

Cliches may be even better indicators than parades. The difference between this parade season and the last one can be seen by the change in buzz-phrases. Last year, it was being said that "America was in decline." This year we're talking about a "New World Order."

There is a relationship between the two phrases: If America is in decline, there won't likely be a useful New World Order.

* * * * *

It is a grand old debate, elucidating the idea that at certain times in history one nation has stood out as the engine of global activity, often to the benefit of the global community.

Understanding where the engine is, what fuels it, and in which direction it is pushing us, gives us a sense of how the world works. Sensing that, we have a better chance to judge whether we want to try to change it, and how.

The war of the Gulf revealed, once again, that great things are more likely to happen, for everyone, and by everyone, when there is a leader. That happened in World War II, in the Cold War and in the Gulf. In each case, many nations participated, and the enterprises were led by America. That's the message the bands should be blaring.

America in decline wouldn't have done it, and couldn't have done it.

Only a global community with leadership allows us to think about a New World Order. The NWO is not substantive, at least not yet. It is only a moment—defined by negatives, not positives; defined by opportunities, not realities.

We have a world that is, finally, unthreatened by totalitarians of the right (fascists, Nazis); unthreatened by totalitarians on the left (communists, Soviets); less threatened by bandit states. Churchill said if we could get through those messy parts of the 20th century, we could enter "the broad sunlit uplands."

The parades are saying that, thanks to America, such a relatively unthreatening situation now exists, for the first time in a long time. That gives us an opportunity to let the blessings of free politics, free markets, free speech and free science hold sway. As and if that happens, the human condition can improve in ways yet unknown and untold.

The parades tell us to seize the moment. If we use it wisely, we have the opportunity to let the sunlight in.